

**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 2<sup>nd</sup> Amendment Sanctuary Community. He stated that he is in support of Council approving this and conveying the Town's position as a 2<sup>nd</sup> Amendment Sanctuary City to Senator Lewis and Representative Bloxom, the General Assembly and the Governor. This shows Council's objection to the many unconstitutional 2<sup>nd</sup> 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 6<sup>th</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> will be the 3<sup>rd</sup> 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	<b>\$91,559</b>	<b>\$90,068</b>
	<b>EXPENDITURES</b>		
	<b>SALARIES</b>		
703010.0100	SALARIES	\$44,760	\$44,442
	TOTAL	\$44,760	\$44,442
	<b>BENEFITS</b>		
703010.2001	SOCIAL SECURITY	\$3,424	\$3,400
	TOTAL	\$3,424	\$3,400
	<b>OPERATIONS EXPENSES</b>		
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
<b>TOTALS:</b>		<b>\$91,559</b>	<b>\$90,068</b>

## 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:

1<sup>st</sup> Place: Mrs. Faith Gregory

Honorable Mention: Mr. Dino Johnson

Most Traditional:

1<sup>st</sup> Place: Mr. & Mrs. Scott Chesson

Honorable Mention: Mr. & Mrs. Bill Derrickson

Best Overall:

1<sup>st</sup> 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 2<sup>nd</sup> 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.

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J. Arthur Leonard, Mayor

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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



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J. Arthur Leonard, Mayor

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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.

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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.

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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.

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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.

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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

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J. Arthur Leonard, Mayor

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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 21<sup>st</sup> 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 Manager 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 13<sup>th</sup>. 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 6<sup>th</sup> 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 Whealon 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

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J. Arthur Leonard, Mayor

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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.

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J. Arthur Leonard, Mayor

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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:**

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## **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 13<sup>th</sup> 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 10<sup>th</sup> 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 2<sup>nd</sup> 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 SAVINGS	\$35,000	\$603,497	\$568,497	For purchase of firehall
104701.1100	XFR FROM GEN FUND SAVINGS (MC SUB)	\$18,000	\$25,000	\$7,000	
	<b>TOTAL Revenue</b>	<b>\$3,168,000</b>	<b>\$3,626,497</b>	<b>\$458,497</b>	
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	
	<b>Total Expenses</b>	<b>\$2,057,392</b>	<b>\$2,515,889</b>	<b>-\$458,497</b>	
		<b>Balance</b>		<b>\$0</b>	

## 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 very 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 Manager 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

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J. Arthur Leonard, Mayor

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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 or 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 22<sup>nd</sup> 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.

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J. Arthur Leonard, Mayor

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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 29<sup>th</sup>, "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 SAVINGS	\$35,000	\$603,497	\$568,497	For purchase of firehall
104701.1100	XFR FROM GEN FUND SAVINGS (MC SUB)	\$18,000	\$25,000	\$7,000	
	<b>TOTAL Revenue</b>	<b>\$3,168,000</b>	<b>\$3,626,497</b>	<b>\$458,497</b>	
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	

## **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 12<sup>th</sup> 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 3<sup>rd</sup> – May 9<sup>th</sup> and EMS Appreciation Week, which is May 17<sup>th</sup> – May 23<sup>rd</sup> 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 15<sup>th</sup> 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 19<sup>th</sup>, 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 15<sup>th</sup>.

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 2<sup>nd</sup> 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 1 date of May 15<sup>th</sup>.

Emergency Service Director Rush stated that he would like to think we can enter Phase I on May 15<sup>th</sup>. 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 15<sup>th</sup> 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 2<sup>nd</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 to 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 15<sup>th</sup> 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 15<sup>th</sup> 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.

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J. Arthur Leonard, Mayor

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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 29<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 27<sup>th</sup>. It cannot be used for regular funding. It has to be COVID-19 related and all of the funds have to occur between March 27<sup>th</sup> and December 30<sup>th</sup>, 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>
<b>Fund 10 - General Government</b>		

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
<b>Total Fund 10</b>		<b>\$</b>	<b>6,362,979</b>

**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
<b>Total Fund 30</b>		<b>\$</b>	<b>688,056</b>

**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
<b>Total Fund 70</b>		<b>\$</b>	<b>91,559</b>

**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
<b>Total Fund 80</b>		<b>\$</b>	<b>1,125,000</b>

<b>TOTAL ALL FUNDS</b>	<b>\$</b>	<b>8,267,594</b>
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**Expenditures:**

Town of Chincoteague  
FY'21 Expenditures

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

*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
	<b><i>Subtotal</i></b>	\$	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
	<b><i>Subtotal</i></b>	\$	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
	<i>Subtotal</i>	\$	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
	<i>Subtotal</i>	\$	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
	<i>Subtotal</i>	\$	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
	<i><b>Subtotal</b></i>	\$	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
	<i><b>Subtotal</b></i>	\$	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
<i>Subtotal</i>		\$	36,691

**Benefits**

Social Security	6110-2001	\$	2,807
<i>Subtotal</i>		\$	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
<i>Subtotal</i>		\$	83,820

<b>Subtotal Fund 10 Dept 61</b>		<b>\$</b>	<b>123,318</b>
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*Fund 10 - General Fund/Department 65 - Public Works Roads*

**Salaries**

Salaries	6510-1001	\$	114,299
Overtime	6510-1003	\$	2,500
<i>Subtotal</i>		\$	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
<i>Subtotal</i>		\$	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
	<i>Subtotal</i>	\$	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
	<i>Subtotal</i>	\$	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
	<i>Subtotal</i>	\$	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
	<i>Subtotal</i>	\$	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
	<i>Subtotal</i>	\$	186,105

**Benefits**

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

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.

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J. Arthur Leonard, Mayor

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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 1<sup>st</sup> 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.

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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.

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Secretary/Clerk

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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 12<sup>th</sup>. 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 6<sup>7</sup>/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. He 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.

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J. Arthur Leonard, Mayor

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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 26<sup>th</sup> 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 3<sup>rd</sup> accreditation. The 1<sup>st</sup> under Chief Lewis, the 2<sup>nd</sup> under Chief Mills and the 3<sup>rd</sup> 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 27<sup>th</sup> it does not qualify. It has to be something that came up from March 1<sup>st</sup> to December 30<sup>th</sup> 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 6<sup>th</sup> 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.

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

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

**Council Members Present:**

J. Arthur Leonard, Mayor  
Christopher D. Bott, Vice Mayor  
William T. McComb, Jr. Councilman  
Matthew Reed, Councilman  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman

**Council Members Absent:**

Denise P. Bowden, Councilwoman

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Harvey Spurlock, Public Works Director

**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 asked to add an item to the agenda to discuss verbiage in the Personnel Policy.

Councilwoman Richardson motioned, seconded by Councilman Taylor to adopt the agenda adding item 13a. Discussion of Employee Handbook. All present were in favor and the motion was carried.

Ayes: Bott, McComb, Reed, Richardson, Taylor

Nays: None

Absent: Bowden

## **5. Public Comment**

Mayor Leonard opened the floor for public comment.

- Mr. Greg Thomas, 3442 Ridge Road, addressed Council regarding the damages and loss of his boat trailer at the Veteran's Memorial Park boat launch. He uses Memorial Park's launch because it was large enough to launch his large pontoon boat. He explained that there is a sign posted that states "End of Ramp". He also stated that he has used this launch several times going beyond the end of the ramp without problems. However, after the ramp maintenance they attempted to launch and hit something. He reported that he went over the bumper causing the pontoon boat and trailer to go sideways. They were able to get the pontoon boat off of the trailer and into the water. Harbormaster Merritt was called and came right over to assist who suggested that Mr. Thomas to go out in the boat and he would take care of the trailer. Harbormaster Merritt brought a frontend loader to pull out the boat trailer. He added that the boat trailer is totaled. He added that there is no sign for the wheel block. He advised that he is seeking reimbursement for the \$5,250 trailer. He feels this was due to the lack of signage.

Mayor Leonard stated that they can't act on this tonight. He advised the ramp stop has been removed because people were having problems launching. The Town was told that ramp stops are standard, so that people don't back their trailers completely in the water. He advised that at this ramp, because of the water level, people were having a problem launching. The Town thought it best to remove the ramp stop.

Councilman Taylor asked about the year, make and cost of the trailer.

Mr. Thomas advised it is a 2013, 22' Load Rite pontoon boat trailer.

- Mrs. Pat Farley, 6282 Cleveland Street, came before Council congratulating those who won the election. She welcomed Councilman McComb. She learned a lot about the Island, the people and what the people are publicly and privately concerned about. She also asked if Council could be more accessible with their emails on the website for a better way of communicating. She thanked Mayor Leonard for the way he personally approached the pandemic. She stated that she knows it was a hard decision to make to protect the people.

- Town Manager Tolbert read a letter from Mr. Ernest Dale Holston. Mr. Holston expressed his concerns with the unequal enforcement of Governor Northam's Phase I Order regarding the Lighthouse Fellowship Church and the demonstration held at the Leonard Park. Mr. Holston feels they have lost the core values that were instilled while growing up on Chincoteague. He feels this was done against the church as they were an easy target. He requested an explanation of how a peaceful protest could be allowed at the Leonard Park comprising of more than 10 people with the Town helping to organize with barriers and calling in the State Police and other law enforcement organizations. He feels the Town should apologize to the Preacher and the congregation of the Lighthouse Fellowship Church for the unequal enforcement of the Governor's Order. He commented further that the students of Chincoteague High School couldn't walk across the stage for graduation. However, the protest was allowed without social distancing and breaking the 10 persons limit. He asked Council to answer his concerns and give an apology to the church.

Councilman Taylor commented.

Mayor Leonard asked Town Manager Tolbert to schedule a meeting with Emergency Services Coordinator Rush so they can address this.

## **6. Staff Updates**

### Police Department

Chief Fisher advised the report is in the packet and entertained questions or comments.

Councilman Taylor asked if they were still planning to have the Annual Ride for Kids Motorcycle Run.

Chief Fisher responded that he held a staff meeting that resulted in the decision to have a poker run only. He explained that this would be a traditional poker run where the riders would go in small groups which would spread it out over a longer time. This would keep everyone from coming to the same place at the same time to eat. He doesn't plan to have an auction or street dance. He added that he didn't have the heart to ask the businesses for donations. They want to hold it as a "thank you" for the last 16 years of support. He stated that he plans to sell t-shirts as part of the fee to ride. He feels the street dance would be a little too much.

Councilman Taylor asked how the Town made out on July 4<sup>th</sup>.

Chief Fisher advised he had more officers on duty. He added that fireworks are a problem. He felt there was more this year with the Town and Fire Company's fireworks being canceled.

Mayor Leonard commented that if anyone believes that fireworks are not dangerous, they can ride to Doe Bay Lane. He added that if that were a structure there would have been a lot of property damage.

Chief Fisher hopes that next year they can get on top of this with help from the Chamber and the Fire Department. He commented further.

#### Public Works Department

Public Works Director Spurlock reported that the NASA water filter plant should be opened by September.

Councilman Taylor suggested looking into a deep well.

Public Works Director Spurlock gave a presentation of the ongoing projects which included: Smith Street, storm water management, Coach's Lane bike path, and the flashing crosswalks on Pension and Chicken City Roads. He reminded Council of the Public Works Committee meeting Tuesday at 5:00 p.m. They will be putting the finishing touches on the Wayfinder signage. The fire hydrants have all been painted with an airless sprayer. He commented that they can now get 25-30 painted in a day. The water tank has been completely rehabbed. He reported on the amount of water being pumped into the distribution system. He also reviewed signage plans.

Mayor Leonard asked if the Town has been giving the U.S.F&W an update on the Sarbanes projects.

Public Works Director Spurlock advised he gave an annual report a few months ago.

#### General Government

Town Manager Tolbert stated that the Smith Street Project went well. The NASA filtration plant construction has been suspended. NASA continues to sample the water and found minute traces of PFAS. They expect to restart construction this month and should have it completed by the end of September. This will allow the Town to possibly reopen the shallow wells. However, there will be sampling, and testing done until we are satisfied it is working as it should. He also reported that Anthem has given 15% back due to COVID-19. He advised that the Building and Zoning numbers are down a little from last year. He also stated that the website has a new feature. Under the "Code" button, staff has added "Ordinance Changes" which will include the ordinances that have been added or changed and will show there for about 6 months. He reported on the CARES Act funding. The County's small business funding went live today. They continue to search for a full-time Town Attorney. He reported that they have recently had work done by Mr. Tommy Dix who has done a good job for the Town. Town Manager Tolbert asked Mr. Dix if he would be willing to do jobs like this for the Town and Mr. Dix agreed. The Commission for the Arts Grant came in and the Town will be matching it with \$4,500 which goes to the CCA. The meeting is again live on Facebook and YouTube. The comments to date have been positive with the exception of rustling papers. However, with everyone wearing masks, the volume has to be turned up to hear regular speech. He concluded that they are behind in collecting Business Licenses.

### Emergency Services

Emergency Services Coordinator Rush advised there will be a meeting Tuesday regarding the Rocket Launch to understand the safety areas and boundaries. He reported on the Department runs.

Mayor Leonard asked if both ambulances are in service.

Emergency Services Coordinator Rush stated that one was down for maintenance. They are currently both in service. He also added that staffing most days are good, but there are days they are a little short.

## **7. Committee Reports**

Mayor Leonard stated that they've already discussed the Ordinance Committee information.

## **8. Adoption of the Minutes of the June 1, 2020 and June 18, 2020 Council Meetings.**

Councilman Bott motioned, seconded by Councilwoman Richardson to adopt the minutes of the June 1, 2020 and June 18, 2020 Council meetings as presented. All present were in favor and the motion was carried.

Ayes: Bott, McComb, Reed, Richardson, Taylor

Nays: None

Absent: Bowden

## **9. Selection of Vice Mayor**

Mayor Leonard explained that traditionally the highest votes of the recent election determine the nomination for Vice Mayor. He was unsure about this election as one was a special election for a 2-year term as opposed to the normal elections. He stated that it is completely up to Council

Councilman Taylor interjected that they could nominate anyone.

Councilwoman Richardson feels they should go by the Code. Even if it is a 2-year term, the Vice Mayor is elected every 2 years and it wouldn't matter. She stated that this year it has nothing to do with the number of votes, it's how she feels. She stated that this person has only been on Council for about 6 months. She feels that the knowledge he has would benefit Council.

Councilwoman Richardson nominated Councilman Bott as the Vice Mayor; the nomination was seconded by Councilman Taylor.

Ayes: McComb, Reed, Richardson, Taylor

Abstain: Bott

Nays: None

Absent: Bowden

## **10. Committee Assignments**

Mayor Leonard handed out the Committee assignments.

**Mayor & Council  
Two Year Committee Appointments  
July 6, 2020 – June 30, 2022**

**Budget & Personnel Committee**

Chris Bott, - Chair  
Denise Bowden  
Arthur Leonard

**Meeting Day and Time**

2<sup>nd</sup> Tuesday – Time TBD  
Every Other Month

**Ordinance Committee**

Matthew Reed – Chair  
Denise Bowden  
William McComb

2<sup>nd</sup> Thursday @ 5:00 PM  
Every Other Month

**Meals Tax Committee**

process  
William McComb

As needed during the budget

**Harbor Committee**

Arthur Leonard – Chair  
PM  
Chris Bott

1<sup>st</sup> Thursday @ 5:00

Every Other Month

**Recreation & Community Enhancement Committee**

Matthew Reed – Chair  
PM  
Chris Bott  
Gene Wayne Taylor

2<sup>nd</sup> Tuesday @ 5:00

Every Other Month

**Public Works Committee**

Ellen Richardson – Chair  
PM  
Matthew Reed  
Chris Bott

1<sup>st</sup> Tuesday @ 5:00

Every Other Month

**Planning Commission**

William McComb

2<sup>nd</sup> Tuesday @ 7:00 PM

**Cemetery Committee**

Ellen Richardson – Chair  
PM  
Gene Wayne Taylor

1<sup>st</sup> Thursday @ 6:00

As needed

**Public Safety – Police, EMS, EOC**

Denise Bowden – Chair

PM

Matthew Reed

Arthur Leonard

1<sup>st</sup> Tuesday @ 5:00

Every Other Month

**Liaison Committee**

Denise Bowden

Arthur Leonard

As needed

**Chincoteague Recreation & Convention Center Authority**

William McComb

3<sup>rd</sup> Monday @ 3:00 PM

**11. Proclamation in Recognition of the 25<sup>th</sup> Anniversary of the Chincoteague Library**

Town Manager Tolbert read the Proclamation:



**PROCLAMATION  
IN RECOGNITION OF  
THE 25<sup>TH</sup> ANNIVERSARY OF THE  
CHINCOTEAGUE ISLAND LIBRARY**

**Whereas**, on July 4<sup>th</sup>, 1995 a group of civic-minded residents, responding to the needs of a young and growing community, met with the objective of establishing a library in Chincoteague Island, Virginia; and

**Whereas**, these determined individuals founded the library in the Historic Downtown area of Chincoteague with a mere 3,600 volumes and opened its doors on July 4<sup>th</sup>, 1995; and

**Whereas**, from these modest beginnings the Library's collections grew along with the community, to the point that a new addition was erected in 2009, and now with a current collection of 12,775 items in the collection; and

**Whereas**, over the years, the Library has offered programs for all ages, outreach services, literacy initiatives, job search and small business resources, expanding information services, computer use, internet access and other means of community support and enrichment; and

**Whereas**, the Library has continued to serve the people of Chincoteague Island, Accomack County, and visitors from near and afar as a place of learning, culture, and community.

**Now, Therefore,** I, John Arthur Leonard by the virtue of the authority vested in me on behalf of the Chincoteague Town Council and as the Mayor of the Town of Chincoteague, do hereby extend to the Chincoteague Island Library sincere gratitude to its Board, staff and volunteers, past and present for their accomplishments, commitment and dedication to the Town of Chincoteague, its residents and many visitors.

**In Witness Whereof,** I have hereunto set my hand and caused the Seal of the Town of Chincoteague to be affixed this 6<sup>th</sup> day of July 2020.

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John Arthur Leonard, Mayor

Attest:

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Michael T. Tolbert, Town Manager

## **12. Monthly Financial Report**

Mayor Leonard advised that in the packet is a new Financial Report spreadsheet and asked if there were any questions or comments.

Town Manager Tolbert explained that staff created the new format. He stated that it shows a lot of information because it is the last month of the fiscal year information. This is a snapshot of what they are doing. He added that this is not exactly like he wants it, but they plan to tweak it a little more. He wants a summary of where the Town is financially.

There was discussion about the spreadsheet verses the reports they were given in the past and Council would like the spreadsheet and reports.

Mayor Leonard stated that it doesn't have to be included in the agenda, just in the packet.

Councilman Bott questioned the deficit in the report.

Town Manager Tolbert explained that this was because they purchased the firehouse and the funds were not budgeted. There was a budget amendment for this, and they increased the revenue of the budget and transferred money from GFS to GFC to handle the purchase. One of the numbers reflects the transfer. The other does not as this was not a new revenue it is a transfer. He apologized that this wasn't as clear cut as he wanted it to be.

Councilman Taylor stated that at some point Council needs to talk about the firehouse.

Mayor Leonard advised that the ANPDC will be meeting at the firehouse soon about the plans the engineers created. He added that Councilwoman Bowden is on that committee and there will be a meeting for community review and input.

### **13. Review of State of Emergency**

#### **a. Executive Order #EO 1**

#### **b. Executive Order #EO 1 Amended**

Emergency Services Coordinator Rush reported that today is day 118 of COVID-19 and day 109 of the Declaration of Local Emergency. The numbers have remained at 10 cases. He added that for those people who claim Chincoteague as their residence is who is counted. Those who own homes here but don't claim Chincoteague as their primary residence will not be counted. He continued with the state report. There have been 177 people tested on Chincoteague. Today there were no new deaths in the Commonwealth. He reported that they have been cautioned that a 2<sup>nd</sup> wave is coming possibly in the fall time-period with school and colleges starting. The responsibility relies on the public. He mentioned the PPE supplies being used more due to the weather and type of calls.

Emergency Services Coordinator Rush stated that the other problem is hurricanes. This is a point of the next wave. He feels that if there are 2 or 3 storms and shelters opened, this could be a probable site for COVID-19 spread. FEMA is looking into contracting with motels/hotels for possible shelters. This would allow a family to be in a room but separated. He reported on upcoming potential storms.

Councilman Taylor motioned, seconded by Councilman Bott to come out of the Local State of Emergency.

Mayor Leonard stated that it is easier to stay in it than to go out and have to go back in especially with hurricane season.

Emergency Services Coordinator Rush recommended that they stay in the Local State of Emergency. He added that with a hurricane you would go into a separate State of Emergency. He explained that the entire state and all other localities are under the State of Emergency. He added that if the Town has another outbreak the State of Emergency is still in place and they have the public assistance money from FEMA that they are still tracking. They can streamline this and keep that funding stream. He added that if you go out of it, it stops the funding stream. He doesn't feel there is an emergency on the Island at this time but there is a potential, which is why he recommends they stay in.

Councilman Taylor asked if they could vote to go back in later by consensus of Council if they go out now.

Emergency Services Coordinator Rush stated that it is by consensus of Council and 45 days. He explained that the Mayor can declare a State of Emergency an hour from now and within 45 days Council has to reconvene and vote for this.

Councilman Taylor interrupted that it states that "unless they can't get Council together".



Town Manager Tolbert read “at the next regular meeting or within 45 days with the concurrency of Council”.

Mayor Leonard asked Councilman Taylor what his reason was to come out of the State of Emergency.

Councilman Taylor responded that it would go back to regular rule by Council.

There was discussion about the decisions made.

Councilman Taylor asked if they got Council consensus and if Council voted to go into the State of Emergency.

Emergency Services Coordinator Rush responded it was voted on by full Council on March 19<sup>th</sup>.

Discussion continued about including Council in the decisions.

Councilman Bott asked about funding based on the President’s State of Emergency Declaration. He added that the state’s funding would be dependent on the state’s declaration.

Emergency Services Coordinator Rush stated that the state would request a Presidential Declaration of a State of Emergency and the FEMA money would be 75% and the Town would be responsible for the other 25%.

Councilman Bott asked how this affects the Town’s responsibility for reimbursement. Emergency Services Coordinator Rush explained that the Town can still be eligible up to this point. However, the point the Town goes out of the State of Emergency until the point they go back in for the same incident could be unfunded during that time frame. He stated that the funds are for cleaning supplies, PPE and things like that.

Councilman Bott stated that the funding is based on the President and Governor’s declaration.

Emergency Services Coordinator Rush stated that there could be funding available post July 6<sup>th</sup>, but they could be at risk for additional funding.

Councilman McComb asked what the Town has accrued.

Emergency Services Coordinator Rush stated they’ve been working with the numbers and the latest is \$8,500 at this time. This includes when an officer delivers information to a motel, office staff printing flyers or issuing statements via media, all COVID related.

Councilman McComb stated that if they go out tonight and there is a new event could they go right back into a State of Emergency.

Emergency Services Coordinator Rush advised they could. They wouldn't be able to take any further action until they did go back into a State of Emergency.

Public Works Director Spurlock advised he has staff working 8 hours a day cleaning public restrooms because of COVID.

Councilman Taylor read the statement again and reiterated that if the governing body could not convene. He feels that they could convene.

Emergency Services Coordinator Rush stated that on March 19<sup>th</sup> Council voted to have a Local Emergency declared.

Councilman Bott asked if there as a way they could get clarification that they would not be eligible for funding if they go out.

Emergency Services Coordinator Rush advised he couldn't find out this evening.

Councilman Bott stated that the Island is still in a Phase 3 because the Governor made that order.

Emergency Services Coordinator Rush agreed and added that the Town can be more restrictive but not less restrictive than the Governor's orders.

Councilman Bott explained that his issue is that they are using the storm management protocol for a pandemic. He feels the Emergency Operations Plan should be amended and asked how long before it is updated.

Emergency Services Coordinator Rush responded that it is reviewed every 4 years and is due to be reviewed again in January 2021.

Councilman Bott asked that this be amended because with the pandemic and the new technology The Town shouldn't be in this position.

Emergency Services Coordinator Rush advised he was correct and in order to convene they have to give 72 hours' notice for a Council meeting. Some of the decisions had to be made robustly and hastily. He explained that some of the Governor's decisions forced their hand.

Councilman Bott stated that the Governor changed his mind at the last minutes as well.

Councilman Taylor motioned, seconded by Councilman Bott to come out of the State of Emergency. The motion was carried.

Ayes: Bott, McComb, Reed, Taylor

Nays: Richardson

Absent: Bowden

Councilwoman Richardson explained that she opposed because of Hurricane Sandy. She is unsure if the Town ever got the money from FEMA.

Public Works Director Spurlock responded that they did receive the money through VDEM.

Councilwoman Richardson expressed her concern if the Town will be able to get the funds.

### **13a. Discussion of Employee Handbook**

Councilwoman Richardson addressed a statement the Employee Handbook that refers to Chain of Command. She asked where Council is on the chain. She gave a couple of examples. She stated that according to the Handbook she couldn't speak to staff without going to the Town Manager. She asked if the Chain of Command was for the employees and it affects Council. She commented further.

Town Manager Tolbert responded that he has been in this situation in other organizations. The organizational chart looks similar. He stated that this was not his intent. He advised that he was asking for courtesy from staff to be advised that if Council came to them with a problem that he should know about. It was not meant in the way it was taken and he would clarify this immediately with staff. He stated that when he worked on the School Board for 20 years, he had School Board Members call him often. He added that when they did, he went to the Superintendent to make him aware. He again apologized for the misunderstanding as it was not his intent.

There were brief comments.

### **14. Mayor & Council Announcements or Comments**

Councilman Reed asked Public Works Director Spurlock if he would patch the lip in guttering and pavement at the Chicken City Road. He expressed his concern for possible injuries. He also agreed that something has to be done about the Memorial Park boat launch. He explained that he has been using this launch for years. However, when he used it to launch after the maintenance, he was unable to and had to use the ramp on East Side. He feels this should be completely redone. He commented further. He asked that they change the pitch of the ramp as well. He also welcomed Councilman McComb on Council.

Councilman Taylor welcomed Councilman McComb and congratulated Councilman Bott. He also thanked Mrs. Farley for running for Council and being willing to serve. He commented further.

Councilman McComb agreed with Mrs. Farley about adding Council's contact information on the website. He commented on a great job that was done on the bike trail. He asked about the traffic control officer for summer.

Chief Fisher responded that they had an SRO in the budget, but with cuts, they weren't able to fill the position.

Councilman McComb added that he is looking forward to working with everyone.

Councilman Bott also likes the email idea that Mrs. Farley suggested. He asked how this would work.

Town Manager Tolbert advised that he will check into getting everyone an email with “.gov”. He will get this set up soon.

Councilman Bott congratulated everyone on using masks and social distancing. He feels that it has been going very well throughout Town with our visitors. It seems that everyone is giving it their all. He concurred with Councilman Reed that something has to be done at the Memorial Park boat ramp.

Councilwoman Richardson welcomed Councilman McComb, Councilman Taylor and Mayor Leonard along with Town Manager Tolbert. She agreed that something has to be done about the boat ramp at Memorial Park. She stated that her daughter attempted but was unable to use the ramp and went to Eastside. Eastside was too steep as well and she ended up going to the Harbor.

Mayor Leonard also welcomed Councilman McComb aboard. He stated he is glad to see the Island hopping.

**15. Closed Meeting in Accordance with §2.2-3711A(3) of the Code of Virginia to Discuss the Disposition of Public Property.**

Councilwoman Richardson motioned, seconded by Councilman Reed to go into a closed meeting in accordance with §2.2-3711A(3) of the Code of Virginia to discuss the disposition of public property. All present were in favor and the motion was carried.

Ayes: Bott, McComb, Reed, Richardson, and Taylor

Nays: None

Absent: Bowden

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

Councilwoman Richardson motioned, seconded by Councilman Reed to certify the closed meeting in accordance with §2.2-372 (D) of the Code of Virginia. All present were in favor and the motion was carried.

Ayes: Bott, McComb, Reed, Richardson, and Taylor

Nays: None

Absent: Bowden

Councilwoman Richardson motioned, seconded by Councilman Reed to go back into regular session. All present were in favor and the motion was carried.

Ayes: Bott, McComb, Reed, Richardson, and Taylor

Nays: None

Absent: Bowden

## **17. Adjournment**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

### **MINUTES OF THE JULY 16, 2020 *CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING***

#### **Council Members Present:**

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

#### **Council Members Absent:**

None

#### **Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Larry Welsh, Director of Transportation

## **1. Call to Order**

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

## **2. Invocation**

Councilman McComb offered the invocation.

## **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

## **4. Agenda Adoption**

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

## **5. Public Comment**

Mayor Leonard opened the floor for public comment.

- Mrs. Ruth Mascari, 3539 Main Street, approached Council regarding the recent vote to come out of the Local State of Emergency. She advised she has been coming to the Island for about 75 years. She urged Council to continue to use the Executive Order as a tool to build on. She feels it would be beneficial to the Island.
- Mrs. Lynn Matthews, 6067 Peterson Street, came before Council with an old newspaper article from May 10<sup>th</sup>, 1956 about her grandfather, Mr. Norman “Rooster” Hancock. She read excerpts from the article. Mr. Hancock formed the Little League and Pony League on Chincoteague. She asked Council to consider naming one of the Little League fields after him.
- Mr. Robert Lappin, Chincoteague Volunteer Fire Company, asked Council if he could be included in the discussion regarding the C.A.R.E.S. Act and the Local State of Emergency.
- Mrs. Jane Fetterman, 7441 Herbie’s Lane, thanked Mayor Leonard and especially Emergency Management Coordinator Rush for keeping the Island safe. She asked Council why they would come out of the Local State of Emergency. She asked Councilman Taylor why he changed his mind.

There were comments.

Mrs. Fetterman questioned if this was just for COVID. She didn’t think the Town would want to pull out of it especially with tourist coming to the Island. She stated that she trusts Emergency Management Coordinator Rush with her life. She doesn’t believe they should cut anything. She thanked Emergency Management Coordinator Rush.

- Town Manager Tolbert read 6 letters from: Ms. Paula Nees, 6417 Canal Lane, Ms. Debra Martin, 4090 Channel Lane, Ms. Brenda Watson, 3634 Willow Street, Mrs. Theresa Bulger Borne, 3380 Main Street, Ms. Susan Milligan, and Mr. and Mrs. Bob Zoller, 3454 Main Street. They all expressed their displeasure and disagreement with Council’s vote to come out of the Local State of Emergency.

## **6. Transportation Plan Approval**

Transportation Director Welsh reviewed the Transportation Development Plan explaining the importance. The state reviewed what the critical needs would be. They met with a consulting firm who focused on developing goals and objectives to establish things to work toward. The first goal was to maintain the existing program. He discussed the changes within the state such as testing and regulatory compliance. The second goal is to maintain mobility options to adjust to the needs in the community. He explained that it means they have to have the ability to

change the routes and become more flexible. He gave an example of having a route to the Harbor for those who are mooring there. They also wanted to meet the needs with outreach. He advised they created programs such as: Ride to Read Program with the toddlers partnering with the Library. They also have a program called Stuff the Trolley where they responded to the needs of the teachers at the local schools. He reported that they stuffed the Pied Piper with educational supplies for the local teachers.

Transportation Director Welsh discussed the growth opportunities. There was a suggestion to purchase a directional transportation system with the Refuge. The funding for this would be through grants. The Federal Government covers 80% of the grant, the state covers 16% and the local funding is 4% which is supplemented with fares. One of their initiatives this year would go from a fare of \$0.25 to \$0.50. This was supposed to begin this year but was impacted due to COVID. They have received a contribution of \$4,000 which is supposed to last until the grant and funding will be approved. He added that with the current plan in place \$4,000 will last. He mentioned the C.A.R.E.S funding which is unclear.

Town Manager Tolbert advised the DRPT gave the Town \$76,000 which is C.A.R.E.S. money for operation of the Trolley. They issued a resolution. However the Town didn't fit the criteria. The DRPT advised that they would be responsible and not the Town. He stated that they won't use the C.A.R.E.S. Act money until they can get clarification. The grant was approved but not funded as of yet and won't be funded until September.

Transportation Director Welsh stated that this is an exciting time in the Transportation Department. They have been looking forward to putting the program in place. They will bring quality service and increase the amenities to the Island. The program is on the share drive and copies have been made available.

Councilwoman Richardson advised that the "Ride the Pony Express" is in the VML magazine.

## **7. Eastern Shore Broadband Update**

Mr. Robert Bridgham with the Eastern Shore Broadband gave an update regarding upgrades and adding services to the Island and the Shore. He advised of a free wireless hotspot site at the Library adding that the other free hotspot sites are listed on their website. He reported that they are offering residential connections to include all of the Island. He gave some history and their plans based on demand since COVID. They are working on state and federal funding to help expand.

There were comments and questions about the mapping which indicated where the current lines are and potential communities.

## **8. Adoption of the Vehicle and Traffic Code**

Chief Fisher explained that this is an annual re-adoption requirement so that the Town Code aligns with the changes in the Code of Virginia.

Councilwoman Richardson motioned, seconded by Councilman Bott to adopt the Vehicle and Traffic Code. Unanimously approved.

## **TRAFFIC AND VEHICLES**

### **ARTICLE I. IN GENERAL**

#### **Sec. 58-1. Compliance with chapter; violations and penalties generally.**

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.

(Code 1977, § 11-21)

**State law references**—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

#### **Sec. 58-2. Adoption of state law; former provisions.**

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, in effect on July 1, 2020, except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the Town, are adopted and incorporated herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town. Such provisions and requirements hereby adopted, *mutatis mutandis*, are made a part of this section as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, which are adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia of 1950, as amended; (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the town.



(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-6-11, 6-4-12, 6-3-13, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 7-16-19)

(b) The provisions of this section, as readopted, shall be effective as of 12:01 am July 1, 2019. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by pitot law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. Of 6-21-2001' Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 7-16-19)

## **9. Adoption of WARN Resolution**

Town Manager Tolbert explained that WARN, Water and Wastewater Agency Response Network, is a network of professional water and wastewater operators throughout the state. He stated that if there is an emergency on Chincoteague, we would contact them, and they would contact qualified waterworks operators to assist in preparing the system. The Town would be responsible for the repair costs. This is a mutual aid agreement that sets up the framework. He advises that there is no obligation. If the Town is contacted and they are unable to participate they don't have to at that time. He read the resolution.

### **RESOLUTION AUTHORIZING EXECUTION OF THE VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK MUTUAL AID AGREEMENT**

**WHEREAS**, the National Infrastructure Protection Plan and in particular the Sector Specific Plan for the Water Sector developed by the United States Environmental Protection Agency identifies the development of a Water and Wastewater Agency Response Network in each State as an important means of helping to ensure resilient water and wastewater infrastructure in the public interest; and

**WHEREAS**, in furtherance of such national Water Sector plan, Virginia's longstanding, nationally-recognized professional associations known as the Virginia Section of the American Water Works Association ("VA AWWA") and the Virginia Water Environment Association ("VWEA") have jointly formed the Virginia Water and Wastewater Agency Response Network ("VA WARN") Committee to develop the EPA-recommended network and associated procedures for implementation in Virginia; and

**WHEREAS**, the VA WARN Committee has developed the attached form of a VA WARN Mutual Aid Agreement for use by public and private Water Sector utilities for purposes of requesting assistance and responding to such requests as well as a related form of an Event Agreement for providing assistance of a defined scope on defined terms and conditions; and

**WHEREAS**, this VA WARN Mutual Aid Agreement is intended to supplement and integrate with the Statewide Mutual Aid Program administered by the Virginia Department of Emergency Management, with the Emergency Management Assistance Compact, and with other mutual aid agreements of local, intrastate and interstate scope; and

**WHEREAS**, The Town of Chincoteague, Inc is responsible for public water supply in the Commonwealth of Virginia and is therefore eligible to participate in VA WARN and the VA WARN Mutual Aid Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Town of Chincoteague, that the Town Manager is hereby authorized to execute the VA WARN Mutual Aid Agreement, which is hereby approved.

Adopted by the Council of the Town of Chincoteague this 16th day of July 2020.

Councilwoman Richardson motioned, seconded by Councilman McComb to adopt the WARN Resolution. Unanimously approved.

#### **10. Adoption of Wayfinder Plan**

Public Works Director Spurlock reviewed the Wayfinder Plan stating that they are in the final phase of the Multi-Modal Project. He reviewed slides showing signage and the map. The signage and map identify the trail and specific stops. The Public Works Committee has approved the Plan. He reported that the total cost of the plan is approximately \$5,000.

Mayor Leonard asked if this is expandable.

Public Works Director Spurlock advised it could be expanded. He discussed the directional signage as well.

Councilman Taylor expressed the need for lighting at the Ocean Blvd. extended trail beside the Dollar General.

Public Works Director Spurlock responded that they could add lighting.

Councilwoman Richardson motioned, seconded by Councilman McComb to adopt the Wayfinder Plan. Unanimously approved.



### CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

To learn more about Chincoteague National Wildlife Refuge and its beaches, find news updates and current conditions, visit the website: <https://www.fws.gov/refuge/chincoteague/>

Tom Cove Visitor Center

Beach Access

### WALKING AND BIKING TOUR OF

## Historic Chincoteague Island

### QUICK TIPS FOR SAFE BICYCLING

- Obey traffic signals and signs
- Run with/ walk against traffic
- Look before entering traffic, changing lanes
- Be bright at night
- Use hand signals
- Wear a helmet

### PHOTO LEGEND

(colors correspond to map)

- SHARED ROADWAY**  
Lower traffic volume with shared lane markings - narrow
- BICYCLE LANE**  
or wide shoulder, usually on higher traffic areas
- MULTI-USE PATH**  
(e.g. John H. Terry Bay to Beach Trail) closed to motor vehicles
- DIFFICULT CONNECTION**  
on road with higher speeds and/or volume, so road with narrow lanes or other problems for cyclists

Scan QR Code using smartphone for more information on local businesses and find restaurants, shops, events, and entertainment near you!

FOR MORE INFORMATION PLEASE CONTACT:

CHINCOTEAGUE CHAMBER OF COMMERCE AND CERTIFIED VISITOR CENTER  
6733 Maddox Blvd.  
Chincoteague, VA 23336  
info@chincoteaguechamber.com  
757-336-6161

## 11. Smith Street Project Funding

Town Manager Tolbert reported that this was discussed at the Budget and Personnel Committee last Tuesday. He advised that the property was given to the Town with conditions. The Town was to do specific things to the property on a schedule which he listed. He added that in the last fiscal year, the Smith Street Project was \$67,000. He advised that to date they have spent \$92,000 on this project including engineering and design. He added that it leaves \$50,000 budgeted in this fiscal year for this project. He listed the items that would be completed this fiscal year. He stated that the total amount this year would be \$60,000. Town Manager Tolbert advised that they have secured half of this, which is \$30,000 from an individual. He explained that with the current situation and what the Town may be facing, they are trying to be as fiscally responsible as possible. He asked Council if they would like to pursue and apply the other \$30,000 from the budget this fiscal year and proceed with the work.

Councilman Taylor asked if it was required to pave the parking lot.

Town Manager Tolbert stated that the drainage work has been done, the land use has been done, and the next step is put surfacing on the parking lot.

There was discussion about the drainage being completed first, using millings from Smith Street as a base, which was cost effective.

Town Manager Tolbert reported that at the Budget and Personnel Committee meeting he advised he was unsure what they were facing as far as revenues and he recommended not proceeding. He would like to postpone this until they know what they are facing.

Councilwoman Bowden asked if there was a stipulation, except for the \$30,000 or a timeline.

Town Manager Tolbert advised there was not except the timeline and they have gone past that time. They want the project completed but with the current state of affairs he can't see completing this project.

Councilwoman Bowden stated that at the Budget and Personnel Committee meeting she expressed the issue she had with accepting this property. There were many additions put on this within a specific timeline. Before COVID happened, she warned Council that they don't know from year to year what will happen down the line. She agreed with Town Manager Tolbert and they need to wait and see what will happen the rest of the summer. She doesn't feel they're in a position to move forward.

Town Manager Tolbert agreed and added that if he thought this was something they could do in Public Works and with expertise when the season slacked up, they may be able to do some of this work. However, the Town doesn't have the equipment to pave the parking lot but may be able to do some of the concrete work. He doesn't see saving a lot of money on this particular item. The Town did a lot on this contract. He advised that initial price they received for sitework was over \$200,000. He stated that Public Works Director Spurlock was able to get it done for \$80,000.

Councilman McComb asked if this could be paid for through the VDOT roads' money or the ANPDC.

Town Manager Tolbert advised they couldn't go through VDOT for this project and he was unsure about ANPDC.

Councilman McComb suggested tabling this until Town Manager Tolbert could look into this.

Council concurred to table this matter.

## **12. C.A.R.E.S. Act Funding Program**

Town Manager Tolbert stated that the reward from the County is \$251,981. The County did a Small Business Assistance Program setting aside \$100,000 for working watermen. A sample program was presented to the Budget and Personnel Committee which mirrors the County's Program. They will propose to set aside \$30,000 for the working watermen with the balance going to the Small Business Assistance Program. The working watermen will have to have a VMRC card and prove that 51% of their income comes from working on the water. Having a business that works on the water doesn't necessarily make you qualify. The grant would be \$5,000. His direction was to set up the Working Watermen Program first and then to set up the Small Business Assistance Program. The applications for working watermen will be available Wednesday, July 22<sup>nd</sup> at 8:00 a.m. This will be advertised on Facebook, in the newspaper, the Chamber, the Town's website, and they may do a radio spot.

Town Manager Tolbert stated that the working watermen's applications will be due in the office by July 29<sup>th</sup> at 10:00a.m. As they are received, they will be marked with the date and time. The \$5,000 grants will be awarded to the earliest qualifying application and proceed until all the money is gone. If they don't award the entire \$30,000 allotted, the balance will revert back to the Small Business Program. They decided that they not disqualify applicants if they received other assistance, however they will move down the list.

Town Manager Tolbert explained the Small Business Program. They decided that the grant will be \$4,000 per award. He listed qualifications and businesses that would qualify. They will only qualify businesses and watermen that have an address within the incorporated Town of Chincoteague, working watermen with their primary residence within the incorporated Town. If the applicant has received assistance, they will go to the back of the line. He added that the remainder of \$221,981 will be given out as long as the money lasts. Applications will be available starting August 3<sup>rd</sup> and must be submitted by August 18<sup>th</sup>, first come first served with time and date stamp.

Town Manager Tolbert advised that he spoke with an individual from the County about the County's Program. They had 83 applicants and awarded 20 grants. They were going to give 200 small business grants and had a total of 81 applications. They did not give all of the money out. Town Manager Tolbert asked if the Town could get the money. He was told that this wasn't likely as they have ideas, but the Board of Supervisors haven't decided yet. He would like to get an approval so they can get it finalized next week.

Mayor Leonard stated that there would be 55 small business grants.

Councilwoman Bowden stated that every cent of the \$251,000 that the Town is receiving will be given to a business or working watermen. The County is keeping back \$1million to work on their projects or whatever they feel they need. She feels this is a slap in the face to the businesses that the County decided to keep \$1million for themselves.

Mayor Leonard commented that he is certain that some of the watermen that weren't approved for a grant would have something to say about this.

Councilman McComb commented that the requirement in the application was that a small business has less than 30 employees. He stated that the Town closed the hotels and the state closed campgrounds. He advised he conducted a poll reviewing businesses they're trying to help who have over 30 employees which makes them ineligible. He asked if this is what they want to do as well.

Town Manager Tolbert stated that they used the number 30 as well. He also stated that it can be easily changed.

Councilman McComb stated that for continuity with what is determined as a small business by both a Virginia agency and the Federal agency he would think we would use their lowest limit of 100 people. Then no one can question it.

Town Manager Tolbert stated that when you look at this community, several run a small business. People don't realize the number of employees a small business will have.

Councilman McComb stated that a lot of them are teenage kids. He suggested that if they accepted EIDL or PPP, instead of excluding them or putting them in the back of the line, maybe they get half a grant. He added that some of the assistance they received was not a lot compared to the loss of revenue. The Town was talking about what they could lose as far as Federal funding but at the same time they're talking about excluding a group of people that lost money just because they received some assistance from another source. He suggested making them eligible for 50% or 25%. He wants to make it as fair to everyone they can.

Councilwoman Bowden asked why they have to have a limit on the number of employees.

Town Manager Tolbert advised they don't. It is Council's program and they can craft it as they wish.

Councilwoman Bowden suggested eliminating the number of people employed at the small business.

Vice Mayor Bott stated that the Budget and Personnel Committee decided not to remove those who received the EIDL or PPP but they wanted them to indicate if they've received it so they would be placed behind those who received nothing.

Town Manager Tolbert added that the direction was to give a higher priority to those who have not received any assistance.

There was discussion about reporting unemployment and gross receipts.

Town Manager Tolbert stated that the staff for the County did an excellent job setting up the Program and defining it.

Mayor Leonard asked how many Business Licenses are on Chincoteague.

Town Manager Tolbert responded there are in excess of 1,200.

Mayor Leonard stated that they aren't going to be able to please everyone.

Councilman McComb referred to the number of Business Licenses and asked if this includes all of the register rental homes adding that they fall under rental agencies.

Town Manager Tolbert advised that there are approximately 650.

Councilman McComb stated that this brings the count to 550, which is a lot more manageable.

Town Manager Tolbert stated that they have discussed this in the office and a good suggestion was to establish a committee to include the Financial Director and a few others to review the grants more objectively and report those to Council.

Mayor Leonard appointed Vice Mayor Bott and Councilwoman Bowden to the committee. He stated that Town Manager Tolbert can decide on the others for the committee.

Councilwoman Bowden motioned, seconded by Vice Mayor Bott to move forward with the C.A.R.E.S. Act application with the elimination of the 30 employees or less. Unanimously approved.

### **13. Review of State of Emergency**

Emergency Management Coordinator Rush advised that funding was the question last week. He spoke with his contact at FEMA and the grant liaison concerning grant VR4512-VA, which is the disaster grant for COVID. He was advised that the Town would not lose any funding for going out of the Local State of Emergency. He stated that he reported Monday night that they had COVID expenses of roughly \$8,500. He reviewed the reports and updated the expenses to the amount of \$20,155.66. Based on this, if the entire figure is approved by FEMA, the Town would receive \$15,116.75 and would be responsible for 25% which is \$5,038.92. He added that there is leeway now to include administrative costs and some of his hours were able to be accounted for. He advised that they are including everything they believe is eligible

Emergency Management Coordinator Rush stated that a State of Emergency for a hurricane or nor'easter is typically 3-7 days. Unfortunately, they are still in an emergency for COVID, as it is ongoing. He commented on Hurricane Sandy regarding expenses. He reported that funding is not in jeopardy for this event. He stands by his statement that there is still an emergency and they should remain in a State of Emergency. He reviewed the situation in different localities throughout the state. He advised that the Town's economy is starting to come back. He reviewed a map that shows which counties and municipalities that are in or not in a State of Emergency throughout the state. He advised that COVID has not gone away. He added that there have been tough decisions. He also stated that when you're dealing with an emergency that is a beast all to itself you have to act quickly. Any decisions or recommendations are based on doing the most good for the most people. He stated that the Town's finances are secure in this. He expressed that he feels for the businesses. He advised that in PSA #4 they didn't want to close the businesses because the employees and the businesses suffer. He added that he has a timeline if Council chooses to review. He advised that in his opinion and recommendation there is no benefit in coming out of the State of Emergency.

There was lengthy discussion regarding, quarantine facilities, compromise, the timelines of COVID and Council's comments, votes, suggestions of additional, special, and emergency meetings.

Town Manager Tolbert stated that he will contact an attorney to check on the legalities of the special meeting notices. He also suggested a resolution for the special State of Emergency to address COVID where the Mayor and Town Council share the responsibility in the decisions.

Councilman McComb motioned, seconded by Councilman Reed to have Town Manager Tolbert contact an attorney to 1. To find out if they can have a resolution in this special State of Emergency to address COVID where the Mayor and Council share responsibility in the decisions as they would any other time. 2. Once Town Manager Tolbert has the information to call a special meeting within the required timeframe to reassemble and discuss the information to vote accordingly. Unanimously approved.

Councilman Bott motioned, seconded by Councilwoman Bowden to go back into the Local State of Emergency as of 8:20 p.m. July 16<sup>th</sup>. Unanimously approved.

#### **14. Mayor & Council Announcements/Comments**

Councilwoman Bowden asked about Mrs. Matthews' request to name the Little League ballfield after her grandfather Mr. Rooster Hancock. She asked who owned the Little League ballfields.

Councilman Reed advised that the land belongs to the Accomack County School Board who has a lifetime lease of \$1 per year.

There was discussion about having Mrs. Matthews contact the Little League President.

Vice Mayor Bott reported that he and Councilman McComb attended FOIA training this week. He advised that everyone has to have a certificate of FOIA training.



Town Manager Tolbert advised they have scheduled FOIA training in the fall.

Mayor Leonard suggested to name the ballfield at Memorial Park after Mr. Hancock. They can also fixup the ballpark. He referred this matter to the Recreation and Community Enhancement Committee.

Councilman McComb advised that he has been reading through the minutes. He noticed that they used to have a quarterly update from the Board of Supervisors. He feels that Supervisor Tarr is easy to work with. He stated that he spoke with Supervisor Tarr who advised he would be willing to give regular updates. He would like for Council to invite him quarterly for updates on what the County is doing. He stated that with the VML training they discussed social media presence with elected officials and what it means to use your personal social media page as a platform for office. He explained that the social media page then becomes a matter of record which has to be maintained. You can't delete the Facebook page if you've used it in your platform of or in office, it has to be maintained for FOIA purposes. He also mentioned that they heard throughout the elections about not hearing anything from Mayor or Council through the State of Emergency. The VML has tools that can help for better social media presence for the Town as a whole. He suggested Town Manager Tolbert to obtain information from VML to help give that presence. He gave examples of the reports from Emergency Management Coordinator Rush of what they are doing with COVID to give information to the businesses and citizens. He would like to add this to the August agenda. This will keep individual Councilmembers from using their social media pages as a platform. He appreciated everyone's comments.

Councilman Taylor stated that in the motion, trust has been shown with Mayor Leonard and he appreciated it. He believes bridges are designed to be built. Mayor Leonard knows what Council wants. He believes they will work together.

Mayor Leonard stated that they are not in it for themselves, they're in it for the Town. He added that this is a good thing.

**15. Closed Meeting in Accordance with §2.2-37111A(1,3) of the Code of Virginia to Discuss the Disposition of Public Property.**

Councilwoman Richardson motioned, seconded by Councilman Reed to go into a closed meeting in accordance with §2.2-37111A(1,3) of the Code of Virginia to discuss the personnel matters or acquisition of property. Unanimously approved.

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

Nays: None

Absent: None

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

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to certify the closed meeting in accordance with §2.2-372 (D) of the Code of Virginia. Unanimously approved.

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

Nays: None  
Absent: None

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

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

Nays: None

Absent: None

Vice Mayor Bott motioned, seconded by Councilman McComb to table discussion of the employee raises until after October 1<sup>st</sup>. Unanimously approved.

Councilwoman Richardson advised this would make them retroactive.

### **17. Adjournment**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

## **MINUTES OF THE AUGUST 3, 2020 CHINCOTEAGUE TOWN COUNCIL MEETING**

### **Council Members Present:**

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

### **Council Members Absent:**

None

### **Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Harvey Spurlock, Public Works Director

### **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 Comment**

Mayor Leonard opened the public comment.

- Mrs. Pat Farley, 3243 Lisa's Lane, thanked Council for having the draft minutes and the Council's contacts put on the website so quickly.

Town Manager Tolbert responded that they have good staff.

### **5. Agenda Adoption**

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

### **6. Staff Update**

#### General Government

Town Manager Tolbert advised that the Smith Street Project is ongoing. He added that he and Public Works Director Spurlock will be touring the new water filtration plant this month. Construction started back on July 13<sup>th</sup> and should be completed by the end of September. He will also see the testing protocol to ensure the accuracy. He also reported that he and Public Works Director Spurlock went last Thursday, July 24<sup>th</sup> to take a tour and inspect the fire house. There are a couple of concerns and some are being corrected. The roof is in very good shape and over all the building is weather tight. He added that he spoke with Mr. Grayson Williams with the ANPDC who brought him up to speed on the work they are doing with a consulting firm to repurpose the firehouse. There are preliminary sketches and Mr. Williams would like to give a presentation to Council in a couple of months.

Town Manager Tolbert reviewed the Building and Zoning report. He also advised there was a news report that the Island was closed. Business Administrator Lewis put a banner on the website that advised per the Governor's orders "We are open" along with the Phase 3 reopening plan. He also contacted Chamber Executive Director Shotwell who put out a press release. Staff has put the draft minutes on the website. He also advised that the C.A.R.E.S. Act for watermen have been issued. They received 9 applications with 7 grants awarded; 5 grants were \$5,000 and 2 were \$2,500. The recipients were very appreciative. He stated that we are currently applying for reimbursement for the monies issued through the County. They began accepting applications for the small businesses. He reported that approximately 10 applications have been picked up to date. There is an ad in the Chincoteague Beacon that ran this week and will run for 2 more

weeks. He added that the Business License collections have picked up and the staff is doing a great job.

Mayor Leonard asked if the 2 watermen's application could be rolled over to the small business grant. He added that they were more of a small business than working watermen.

Town Manager Tolbert advised staff will contact those applicants and have them reapply for the small business grant.

Councilman Taylor asked about the temperature in the firehouse causing mold and mildew problems.

Town Manager Tolbert responded that they did not see any evidence of it.

#### Police Department

Chief Fisher stated that the report is in the packet. He added that they are in the process of putting out a survey on the Chincoteague Police Department Facebook page to see how everyone feels about the department is doing.

#### Emergency Services

Emergency Management Coordinator Rush advised that through the 28<sup>th</sup> they had 95 calls for service adding through the end of the month they ended up with 110, which is 12 less from last year.

Councilman Taylor asked if it was legal for the paid EMS to volunteer with Chincoteague when they're not working.

Emergency Management Coordinator Rush replied that according to the Fair Labors Standards Act they are not allowed to volunteer if they are being paid. However, if they are here and there is a severe call, they are required to advise him within 12 hours that they've been on the call and he will put them on the clock. He added that they've only done it twice in the last year.

#### Public Works Department

Public Works Director Spurlock made a correction to the monthly report. He added that they are over the water use that was reported last year.

Councilwoman Bowden asked about fall paving. She read the priority list: 1). Bunting Road, 2) Mumford Street, 3) South Main Street, 4) Ridge Road, 5) Tarr Lane and 6) North Main Street. She asked if Tarr Lane could be bumped up in priority.

Public Works Director Spurlock stated that he takes in consideration the condition of the road, the materials, and the budget they have to work with. He stated that as it turns out in the bid package, they have enough money to do Tarr Lane and one section of North Main Street.

Councilwoman Bowden stated that Tarr Lane is like a lot of other public small streets that have been overlooked for quite some time. She mentioned Deep Hole adding that hitting one of the bumps in her jeep was too much.

Public Works Director Spurlock understands the ones they patched are high. He advised that he spoke with the gentleman that put the cover on the road and there isn't enough cover on the pipes. He feels that the ones they've patched are going to be in the condition they were before they were patched in a couple of years. The intention was to leave them a little high.

Councilwoman Richardson asked if NASA was putting in a test well near the NASA Visitor Center and also further south.

Public Works Director Spurlock was unsure but thought that is what they were doing.

Councilwoman Bowden asked where the Town stands with the property they bought for the test wells.

Public Works Director Spurlock stated that there is some water there but not much. NASA is independently funded, and they've spent a lot of money on the filtration plant. NASA hasn't owned up to funding for the wells.

Councilwoman Bowden asked if this property would work for the Town.

Public Works Director Spurlock stated that he believes they could have a few small wells. He advised that they were getting 50 – 60 gallons a minute in the test wells. He gave a comparison that well 4 is the big producer and draws 370 gallons per minute. There were brief comments about someone growing a crop on the property.

Councilman Taylor asked that the outside pickleball court at the Amrien Recreation Center be repaved and that the Pickleball Group will take care of striping it.

Public Works Director Spurlock advised that he would doublecheck with the Parks and Recreation budget.

## **7. Committee Reports**

### Public Works Committee

Councilwoman Richardson advised of the corrections she asked staff make to the minutes. She stated that they don't have the money to add the QR code on the signs. She added that they could be put on a separate placard on the pole at a later time. She also advised that 2,500 brochures/maps have been ordered.

Councilman Taylor mentioned that one of the lights on the path behind Dollar General is out.

There was lengthy discussion about the Pension Street and Clark Street intersection where people roll through the stop signs and the lack of the site triangle.

Councilwoman Bowden suggested contacting the homeowner.

Town Manager Tolbert advised that Building and Zoning Administrator Lewis usually addresses the matter of site triangle distances with the property owners. He offered to speak with Building and Zoning Administrator Lewis about this in the morning.

#### Budget and Personnel Committee

Vice Mayor Bott advised they talked about the C.A.R.E.S. Act funding and applications. He also advised that he and Town Manager Tolbert talked about long-term financial planning.

Councilman Taylor mentioned the broadcast from WBOC about the Island being closed. He feels that it hurt our vacationers when the New Jersey and New York Governors ordered quarantining when they visit out of state. He understands that people just need to get out of the city.

Councilman McComb asked Town Manager Tolbert how the Meals and Transient Occupancy Taxes collections have been since COVID.

Town Manager Tolbert reported that the Meals Tax was approximately \$120,000 through June and Transient Occupancy Tax was \$166,000. He reminded Council that this was not for an entire month. He stated that if you look through the financial report the expenses outshined the revenues for that month because they paid the entire year for insurance in the amount of \$150,000. Other than that, it would have been a decent month. He added that last year the Town had a very good start to the fiscal year which pulled the year out even after COVID.

Councilman Taylor feels that people are here more so than normal and will be here through September where the kids won't be going back to school.

#### **8. Adoption of the Minutes of the July 6, 2020 and July 16, 2020 Council Meetings.**

**Councilman Reed motioned, seconded by Councilwoman Richardson to adopt the minutes of the July 6, 2020 and July 16, 2020 Council meetings as previously corrected. Unanimously approved.**

#### **9. Consider Cleaning Contract Award**

Town Manager Tolbert stated that the current contractor advised they are no longer able to perform. They went to the next lowest bidder who agreed to complete the duration of the contract through October in the amount of \$2,362.50. The only change is that the Town will be responsible to furnish materials. The Town will have the option to renew in October.

Councilwoman Bowden asked if they are doing a good job.

Town Manager Tolbert responded that the ladies in the office are pleased.

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to approve the Cleaning Contract Award to K. I. Family Cleaning in the amount submitted. Unanimously approved.**

#### **10. Consider Adoption of Revised Emergency Ordinance**

Mayor Leonard reported that Town Manager Tolbert contacted 2 VML attorneys.

Councilman Taylor stated the State of Emergency they are going to sign tonight is for the hurricane and will hopefully only last one day. He also stated that they should be able to come out of this one right away. However, a pandemic is a whole other ball game.

Town Manager Tolbert explained that this is nearly identical to the Ordinance Council has from April 16<sup>th</sup>. He stated that he added 2 sections and had it reviewed by attorneys. He explained that it states that they can hold special emergency meetings giving notice to the public contemporaneously with the members of Council. The subject of those meetings is restricted to the State of Emergency and they cannot conduct regular business at those stated meetings. This fits with what everyone wanted to see. The Mayor, at the particular State of Emergency, still has the authority to act. However, the Council in attendance at the meeting can give their blessing or their review of the Mayor's decision at the same meeting. The decision is made by the Mayor and confirmed by the Council. The only thing that can happen at this meeting is the business associated with the State of Emergency. They can call an emergency meeting quickly notifying Council and the public at the same time. Town Manager Tolbert stated that he sent a modified version to the VML attorney who said it's perfectly fine to do it this way.

Councilman Taylor stated that they can meet and give input, but the Mayor still has the final decision.

Town Manager Tolbert responded that this is in the Town Charter, the State Code and Town Code. Reminding Council that no other business can be done in the emergency meeting.

Councilwoman Bowden feels this makes perfect sense that they only discuss the State of Emergency at the emergency meetings.

Councilman Taylor stated that this way Council won't be surprised when something happens.

Town Manager Tolbert stated that he will send the meeting announcements to both Council and to the agenda recipients. He will follow up with a call to Council as well. It will be put on the website, Facebook and the bulletin board. He advised that the new State of Emergency is only good for 6 months and replaces the State of Emergency done on April 16<sup>th</sup>. It is good for the duration of the State of Emergency or 6 months, whichever comes first.

**Vice Mayor Bott motioned, seconded by Councilman McComb and Councilwoman Bowden to adopt the revised Emergency Ordinance as presented. The motion was carried.**

**Ayes: Bott, Bowden, McComb, Reed, and Richardson**

**Nays: Taylor**

**Absent: None**

**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 may make 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.

c. That special meetings of all or part of the Town Council may be called for the sole purpose of reviewing, or acting on matters pertaining to the current State of Emergency with notice given to the public contemporaneously with that of members of the Council in accordance with section § 2.2-3707.D. of the Code of Virginia and that no business unrelated to the State of Emergency shall be discussed or acted upon at such called special meetings.

d. That the Mayor and Town Council shall engage in discussions related to the State of Emergency and the Council may perform its required review of the Mayor's decisions pursuant to § 44-146.21. of the Code of Virginia simultaneously at any legally called meeting of the Council including special meetings as referenced herein.

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

f. 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 arrangements 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.

g. For any matter requiring a public hearing by law, public comment may 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 replaces the ordinance of the same name adopted on April 6, 2020 and 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, August 3, 2020.

ATTEST:

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Town Manager Tolbert advised that he did not add another State of Emergency to the agenda and Emergency Management Coordinator Rush is here to review.

Emergency Management Coordinator Rush gave a COVID update as of July 16<sup>th</sup> they were around \$20,000 and have spent close to \$3,800 in salaries for cleaning which brings the total up to \$23,955.66. The state incident rate has dropped to 7.1%. There were only 3 new cases on the Shore today and locally they are still at 10 positive cases with 293 tested. The conference calls for COVID have backed off to 2 per week. He reported on Tropical Storm Isaias and at noon today the Town declared a State of Emergency. They don't project to get much damage, but power outages are expected. There are no plans to open the EOC, but it will be done at about 3:00 a.m. virtually from his home and moving to his office in the morning. The USCG and USF&W have been in contact. VDOT will watch the causeway.

Vice Mayor Bott asked for the plans at the Refuge.

Emergency Management Coordinator Rush responded that they plan to remain open. They have pulled a lot of the structures off for protection. There are potential issues with the traffic circle flooding and there are no plans to close it at this time.

Mayor Leonard added that they have the staff and equipment to get it back quickly.

There was discussion about the storm, the winds, the start time and ending.

**Councilwoman Bowden motioned, seconded by Councilman McComb to accept the Proclamation of Emergency for Hurricane Isaias. Unanimously approved.**



## **PROCLAMATION**

### **DECLARATION OF A LOCAL EMERGENCY**

**WHEREAS**, the Town Council of the Town of Chincoteague does hereby find that:

1. Due to the impending arrival of Hurricane/Tropical Storm Isaias and the potential damaging high winds, tides and rain, the Town of Chincoteague is facing an emergency response outside of normal day to day operations; and
2. The need to utilize any legal means to mitigate the threat to public safety necessitates the proclamation of the existence of an emergency;

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that at 12:00 pm on August 3, 2020 an emergency now exists throughout said Town of Chincoteague; and:

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Emergency Management organization of the Town of Chincoteague shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the Town of Chincoteague in order to mitigate the effects of said emergency.

**Dated:** August 3, 2020

Town Council of the Town of Chincoteague

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Attest: \_\_\_\_\_

Michael T. Tolbert, Town Manager  
Town of Chincoteague Inc.

## **11. Mayor and Council Comment**

Councilwoman Bowden thanked everyone for keeping her in their thoughts and prayers. She also stated that she spoke with a few business owners who advised this is their best summer yet. She feels this may shape up to be on target. She commented that the restaurants and businesses have been packed. She reported that the Pony Penning auction was phenomenal, and they reached a broader spectrum of people online. She thanked everyone and the Town. She added that on behalf of the Chincoteague Volunteer Fire Company it was a humbling experience. She added that her Yankees are #1

Councilman McComb gave a shoutout to the Chamber who won the #1 Small Beach Town by USA Today. It's important, with everything going on, that we do anything we can to help and support the Chamber. He added that his thoughts and prayers are with everyone that they make out well in the storm.

Councilman Taylor stated that everyone is in our prayers and for our country. He feels everyone is divided and added that no matter what different ideologies everyone has they can still love people and get along. He concluded that they can't do it without God.

Mayor Leonard mentioned his Alabama team and ended with "Roll Tide".

**12. Closed Meeting in Accordance with §2.2-3711 (A)(1,3) of the Code of Virginia to Discuss Personnel Matters and Acquisition of Property**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711A(1,3) of the Code of Virginia to discuss the disposition of public property. Unanimously approved.**

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

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to certify the closed meeting in accordance with §2.2-372 (D) of the Code of Virginia. Unanimously approved.**

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

**14. Adjournment**

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

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

**Council Members Present:**

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

**Council Members Absent:**

None

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief

**1. Call to Order**

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

**2. Invocation**

Councilman McComb 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 New Ordinances**

Chief Fisher explained the purpose of the E-ticket Ordinance and the fee of \$5 to be assessed by the Town. He advised that this would bring all the courts together. Currently they are writing paper tickets and sending them to the court. This will automatically generate the ticket to the court. There are several Police Departments in Virginia that participate along with the Virginia State Police. He advised that the General Assembly allowed a pilot program which was passed about a year ago. It saves time and gets officers back on the street. They have received a quote and this program works with Southern Software. He stated that this does not have to be done right away. The law allows that the Town can start building up the money to pay for this program. He stated that the Town can begin charging the \$5 fee per ticket. The funds collected have to be earmarked specifically for the E-ticket. Each locality that participates, is required to adopt an ordinance.

There was brief discussion and comments.

**Councilman Reed motioned, seconded by Councilwoman Richardson to adopt the e-ticket Ordinance as presented. Unanimously approved.**

**1. E-Ticket Ordinance:**

As set forth in section 17.1-279.1 of the Code of Virginia a fee of \$5 shall be assessed by the Town of Chincoteague in each criminal or traffic case in the General District Court of

the County of Accomack the Juvenile and Domestic Relations District Court of the County of Accomack, and the Circuit Court of the County of Accomack in which the defendant is charged with a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the Director of Finance for the Town of Chincoteague, and held by the Director of Finance subject to disbursement by the Town Manager to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

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Town Manager Tolbert advised that this is an Ordinance that allows Councilmembers to participate electronically in a Council meeting while they are unable to physically attend the meeting for personal reasons disability or illness. The minutes have to reflect the reason they aren't at the meeting and where they are electronically attending. He read and explained the requirements that allow remote electronic meeting attendance: He added that Council is limited to 2 electronic meetings each year if for personal reasons however there are no limitations on disability or illness. The Town Charter states that if a member of Council misses 3 meetings voluntarily, by resolution, the other members of Council can replace them.

Councilwoman Bowden added that in reading the Town Charter it is 3 consecutively missed meetings.

**Councilman McComb motioned, seconded by Councilman Bott to adopt the Ordinance: Participation of Council Members Electronically. Unanimously approved.**

#### **Participation of Council Members Electronically.**

A. The following provisions shall apply to Electronic Council Meetings.

1. Pursuant to section 2.2-3708.2 of the Code of Virginia and subject to the requirements of subsection B, any member the Town Council may participate in any Council meeting wherein public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, the member of Council notifies the Mayor or in the Mayor's absence the Vice Mayor that:

- a. Such member of Council is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or
- b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member of Council pursuant to this subdivision is limited each calendar year to two meetings.

2. If participation by a Council member through electronic communication means is approved pursuant to subdivision 1, the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. Once approved pursuant to subdivision 1a, the minutes of the meeting shall include the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved pursuant to

subdivision 1b, the minutes shall include the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the ordinance adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

B. Participation by a member of Council in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 shall be authorized only if the following conditions are met:

1. A quorum of the public body is physically assembled at one primary or central meeting location; and
2. The members of Council present at the established meeting place approve the member's participation by majority vote.
3. Approval of participation shall be applied strictly and uniformly, without exception, to the entire membership of Council without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;
4. The Council makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

## **6. Consider Proposed Change to Ordinances**

Town Manager Tolbert explained that this is a required change by FEMA. He mentioned that currently the Code does not include mechanical equipment in the 2' freeboard. However, in the requirement from FEMA it states that the mechanical equipment has to meet 1' freeboard. He advised that the Ordinance Committee felt it would change again so they incorporated including everything in the 2' freeboard.

There was further discussion about cost, FEMA rating points and savings.

**Councilwoman Bowden motioned, seconded by Councilman Reed to adopt the change to Chapter 30 of the Code of Chincoteague as presented. Unanimously approved.**

## **Chapter 30**

### **FLOODS\***

#### **ARTICLE I. GENERAL PROVISIONS**

- |            |                                      |
|------------|--------------------------------------|
| Sec. 30-1. | Statutory authority and purpose.     |
| Sec. 30-2. | Applicability.                       |
| Sec. 30-3. | Compliance and liability.            |
| Sec. 30-4. | Abrogation and greater restrictions. |
| Sec. 30-5. | Severability.                        |
| Sec. 30-6. | Penalty for violations.              |

## **ARTICLE II. FLOODPLAIN MANAGEMENT**

- Sec. 30-7. Definitions.
- Sec. 30-8. Reserved.

## **ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS**

- Sec. 30-9. Description of districts.
- Sec. 30-10. Official floodplain map.
- Sec. 30-11. District boundary changes.
- Sec. 30-12. Interpretation of district boundaries.
- Sec. 30-13. Reserved.

## **ARTICLE IV. DISTRICT PROVISIONS**

- Sec. 30-14. Permit and application requirements.
- Sec. 30-15. General standards.
- Sec. 30-16. Specific standards.
- Sec. 30-17. Standards for subdivision proposals.
- Sec. 30-18. Standards for the coastal 'A' zone.
- Sec. 30-19. Standards for the coastal high hazard district.
- Sec. 30-20. Anchoring fuel tanks.

## **ARTICLE V. EXISTING STRUCTURES IN FLOODPLAIN AREAS.**

- Sec. 30-21. Existing structures.

\*Cross references—Buildings and building regulations, ch. 14; environment, ch. 22; streets, sidewalks and other public places, ch. 50; utilities, ch. 62; waterways, ch. 70; zoning, app. A; land subdivision and development, app. B.

## **ARTICLE VI. VARIANCES**

- Sec. 30-20. Factors to be considered.

## **ARTICLE VII. ENACTMENT**

## **ARTICLE I. GENERAL PROVISIONS**

- Sec. 30-1. Statutory authority and purpose.

This ordinance is adopted pursuant to the authority granted to localities by the Flood Damage Reduction Act, Code of Virginia, § 10.1-600 et seq.



The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (a) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- (b) restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
- (c) requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage.
- (d) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

The special flood hazard areas are generated for storm surges and coastal flood hazards, and then designated on the Flood Insurance Rate Maps (FIRMs) as zones AE (base flood elevation data has been provided), Coastal A Zone (area subject to wave heights between 1.5 feet and 3 feet) and zones VE (Coastal high hazard base flood elevation data has been provided). References to other special flood hazard areas have been omitted from this ordinance since they are not identified on the Town of Chincoteague (Accomack County) FIRMs. If other special flood hazard areas are added as revisions to the FIRMs, this ordinance will be revised to reflect the additional zones. Since the FIRMs are based on storm surges and coastal flood hazards, paragraph 60.3 (c)(10) of the CFR 44 (cumulative effects of proposed developments), which does not apply along lakes, bay shores, estuaries, and the ocean coast, has been omitted from this ordinance as not being applicable.

***Amended 4-7-14.***

### **Sec. 30-2. Applicability.**

These provisions shall apply to all lands within the jurisdiction of the town and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that is provided to the town (Accomack County) by FEMA.

***Amended 4-7-14.***

### **Sec. 30-3. Compliance and liability.**

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

- (b) The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.
- (c) Records of actions associated with administering this ordinance will be kept on file and maintained by the zoning administrator.
- (d) This ordinance shall not create liability on the part of the town or any officer or employee thereof for any flood damages that result from reliance on this ordinance and/or any administrative decision made in good faith thereunder.

***Amended 4-7-14.***

**Sec. 30-4.** Abrogation and greater restrictions.

This ordinance supersedes Chapter 30 Floods of the Code of the Town of Chincoteague previously in effect prior to the adoption of these provisions. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

***Amended 4-7-14.***

**Sec. 30-5. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

**Sec. 30-6. Penalty for violation.**

Any person who fails to comply with any of the requirements or provision of this article or directions of the town manager or any authorized employee of the town shall be guilty of a Class 3 misdemeanor and subject to the penalties therefore. In addition to the above criminal penalties, all other actions by the town for enforcement hereunder are hereby reserved, including but not limited to injunctive relief in the Circuit Court of Accomack County. Violations and associated penalties are addressed in Appendix A, Article 10 of this code.

The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within such time as reasonably determined by the officer charged with the enforcement hereof, based on the nature and seriousness of the violation, and other material circumstance. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may

be declared by the town to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

***Amended 4-7-14.***

## **ARTICLE II. FLOODPLAIN MANAGEMENT**

### **Sec. 30-7. Definitions.**

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

*Base flood*, means the flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood elevation* means the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purpose of this ordinance, the base flood is the 1% annual chance flood.

*Basement* means any area of the building having its floor sub-grade (below ground level) on all sides.

*Board of Zoning Appeals* means the board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the administration of this ordinance.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Coastal A zone* means flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

*Coastal high hazard area* means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

*Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building* means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

*Existing construction* means structures for which the "start of construction" commenced before March 1, 1977, within the former town limits prior to the 1989 annexation, and June 1,

1984 within the areas annexed from Accomack County in 1989. “Existing construction” may also be referred to as “existing structures”.

*(Amended 5/18/2015)*

*Flood or flooding* means:

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) the overflow of inland or tidal waters; or,
  - (b) the unusual and rapid accumulation or runoff of surface waters from any source.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.

*Flood Insurance Rate Map (FIRM)* means an official map of a community, or which the administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

*Flood insurance study (FIS)* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

*Floodplain* means any land area subject to a one (1) percent or greater chance of being flooded in any given year as determined in Article III, §30-10 of this ordinance.

*Flood proofing* means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

*Fuel oil tank* means any container greater than 10 gallons used for storage of fuel oil.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) by an approved state program as determined by the Secretary of the Interior; or,
  - (b) directly by the Secretary of the Interior in states without approved programs.

*Letters of map change (LOMC)* means an official FEMA determination, by letter, that amends or revises an effective FIRM or FIS. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): an amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a land as defined by meets and bounds or *structure* is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision based on fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the town's floodplain management regulations.

- (c) Conditional Letter of Map Revision (CLOMR): a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

*Lowest adjacent grade* means the lowest natural elevation of the ground surface next to the walls of a structure.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*New construction* means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after March 1, 1977, within the former town limits prior to the 1989 annexation, and June 1, 1984, within the areas annexed from Accomack County in 1989, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after June 1, 1984 within the areas annexed from Accomack County in 1989 and on or after February 2, 1989 for area within the former town limits prior to the 1989 annexation and includes any subsequent improvements to such structures.  
(Amended 5/18/2015)

*Post-FIRM structures* means a structure for which construction or substantial improvement occurred after March 1, 1977 within the former town limits prior to the 1989 annexation, and June 1, 1984 within the areas annexed from Accomack County in 1989.  
(Amended 5/18/2015)

*Pre-FIRM structures* means a structure for which construction or substantial improvement occurred on or before March 1, 1977 within the former town limits prior to 1989 annexation, and June 1, 1984 within the areas annexed from Accomack County in 1989.  
(Amended 5/18/2015)

*Primary frontal dune* means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the

beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

*Propane or liquefied petroleum gas tank* means a container greater than 50 pounds used for the storage of propane.

*Recreational vehicle* means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and,
- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

*Repetitive loss structure* means a building covered by a contract for flood insurance that has incurred flood -related damages on two occasions within a 10-year period, in which the cost of the repair, on the average equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incident of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

**(Amended 5/18/2015)**

*Severe repetitive loss structure* means a structure that:

- (1) is covered under a contract for flood insurance made available under the NFIP;
- and
- (2) has incurred flood related damage
    - (a) for which four (4) or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000 and with the cumulative amount of such claims payment exceeding \$20,000; or
    - (b) for which at least two (2) separate claims payment have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

*Special flood hazard area* means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article III, Section 30-10 of this ordinance.

*Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. “Structure” for insurance coverage purposes means

- (1) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- (2) a manufactured home, also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections and affixed to a permanent foundation or
- (3) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the town’s floodplain management and building ordinance or laws.

For insurance purposes “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or



- (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Violation* means the failure of a structure or other development to be fully compliant with the town's floodplain management regulations, as applicable.

Sec. 30-8. Reserved.

### **ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS**

Sec. 30-9. **Description of districts.**

- (a) Basis of Districts - The various floodplain districts shall include special flood hazard areas subject to a one percent (1%) or greater chance of being flooded in any given year. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for the Town of Chincoteague (Community number 510002) prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated May 18, 2015, and any subsequent revisions or amendments thereto.

*(Amended 5/18/2015)*

- (1) The Coastal Floodplain District shall be those areas identified as coastal AE Zones on the maps accompanying the Flood Insurance Study. Flood elevations are provided in these tidal floodplains; however, floodway data is not applicable.
  - (2) The Coastal A District shall be those flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
  - (3) The Coastal High Hazard District shall be those areas identified as VE, or V Zones that have been delineated as subject to wave heights in excess of 3 feet or subject to high-velocity wave action or wave-induced erosion.
- (b) Overlay Concept
- (1) The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
  - (2) Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

- (3) In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

**Sec. 30-10. Official floodplain map.**

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map panels 51001C0065G, 51001C0070G, 51001C0260G, 51001C0270G, 51001C0280G, 51001C0285G, 51001C0290G, 51001C0485G and 51001C0505G which are declared to be a part of this ordinance and which shall be kept on file at the town offices.

*(Amended May 18, 2015)*

**Sec. 30-11. District boundary changes.**

The delineation of any of the Floodplain Districts may be revised by the town where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

**Sec. 30-12. Interpretation of district boundaries.**

- (a) Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- (b) The town base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the town shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

**Sec. 30-13. Reserved.**

**ARTICLE IV. DISTRICT PROVISIONS**

**Sec. 30-14. Permit and application requirements.**

- (a) Floodplain Administrator - the Zoning Administrator is designated to administer and implement the provisions of this ordinance. Any decision of the zoning

administrator may be repealed to the Board of Zoning Appeals pursuant to the Code of Virginia, Sec. 15.2-2311.

- (b) Duties and responsibilities of the Floodplain Administrator - the duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:
  - (1) review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SEHA),
  - (2) interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
  - (3) review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
  - (4) review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which pitot or concurrent approval is required.
  - (5) use discretion to exempt obviously insignificant activities from the permit requirements.
- (c) Permit Requirement - All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a floodplain zoning permit. Such use, activity, or development shall be undertaken only in compliance with the provisions of this Chapter 30, the Virginia Uniform Statewide Building Code, and all other applicable codes and ordinances, including any subdivision regulations, if applicable.

Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites for the purpose of determining that they will be in compliance with the issued permit in his reasonable discretion, upon completion of such work.

- (d) Site Plans and Permit Applications - All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
  - (1) the elevation of the lowest floor (including basement).
  - (2) or structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed and the supporting engineering certificate.

- (3) the elevation of the one percent (1%) chance or 100 year flood.
- (4) topographic information showing existing and proposed ground elevations.

Sec. 30-15. General standards.

In all special flood hazard areas the following provisions shall apply:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

- (k) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc. within the town a permit shall be obtained, if required from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Sec. 30-16. Specific standards.

In all special flood hazard areas the following provisions shall apply:

- (a) Residential Construction - ~~New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than base flood elevation.~~ New construction or substantial improvement of any residential structure (including manufactured homes) after May 18, 2015 shall have the lowest floor, including basement, **equipment and/or mechanical items servicing the structure** elevated no lower than base flood elevation plus two (2) feet of freeboard.

*(Amended 5/18/2015)*

- (b) Non-Residential Construction - New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than base flood elevation. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) after May 18, 2015, shall have the lowest floor, including basement, elevated to no lower than base flood elevation plus two (2) feet of freeboard. Non-residential construction may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two (2) feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyance. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the zoning administrator.

*(Amended 5/18/2015)*

- (c) Elevated Buildings - Enclosed areas, of new construction or substantially improved structures, which are below the lowest floor elevation shall:
  - (1) not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles

(garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

- (2) be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
- (3) in the Coastal High Hazard District, follow the standards for elevation outlined in Article IV, Section 30-19.
- (4) in the Coastal A Zone, follow the standards outlined in Section 30-18(a).
- (5) include, in Zones AE measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of flood waters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - (a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - (b) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - (c) If a building has more than one enclosed area, each area must have openings to allow flood waters to automatically enter and exit.
  - (d) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
  - (e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of flood waters in both directions.
  - (f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(d) Standards for Manufactured Homes and Recreational Vehicles

- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in

substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
  - (a) the lowest floor, **equipment and/or mechanical items servicing the structure** of the manufactured home elevated no lower than base flood elevation; or,
  - (b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade, only in parks and subdivisions with no record of flood damage;
  - (c) the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;
  - (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage,” any manufactured home placed or substantially improved must meet the standards of Article IV, Section 30-16(d)(2)(a) and (c) above.
- (3) All recreational vehicles placed on sites must either:
  - (a) be on the site for fewer than 180 consecutive days;
  - (b) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
  - (c) meet all the requirements for new construction, including anchoring and elevation requirements of Article IV, Section 30-16(d)(1) or (2)(a) and (c), above.

Sec. 30-17. Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

Sec. 30-18. Standards for the coastal 'A' zone.

The Coastal A Zone shall be those areas, as defined by the Virginia USBC, that are subject to wave heights between 1.5 and 3 feet, and identified on the FIRM by Limits of Moderate Wave Action (LiMWA). For these areas, the following provisions shall apply:

- (a) Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with all other applicable provisions of this ordinance.

Sec. 30-19. Standards for the coastal high hazard district.

The VE or V Zones shall be those areas that are known as Coast High Hazard having been determined to be subject to wave heights in excess of 3 feet or subject to high-velocity wave action or wave-induced erosion. For these areas, the following provisions shall apply:

- (a) All new construction and substantial improvements in Zones VE and V to be elevated on pilings or columns so that:
  - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
  - (2) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).
- (b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Article IV, Section 30-19(a).
- (c) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns)



of all new and substantially improved structures in Zones V and VE. The Floodplain Management Administrator shall maintain a record of all such information.

- (d) All new construction shall be located landward of the reach of mean high tide.
- (e) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
  - (1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any give year.
- (f) The enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature controlled, or used for human habitation.
- (g) Prohibit the use of fill for structural support of buildings. When fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.
- (h) Prohibit man-made alteration of sand dunes which would increase potential flood damage.
- (i) All manufactured homes to be placed or substantially improved within Zones V and VE on the town's Flood Insurance Rate Map on sites must meet the standards of Article IV, Section 30-19(a) through (h) and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision with Zones V and VE on the Flood Insurance Rate Map meet the requirements of Article IV, Section 30-16(d)(1) and (2), if they are located:

- (1) outside of a manufactured home park or subdivision,
  - (2) in a new manufactured home park or subdivision,
  - (3) in an expansion to an existing manufactured home park or subdivision, or
  - (4) in an existing manufactured home park or subdivision in which a manufactured home has incurred “substantial damage” due to flooding.
- (j) Recreational vehicles placed on sites within Zones V and VE on the community’s Flood Insurance Rate Map must either:
- (1) be on the site for fewer than 180 consecutive days,
  - (2) be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
  - (3) meet the requirements of Article IV, Section 30-14 and Article IV, Section 30-19(a) through (h).

**Sec. 30-20. Anchoring fuel tanks.**

- (a) The owner of any new, replaced, or existing oil, and propane tanks must be anchored fuel tanks against floatation, collapse and lateral movement under flood conditions by means of an approved anchorage system or shall be installed at or above base flood elevation and shall be set upon a firm foundation and supports to prevent floatation, collapse and lateral movement under flood conditions. It shall be unlawful to fill or refill any such tank that is not so anchored or elevated.

*(Amended 04/04/11)*

- (b) All new, replaced, or existing oil tanks shall have their vent pipe extended at least three feet above the top most portion of the body of the tank. This provision shall also apply to substantial improvement buildings and buildings experiencing repetitive loss.
- (c) All new, replaced, or existing oil tanks must all be fitted with a fill tube screw-on tight-fit cap with gasket.
- (d) The installation requirements for strapping and anchoring fuel tanks shall follow FEMA recommended guidelines.
- (e) If ownership of a fuel tank is unknown or unclaimed, the property owner shall be responsible.

*(Amended 04/04/11)*

- (f) This section shall be effective November 4, 2012 for new, existing or replaced fuel tanks.

*(Amended 4/7/08, 09/16/10)*

## **ARTICLE V. EXISTING STRUCTURES IN FLOODPLAIN AREAS**

### **Sec. 30-21. Existing structures.**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (a) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC and the appropriate provisions of this ordinance.
- (b) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (5) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

## **ARTICLE VI. VARIANCES**

### **Sec. 30-22. Factors to be considered.**

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (a) The showing of good and sufficient cause.
- (b) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one (1) percent chance in one hundred (100)-year flood elevation.
- (c) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (d) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

- (f) The importance of the services provided by the proposed facility to the community.
- (g) The requirements of the facility for a waterfront location.
- (h) The availability of alternative locations not subject to flooding for the proposed use.
- (i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (k) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (l) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (m) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (n) Such other factors which are relevant to the purposes of this ordinance.

All applicants must obtain documentation pertaining to the request for a variance from a Virginia certified engineer to evaluate the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters prior to referring such to the board of zoning appeals.

Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in

- (1) unacceptable or prohibited increases in flood heights,
- (2) additional threats to public safety,
- (3) extraordinary public expense; and will not
- (4) create nuisances,
- (5) cause fraud or victimization of the public, or

(6) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

## **ARTICLE VII. ENACTMENT**

This ordinance shall become effective upon passage on April 7, 2014. Amendments approved on April 6, 2015 with an effective date of May 18, 2015.

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Town Manager Tolbert explained that the proposed changes to the Harbor Ordinances which are already being done by the Harbormaster. They wanted to update the Ordinances to reflect those authorities and changes. He reviewed the changes in the annual lease date to July 1<sup>st</sup>, sleeping on vessels is not permitted, unless they are awaiting repairs at the Harbormaster's discretion, storage would be at the discretion of the Harbormaster, repairs at the discretion of the Harbormaster and no selling of fuel from outside vendors at the Harbor.

Councilwoman Bowden stated that the fuel pumps at the Harbor are not user friendly. She explained she used her credit card and had to put in an amount between \$10 - \$50 up front and the pumps cut off before the amount she put in.

Mayor Leonard advised that it is for a preapproval.

Councilman Reed added that it will only charge for what you've pumped. Councilwoman Bowden asked for instructions to be put there. She explained her experience further. She would like to see a regular system.

Town Manager Tolbert advised he will have the Harbormaster look into it. He added that they are getting a new credit card reader for the chip as opposed to the swipe.

There was further explanation.

Councilwoman Bowden suggested putting signage with instruction at the pumps.

Town Manager Tolbert continued reviewing the proposed changes. He added that they changed the verbiage that no discharging of firearms by private citizens. He explained that the police officers will go down there to shoot from time to time.

**Councilman Reed motioned, seconded by Councilman Bott to approve the changes in Division 3 of the Code of Chincoteague as presented. Unanimously approved.**

### **DIVISION 3. USE OF HARBORS, WHARVES, BOAT SLIPS, LAND**

Sec. 70-91. Mooring permit required for use or occupancy.

- (a) It shall be unlawful for any person to use, occupy or moor a boat to any part of the Curtis Merritt Harbor of Refuge without first having obtained a mooring permit, or the authority of the harbor master as provided in this article, for such use, occupation docking, or mooring.

*(Amended 08/07/06, 03/04/13)*

- (b) All mooring permits for the use or occupancy of boat slips, wharfage or land within the harbor shall be in writing on forms authorized by the town and submitted to and approved by the harbor master or his designated representative.

*(Amended 08/07/06, 03/04/13)*

- (c) All fees for mooring permits shall become due and payable on each ~~June~~ **July** 1<sup>st</sup> at the town office. All fees are non-refundable, except as may be provided for in the mooring permit.

. 70-95. Boat ramp and land area usage.

- (a) The use of the boat ramps and adjacent parking areas of the harbor facility are for the pleasure of all users. No unloading, loading or storage of seafood products or byproducts, nets, poles, dredges or culling of products is permitted except in designated loading and unloading areas as hereinafter provided. At the discretion of the harbor master, a temporary variance may be granted when an emergency exists or there is other just cause therefore.

*(Amended 08/07/06)*

- (b) Overnight habitation of vessels, boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at the harbor facility, is prohibited except by special authority given by the harbor master **for transient vessels of less than 5 days** or critical emergency situations.

(Code 1977, § 9-3(D)) *(Amended 05/05/03, 08/07/06)*

- (c) Persons utilizing a boat ramp at the harbor shall launch or recover any boat as promptly as possible giving consideration to the safety of persons and property, and shall not unnecessarily impede the use of such ramp by other users.

*(Adopted 08/07/06)*

Sec. 70-96. Designated loading and unloading areas.

- (a) The harbor master shall designate a specified wharfage area for the loading and unloading of both commercial and pleasure boats which areas shall be designated and with appropriate signage.

***(Amended 08/07/06, 03/04/13)***

- (b) Except in an emergency, it shall be unlawful to use the loading and unloading wharfage area for the mooring of boats. In an emergency, the mooring shall be as approved by the harbor master or his designated agent.

***(Amended 10/03/05, 08/07/06, 03/04/13)***

- (c) Wharfage for inbound or outbound cargo placed on the loading and unloading area shall be limited to 24 hours without charge. Wharfage for all boats shall be limited to eight hours without charge.

***(Amended 05/05/03, 10/03/05, 08/07/06)***

- (d) Under no circumstances shall any cargo remain on the loading and unloading area in excess of the free time, except on the express authorization of the harbor committee or harbor master. The loading and unloading area or any other upland area of the harbor facility shall not be utilized for storage purposes. Cargo equipment of whatever kind placed thereon shall remain thereon at the risk of the consignee or owner and shall be removed within a reasonable length of time, which shall not exceed 24 hours except on the express authorization of the harbor committee or harbor master.

***(Code 1977, § 9-3(E)) (Amended 08/07/06)***

**Sec. 70-97. Use of harbor for anchoring or mooring.**

- (a) No boat shall be moored or anchored inside the harbor without the permission of the harbor master, at such points as shall be designated.

***(Amended 08/07/06, 03/04/13)***

- (b) No boat shall operate or be moored or anchored in such a manner as to obstruct the passage, approaches, berthing offloading, or loading, or use of the launching ramp by other boats at the harbor.

***(Amended 08/07/06)***

- (c) No person operating any boat shall utilize in any way any bulkhead, dock or slip space within the harbor except that portion which is permitted by the harbor master. ***(Amended 08/07/06, 03/04/13)***

**Sec. 70-98. Speed limit.**

All boats entering, leaving, or navigating in the harbor shall be operated in such a manner so as not to create a swell sufficient to cause damage to the other boats moored, anchored, offloading, loading or utilizing the boat ramps at the harbor.

***(Code 1977, § 9-3(G)) (Amended 08/07/06)***

**Sec. 70-99. Dock boxes.**

Dock boxes may be provided and utilized by each mooring permit holder at the harbor, provided that the design, materials, colors, and location are approved in writing by the harbor master.

(Code 1977, § 9-3(H)) (*Amended 08/07/06, 03/04/13*)

Sec. 70-100. Storage.

Crab traps, lobster pots, fish nets, baskets, fish boxes and all other types of gear shall not be stored on the docks or upland areas except area that may be designated by the harbor master. Boats shall not be stored on the docks, adjacent waterways or upland areas of the harbor **without the expressed permission of the harbor master.**

(Code 1977, § 9-3(I)) (*Amended 08/07/06, 03/04/13*)

Sec. 70-101. Fuel.

No fuel, either diesel or gasoline, shall be stored on the docks or upland areas of the harbor. ~~Fuels shall only be sold at the harbor by licensed fuel dealers.~~ **All fuels sold at the Harbor shall be through the Town's established fuel vending system. No private fuel sales or resales shall be permitted on the Harbor premises unless approved by the Harbor Master during an emergency.** Transportation of fuels by a mooring permit holder is permitted, providing the containers are safe and properly secured on the lessee's vehicle. All such containers and vehicles must be approved by the harbor master.

(Code 1977, § 9-3(J)) (*Amended 08/07/06, 03/04/13*)

Sec. 70-102. Oversized vessels.

Boats longer than 15 percent of the length of the harbor slip requested will not be permitted unless special permission is granted by the committee.

(Code 1977, § 9-3(K)) (*Amended 08/07/06*)

Sec. 70-103. Trespassing.

No person shall enter the harbor between the hours of 10:00 p.m. and 6:00 a.m., except for mooring permit holders and their guests and other duly authorized persons. Any such entry shall constitute a criminal trespass.

(Code 1977, § 9-3(L)) (*Amended 08/07/06, 03/04/13*)

Sec. 70-104. Prohibited conduct.

Within the harbor, the upland area adjacent thereto, and the spoil site, the following conduct is expressly prohibited:

- (a) crabbing
- (b) swimming
- (c) fishing
- (d) camping
- (e) bathing
- (f) overhaul or repair of boats, **without the permission of the harbor master.**
- (h) discharge of firearms, **by private citizens.**
- (i) parking, except as expressly permitted by appropriate signage or the harbor master.

(Code 1977, § 9-3(M)) (*Amended 08/07/06, 03/04/13*)



Sec. 70-105. Other rules and regulations.

In addition to all other rules or regulations pertaining to the use of the harbor, the following additional rules and regulations shall be in effect:

- a. Overnight parking is prohibited without a current ramp user fee sticker and then only if the vessel is underway.
- b. Two (2) hour parking if not under way on boat or vessel.

*(Adopted 08/07/06, 03/04/13)*

## **7. Review State of Emergency**

Emergency Management Coordinator Rush reported things are getting better statewide. There is a moving average of 6.5%. Chincoteague has had 14 positive cases and 402 tested locally. He feels that the reason for the positive tests is because people are getting complaisant but not problematic. Today is day 153 of COVID, and 152 days in a State of Emergency. He stated that they are watching the tropical storms. He added that all the COVID measures will have to apply during hurricane shelters. He mentioned plans to allow pets at specific shelters.

Councilman Bott asked if he was receiving hospital metrics in his daily reports.

Emergency Management Coordinator Rush advised they are still reporting hospital metrics. There is a decrease in hospitalizations. There was 1 new death reported in the County and no new hospitalizations reported in the last few days.

Councilman Bott asked, with all the college students returning to school, where the positive tests will be recorded.

Emergency Management Coordinator Rush advised this has been asked but not answered. The testing is supposed to come back to the address. However, if the student is living in a dorm, it should be recorded at that school.

Councilwoman Bowden mentioned the daily reports and expressed concerns about the increases.

Emergency Management Coordinator Rush stated that the averages are going down and the testing is up.

Councilwoman Bowden asked if the college students are being tested when they get there.

Emergency Management Coordinator Rush advised that it depends on the college. There are some that are being tested when they arrive, and some not. There are some colleges quarantining students for 14 days. There are no set standards only recommendations.

Councilman McComb mentioned the meeting with FEMA last week.

Emergency Management Coordinator Rush advised he along with Mayor Leonard and Town Manager Tolbert were able to meet with FEMA Administrator, Mr. Pete Gaynor at the County

EOC to show them what raw America looks like on the Shore. They brought up funding and showed that they can put the Eastern Shore up with other states in response. However, as far as recovery they will falter. They were given contact information for grants, some of which the Town should qualify for.

Mayor Leonard stated that Emergency Management Coordinator Rush brought up a point that the Shore is separated from the rest of Virginia. In the state level, some committees created a state coin of which the Eastern Shore was left off.

## **8. Mayor & Council Announcements or Comments**

Councilman Taylor expressed his appreciation and asked for prayers for all of the frontline workers including those working in the Island businesses.

Councilwoman Bowden asked about the Meals & Transient Occupancy Tax reporting that shows the Town is down approximately \$78,000

Town Manager Tolbert advised they are down \$78,000 based on last year's calculations.

Councilwoman Bowden feels this wasn't as bad as she thought.

Town Manager Tolbert stated that today was the deadline to report and pay and those totals were included in the report.

There were comments.

Councilwoman Bowden stated that a charter boat captain expressed his concerns to her about water flow in the Inlet and erosion near the property where the ship's mast is.

Mayor Leonard stated that the marsh is constantly being beaten and the berm had some storm damage. He advised that Harbormaster Merritt plans to secure the shifted concrete and reinforce those weak areas. They've talked to the Army Corps of Engineers about a study. The funding request failed in the General Assembly. He mentioned that the Navy is talking about the possibility of doing work on Wallops. He would like to join with them to help with funding.

Councilwoman Bowden feels something needs to be done as soon as possible and it doesn't need to wait.

Councilman McComb stated that we're seeing more flooding and more erosion after storms at the southern end of the Island.

Councilwoman Bowden feels they need to pressure Delegate Bloxom, Senator Lewis and anyone else to get something moving along.

Mayor Leonard stated that it all goes back to the Army Corps of Engineers and they've been cutting funding. He added that universities from different areas were here to do studies on the

Inlet. He was unsure of the results. He suggested getting in touch with VIMS about the study they've done.

Councilwoman Bowden urged Council to get this done.

There was discussion regarding the work being done to Wallops.

Town Manager Tolbert advised he has sent an email to Council of Wallops' new bridge and advised they're asking for the Town's comments.

There was discussion.

Councilwoman Bowden also expressed concerns that the Town isn't buying locally if at all possible. She added that the local businesses are paying taxes here and they deserve the 1<sup>st</sup> shot above all else.

Town Manager Tolbert advised that he is in the process of writing a Vehicle Service Contract for those vehicle service providers. He intends to put it out to those businesses on the Island and off the Island. He stated that this is for things not done in-house. He also stated that they will have to include rates, insurance, certifications, etc. This should give the Town the lowest price and the best service.

Councilman Reed stated that they need to keep it with Town businesses. He added that the only time a Town vehicle should go off the Island for work is for warranty work or a recall.

Councilman McComb stated that they need to make sure the prices are good. He added that all of the local vendors should have a chance. He also stated that banks, who pay franchise tax, should have the same opportunity along with other businesses.

Councilwoman Bowden stated that if the Town is taking business off the Island is a slap in the face to the Island businesses. She added that they're paying Business Licenses and taxes and should be considered.

Councilman Taylor agreed and stated that he would put their prices against anyone, and feels they're as competitive as anyone.

Councilwoman Richardson suggested putting "Thank you" on the lighted road sign at the bridge.

Town Manager Tolbert reported that the sign is not working. He offered to check on it.

## **9. Adjournment**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

## ***CHINCOTEAGUE TOWN COUNCIL MEETING***

### **Council Members Present:**

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

### **Council Members Absent:**

None

### **Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Harvey Spurlock, Public Works Director

### **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 Comment**

Mayor Leonard opened the public comment.

- Ms. Julie Brommer, President of Chincoteague Island Community Cats, updated Council of what they have accomplished over the past few months. They have tracked, spayed or neutered 16 cats since June, relocate 10 kittens and vaccinated 11 cats. She added that there were 19 cats trapped in the Inlet View area with help from the local Animal Control, citizens and volunteers. The project manager and developer allowed this and advised they would stay in touch with her.

Councilman Taylor thanked her for what she is doing.

Councilwoman Bowden stated that she has had nothing but compliments for this organization and thanked her and the efforts of her group.

- Town Manager Tolbert read a letter from Mr. Matthew L. Merritt. His letter was in

reference to Tom's Cove Park regarding all visitors who had to vacate the Town following the Governor's Order #53. They were denied their request for a credit for the number of days they were not allowed to occupy their annual lease at Tom's Cove. Mr. Merritt asked Council to urge them to refund.

- Mr. Steve Katsetos, Steve's Express II, 6290 Chester Park Drive, came before Council regarding the plans to put in a sidewalk on the north side of Maddox Boulevard. He is concerned that they will be taking away his parking. He would rather the Town spend the money on drainage and a pump station in that area. He commented further.

Mayor Leonard asked Mr. Katsetos to speak with the Town Manager. He added that most of the property is the Town's right-of-way.

Councilman Taylor advised that the Town owns a 100' right-of-way from Eel Creek to just past McDonald's. He gave the ownership history of the property.

Councilwoman Bowden added that the money for the bike path is from the Sarbanes Grant and is not the Town's money. It has to be used for a specific purpose.

Discussion continued.

Councilwoman Richardson suggested that the Public Works Committee meet about this.

Town Manager Tolbert stated that this was an idea in the office they were exploring. The Town would never impede private property.

They discussed other alternatives and referred it to the Public Works Committee.

## 5. **Agenda Adoption**

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

## 6. **Staff Update**

### General Government

Town Manager Tolbert reviewed the report. They are receiving prices on the first of 3 playground structures for the new Smith Street Park. Public Works staff will begin work on the soccer field soon. He and Public Works Director Spurlock took a tour of the NASA water filtration plant. The Office of Drinking Water has not conducted an inspection of the plant. Nasa was asked to do some operational testing drawing down the wells for several days and other sources for 30 days. They are currently planning to conduct these tests. There is no power to the plant as of yet for the lights. He also advised there will be a presentation of the concept of what could be done with the firehouse at the workshop meeting on the 17<sup>th</sup>.

Councilwoman Bowden stated that the Fire Company will have a Zoom meeting on the 14<sup>th</sup> to have information ready for the presentation on the 17<sup>th</sup>.

Town Manager Tolbert reviewed the month and year to date budget. They will have to a budget amendment for the C.A.R.E.S. Act. He also reported on the Meals Tax and Transient Occupancy Tax revenues for August 2020 vs. August 2019, 2018 and 2017. Meals Tax is down \$18,000 and up approximately \$2,900 on Transient Occupancy Tax. He advised that as of Thursday morning, they have given away 53 checks totaling \$212,000. They will be discussing the C.A.R.E.S. Act money at the Budget and Personnel Committee meeting tomorrow. They will receive an identical amount of money in the 2<sup>nd</sup> round.

Councilwoman Bowden mentioned the Trolley system. She stated that she has never seen more than 2 people on the trolley. She would like to see the Trolley revenue over the past few years. She feels it's not utilized.

There were comments.

Councilman McComb agreed, he would like to see the past few years of revenue for the trolley system.

Councilwoman Richardson advised they received the grant to alleviate traffic on the street. The revenues are down this year because they aren't charging.

Town Manager Tolbert advised there is a reimbursement payment that hasn't been issued. He added that there is a matching grant that goes along with this that is costing the Town money.

Councilwoman Bowden asked for the ridership count over the past couple of years.

Vice Mayor Bott asked for a historical financial information.

There were further comments and discussions.

#### Public Works Department

Public Works Director Spurlock reported there were 351 requests for brush and storm debris collection. All Town restrooms are sanitized every 2 hours, 7 days a week without incurring overtime. The Fall Paving Contract and the Sarbanes Project, which is the balance of the funds will be discussed later in the meeting. The brochure was produced for the Multi-Modal Trail.

Councilman McComb asked if there was a date to spend the remainder of the Sarbanes funds.

Public Works Director Spurlock stated that it is a 5-year grant and they're on schedule.

#### Police Department

Chief Fisher advised the report is in the agenda packet. He urged Council to look into the bill called "Qualified Unity". He stated that it has been kicked out twice and it is being brought back up again. If this passes this will cost the Town a lot of money. He suggested contacting our representatives.

Town Manager Tolbert stated that the email will explain of the bill, who is doing it along with a cost analysis.

Chief Fisher reminded everyone that the Poker Run is this Saturday. There is no auction or block party this year.

#### Emergency Services

Emergency Management Coordinator Rush advised that with increase in occupancy there is also an increase in medical emergencies. There were 116 for August which is 14 more than the same period last year. There is an Antares Launch scheduled for September 29<sup>th</sup> at 10:26 p.m. Public Works did a great job collecting debris. They are still tracking COVID expenses, which has been down.

### **7. Review State of Emergency**

Emergency Management Coordinator Rush reported they are up to 19 active cases, which is up 5 from what was reported August 20<sup>th</sup>. Chincoteague is still safe as long as they follow guidelines. They are 182 days into COVID-19. Testing is higher as well with results coming back within 3-7 days. Thursday, September 10<sup>th</sup> is the height of hurricane season. There are 4 areas of interest in the Atlantic. He reviewed the current storms, probabilities, and safety precautions.

### **8. Committee Reports**

#### Ordinance Committee

Councilman Reed stated that they discussed the Electronic Summons Ordinance and the \$5 fee that would be added. They considered to changes in the Flood Ordinance allowing nothing below the 2' freeboard. They also approved the Remote Meeting Participation Ordinance.

#### Harbor Committee

Mayor Leonard advised they discussed updating the Ordinances that they were allowing the Harbormaster to do. They also decided to put in another floating dock. He stated they were up \$63,000 in fuel. He had someone thank him that their fuel costs were so low.

#### Cemetery Committee

Councilwoman Richardson advised they met last Thursday. They have received a request to add the Reynolds' Cemetery to cut grass as the citizens that have been maintaining it are no longer able to. The Town will not maintain the vaults, only cut grass. They have received a \$300 donation from the Christ United Methodist Church. She commented further thanking those who donated to help maintain cemeteries and to purchase 2 trash cans. Mrs. Betts have had a lot of vault tops replaced and repaired. There are tree roots they should be taken care of off of Smith Street. They are currently surveying headstones and repairs that need to be done and will meet, October 1<sup>st</sup> to prioritize the survey.

### **9. Adoption of the Minutes of the August 3<sup>rd</sup>, and August 20<sup>th</sup>, 2020 Council Meetings.**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the August 3<sup>rd</sup>, and August 20<sup>th</sup>, 2020 Council meetings as presented. Unanimously approved.**

#### **10. Award of Paving and Multi-Modal Sidewalk Contract**

Town Manager Tolbert reported that the Fall Paving Contract bid was \$413,209 from Branscome, Inc. for paving, milling, and sidewalks. This will be funded by the Virginia Department of Transportation Urban Maintenance Program.

There was discussion.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the Fall Paving Contract Award to Branscome, Inc. in the amount of \$413,209. Unanimously approved.**

Town Manager Tolbert also advised that the next bid was for the Sidewalk Construction as part of the FWS Multi-modal Trail Construction Grant. This is the balance of the grant and will pay for sidewalks on Maddox Boulevard from Chicken City Road to Eel Creek and a portion of the Maddox traffic circle. The bid was \$260,842.

Public Works Director Spurlock asked if Council wanted to spend the balance of the Sarbanes Grant on sidewalks or adding a little paving to the contract.

Town Manager Tolbert explained a suggestion to put asphalt beyond Eel Creek to the circle as opposed to sidewalk there to save some money.

There was discussion.

**Vice Mayor Bott motioned, seconded by Councilman Reed to approve the Paving and Multi-Modal Sidewalk/Paving Contract Award to Branscome, Inc. in the amount of \$260,842. Unanimously approved.**

#### **11. Chamber of Commerce Presentation**

Executive Director Shotwell came before Council regarding a letter the Chamber Board sent dated August 20<sup>th</sup>. She reviewed the letter and explained that they are in need of financial assistance due to canceled events. They have had 1 employee in the office since May 2<sup>nd</sup>. She asked Council to consider assistance. She explained some marketing they have been doing and plans for fundraising events. She again asked for help.

Councilwoman Richardson asked how much they are asking for.

Executive Director Shotwell responded that they have loss revenues in the amount of \$130,000.



Councilman McComb stated that the County was able to give \$20,000. He stated that the Chamber makes roughly \$50,000 per festival. They have a good amount of money tied up in next year's festival and refunds. They are looking at an issue of solvency for the Chamber.

Mayor Leonard stated that they can address this at the Budget and Personnel Committee meeting tomorrow night at 5:00 p.m.

Center Director Webb also came before Council advising of the Center's financial shortfalls. She advised that during the closure they have suffered a loss of \$30,000. She gave a handout showing the canceled events, future plans, etc. They are offering meeting space and classroom spaces for people who need access to the Center's highspeed internet. They are planning to move forward with the fall yard sale but will have it outside to be able to stay within the guidelines.

Councilwoman Bowden asked how they plan to get the word out that they are offering space.

Center Director Webb responded that they will put it out on social media, press releases, local newspapers and the Chamber.

## **12. Mayor and Council Comment**

Councilwoman Richardson asked for the cost to fly the mosquito airplane.

Town Manager Tolbert responded that it takes \$210 per gallon for the chemical, they use 40 gallons, which is \$8,400 in chemicals each time they spray. The plane is approximately \$4,000 per flight, based on 6 flights per season. Insurance is \$1,000 per flight. Each flight is roughly \$13,000. They have to plan a flight with the weather conditions. They have to compete with the state of Delaware who has a contract with them as well. They have to compete with the NAVY for airspace. They have to plan a flight after a hatching so that it is effective. They have to notify certain Island residents who keep bees and restaurants for outdoor seating along with others who requested to be notified when a flight is scheduled. He advised he is trying to be very cautious with flights. They have scheduled the plane tentatively for Friday morning. They want to make sure it is being done right.

There was further discussion about the mosquito control budget, complaints, flight patterns and times of spraying.

Councilwoman Bowden stated that the Fire Department is having another fundraising event, Pony Fries and Fritters on September 19<sup>th</sup> from 2:00 p.m. to 6:00 p.m. She concluded with "Go Yankees".

Vice Mayor Bott expressed concerns regarding the work being done at the Inlet View property. He understands there will be a lot of dirt brought in by many trucks. He would like to see some communication between the Town and Bluewater. There is somewhat of a bad road near the Harbor and it would be nice if they could give a better access and turnoff.

Town Manager Tolbert stated that he spoke with the developer and superintendent to try to steer them toward alternatives. They haven't been successful but have made them aware.

Vice Mayor Bott stated that with the volume of traffic, they will need a bike path and new, wider roads. He feels the road is already in rough shape.

Councilman McComb agreed and expressed his concerns that there will be a lot of campers and big equipment in that part of town. He would like to partner with them if possible.

Councilman Taylor stated that Mrs. Karen Hipple has been with the Town a long time and done a good job. She's been a part of not having to raise taxes. He added that Mr. Kenny Lewis has done a very good job making this a Town people want to visit. He wanted them to know Council appreciates them for all they have done for the Town, as well as all of the employees.

**13. Closed Meeting in Accordance with §2.2-3711 (A)(1,3) of the Code of Virginia to Discuss Personnel Matters and Acquisition of Property**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711A(1,3) of the Code of Virginia to discuss personnel matters and acquisition of property. Unanimously approved.**

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

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to certify the closed meeting in accordance with §2.2-372 (D) of the Code of Virginia. Unanimously approved.**

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

**15. Adjournment**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn. Unanimously approved**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE SEPTEMBER 17, 2020  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Council Members Absent:**

None

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Larry Welsh, Transportation Director

**1. Call to Order**

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

**2. Invocation**

Councilman McComb offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Agenda Adoption**

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

**5. Review of State of Emergency**

Emergency Management Coordinator Rush advised he gave Council a new Hurricane Evacuation Guide adding that Chincoteague is in Zone A. Under the State of Emergency, they are on day 190 of the event with an incident rate is 6.7%. The Island is up to 22 cases throughout the event with 484 tested.

Councilwoman Bowden asked about Halloween.

Emergency Management Coordinator Rush advised they will have Trick-or-Treating, Saturday, October 31<sup>st</sup>. They plan to do the parking passes for Sunnywood Manor again this year. The Downtown Merchants will still have their walk-through Town. They would like to keep things as normal as possible.

## **6. Historic Firehouse Redevelopment**

Mr. Grayson Williams, ANPDC, introduced Ms. Elaine Meil, the Executive Director with ANPDC, and Mr. David Hill, President of Hill Studio and Ms. Maria Saxton, Environmental Planner with Hill Studio. They reviewed the survey results and the concepts for the Firehouse Redevelopment Project. They also reviewed costs, potential funding, and revenues with a suggestion to use an investment partner.

There were questions regarding tax credits, sewer related expenses, grants, and annual income. They discussed use of the outside pad, rental rates, and feasibility. Council thanked them for the presentation.

## **7. Consider C.A.R.E.S. Act 2.0 Program**

Town Manager Tolbert explained that the rules are the same as the first round. He reviewed the suggestions from the Budget and Personnel Committee:

1. A continuation of the small business and waterman's grants with the following modified conditions;
  - a. Affected businesses will qualify if all town taxes are paid and a valid business license has been purchased at the time the application is submitted. Those receiving an award previously (round 1) will not be eligible for round 2. Home Occupations could be eligible. Rental homes would not be eligible.
  - b. Waterman with a valid VMRC waterman's card and paid up Town taxes that can prove with a 1099, bill of sale or other method that they have harvested and sold at least \$15,000 of seafood in the last 12 months will be eligible for a round 2 award.
  - c. Applicants will be qualified on a first come first served basis.
2. Town expenses for telecommuting such as laptop computers, a server replacement and council iPads are qualifying expenditures. Some of these expenditures have already been made by the Town.
3. Hazard Pay for those employees whose assigned duties require them to be in close contact with potentially positive cases is a qualifying expenditure. The Budget and Personnel committee recommended \$2 per hour with consideration to the payroll expense. This would be paid to all EMS and Police personnel as well as those Public Works employees that have been assigned to the cleaning of public restrooms for the time period of March 1 through June 30.
4. Some qualifying Public Works projects such as the erection of plexiglass barriers in the Town office, Chamber and Voting Polls qualify.
5. Existing purchases as well as purchases of stock PPE and other materials used for the prevention of COVID which qualify.

Town Manager Tolbert also reviewed the Town's expenditure chart for reimbursement through the C.A.R.E.S. Act. There is approximately \$260,000 to spend. If there are more businesses that apply and qualify, they would receive the grant off the top or give out more grant money.

Councilwoman Bowden asked for clarification regarding the 2<sup>nd</sup> round.

Town Manager Tolbert explained that those businesses and/or watermen that received money in the first round are not eligible this time. The Town could strike that requirement if they wanted to give extra money.

Councilman McComb feels the motels have been hit the hardest. He asked if there was anything the Town could do to help them.

Town Manager Tolbert advised that Council could craft this to any guidelines if they wish.

There was discussion as to why more businesses didn't apply.

Town Manager Tolbert stated that a few applications in the first round didn't qualify. Some businesses didn't apply because they felt they didn't need it as much as someone else. He added that he will put it in the paper making it clear.

Council further discussed the criteria.

**Councilman McComb motioned, seconded by Councilwoman Bowden to pass the C.A.R.E.S. Act 2.0 Program as presented. Unanimously approved.**

## **8. Trolley Program Review**

Town Manager Tolbert reviewed the Trolley Program Report showing expenditures, revenue, Federal, State and RTAP Funding from 2016 to date. He explained that the Town can't make money on the Trolley Service. He reviewed ridership which is down due to COVID. This year the DRPT is paying the Town through the C.A.R.E.S. Act money. He added that the Trolley Program hasn't cost the Town anything this year.

There was brief discussion about past ridership and more of an expense to the Town that it makes. There was an explanation that the federal funding varies from year to year.

Councilwoman Bowden doesn't feel they make enough in the Trolley Program to justify it.

Town Manager Tolbert doesn't believe the Town will ever breakeven but feels if they're going to continue with the Trolley then they need to put money into it. He asked if Council wanted to continue with the Trolley Program.

Discussion continued that they could make changes to accommodate the businesses a little more.

## **9. Consider Strategic Financial Plan Proposal**

Town Manager Tolbert stated that the idea to create a Strategic Financial Plan was proposed and he called Mr. Robert Lauterberg with VACO who sent a sample plan from Lovettsville. He feels it's concise and easy to read. It also accomplishes what the Town wants to do. The Budget and Personnel Committee approved this and is recommending it to Council. It will be similar to the Lovettsville Plan but tailored to the Town. There would be a few conference calls with staff for information, they would come on-site meeting with Council and staff to narrow down what they want to see and the best practices. They would then present a draft to Council for review. It would only take them 60 days to complete. The fee is \$7,500; however, the Town qualifies for a \$2,500 grant from the Virginia Local Government Finance Corporation, which would cost \$5,000. He feels it is an excellent time to do this with a new Town Manager and Finance Director. This would give the Town a road map as we go through the process. He and the Budget and Personnel Committee recommended Council approve this.

**Councilwoman Bowden motioned, seconded by Councilman McComb that they approve \$5,000 expenditure for the creation of a Strategic Financial Plan. Unanimously approved.**

#### **10. Consider Chamber Donation**

There was discussion regarding the Chamber loss of revenues due to cancellation of their large events, looking into saving for future catastrophic events, along with fundraising plans to include workshops and seminars to help businesses building new resiliency plans.

**Councilman Reed motioned, seconded by Councilman McComb to give the Chamber a donation of \$25,000. Unanimously approved.**

#### **11. Mayor & Council Announcements or Comments**

Councilman Taylor stated that he prays that everyone gets back to good health. He also thanked everyone for their work on the frontlines.

Councilman McComb congratulated Chief Fisher and his team on a successful Poker Run. He wished Mr. Kenny Lewis and Mrs. Karen Hipple well and commented on their years with the Town. He also congratulated Mrs. Kelly Lewis and Mr. Mark Bowden on their new positions with the Town.

Councilwoman Bowden agreed.

Mayor Leonard also agreed and wished Mr. Lewis and Mrs. Hipple well on their retirement as they did an outstanding job. He is looking forward to working with Mr. Bowden and Mrs. Lewis in their new positions.

#### **12. Adjournment**

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adjourn.  
Unanimously approved**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE OCTOBER 5, 2020  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

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

**Council Members Absent:**

None

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Harvey Spurlock, Public Works Director  
Mrs. Kelly S. Lewis, Finance Director  
Mr. Mark Bowden, Building and Zoning 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. Chamber Presentation**

Chincoteague Chamber President, Mr. Benjy Holloway presented Ms. Sue Johnson of Blue Crab Treasures with the Leonard Buddy Burton Businessperson of the Year Award. He also presented Mrs. Valerie Tolbert with the John W. Shields Citizen of the Year Award.

## **5. Public Comment**

There was none.

## **6. Agenda Adoption**

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

## **7. Staff Reports**

### General Government

Town Manager Tolbert reviewed the report. He advised of the FOIA training in September that 3 staff members attended. The Virginia Department of Health has approved the filtration plant. However, the Town has required operational tests over several days and to ensure it is doing its job. The DEQ has been contacted who confirmed the Town's concerns. He agreed that the testing should be done. He reported on the second round of the C.A.R.E.S. Act funding with 34 applications of both watermen and businesses that have been handed out. They are due 10:00 a.m. tomorrow. He added that just over 30 EMS, Police and Public Works employees have received hazard pay.

Town Manager Tolbert advised that Mrs. Karen Hipple retired on September 11<sup>th</sup>. She was known as the Town historian. He announced that Mrs. Kelly Lewis is the new Finance Director who has been with the Town a long time. He introduced Mr. Mark Bowden as the new Building and Zoning Administrator who was the former Deputy Director of the Building Office with County Accomack for 26 years. He advised Mr. Bowden very experienced and has been studying the Town's Zoning Ordinances. He expressed that he is excited to work with both of them. He added that they are very professional and will fill the positions well. He also congratulated Mr. Lewis and Mrs. Hipple for a job well done and added that Chincoteague is better because they were here so long.

Town Manager Tolbert reviewed the Financial Report explaining the differentials from last year. He reviewed the revenues from the Meals and Transient Occupancy Taxes. He added that Mr. Lauterberg with VML-VACo Finance was contacted about the financial study and agreed to complete the study within 60 days.

### Police Department

Chief Fisher thanked Mayor Leonard and Council for the C.A.R.E.S. Act Hazard Pay for his officers. He stated that the Poker Run this year, although abbreviated was successful with 93 people. He feels everyone had a good time. He requested, provided COVID is gone, to close Main Street from Church Street to Mumford Street for the 2021 Poker Run and Block Party.



Council agreed.

Chief Fisher thanked Public Works Director Spurlock and the Public Works staff for their assistance with the launch. They will be assisting the Chamber with DIY Oyster Festival next Saturday.

Councilwoman Bowden asked about the report for supporting U. S. Fish and Wildlife.

Chief Fisher explained that when the Town had 911 they dispatched for both the Town and U. S. Fish and Wildlife. He advised that the U. S. Fish and Wildlife were then dispatched by Williamsburg. He stated that he was contacted that the U. S. Fish and Wildlife was getting ready to be dispatched from Phoenix, AZ and they requested to be dispatched by the Police Dispatchers and the Town agreed. He added that the officers assist the U. S. Fish and Wildlife if and when needed.

Councilwoman Bowden thanked Chief Fisher and the Police Department for their help with traffic control during the Fire Company's Fry and Fritter night. She added that they are planning to do it again. She stated that they didn't predict the amount of support from all over the Shore with someone coming from Lewes, DE.

#### Public Works Department

Public Works Director Spurlock thanked Council for the C.A.R.E.S. Act Hazard Pay. He reviewed a PowerPoint presentation showing pictures and giving an update on the progress of the fall paving along with the Mumford Street project. He stated that weather permitting, the final pavement will be in by November 9<sup>th</sup>.

Mayor Leonard advised of a compliment on how clean all of the Town restrooms are.

#### Emergency Services

Emergency Management Coordinator Rush thanked Mayor Leonard and the Town Council for the C.A.R.E.S. Act Hazard Pay for the EMS staff. He advised that they had 9 more calls in September 2020 than they did in September of 2019, which was the busiest year on record. They planned for the recent Antares launch. They are still trying to get PPE. They are also conducting virtual continuing education. He thanked the Public Works and the Police Departments on their help with the launch.

### **8. Review State of Emergency**

Emergency Management Coordinator Rush reported they have 30 reported cases with 8 or 9 active cases. They are on day 209. He reviewed the statistics. He warned that there could be an outbreak later in the fall or winter months and to take precautions. The next scheduled launch is February 2021. The Downtown Merchants and the Chamber have met to discuss Halloween. He announced that they will have Halloween on Chincoteague this year. They will ask people to social distance, wash their hands and wear masks while in a group. They will have the Tree Lighting Event and the Christmas Parade is on schedule. He mentioned the tropics with Hurricane Delta which will make landfall later in the week as a category 2 hurricane. This could

affect the Eastern Shore later in the weekend. He reminded everyone to wash their hands, wear their masks and watch social distancing.

**9. Adoption of the Minutes of the August 3<sup>rd</sup>, and August 20<sup>th</sup>, 2020 Council Meetings.**

Town Manager Tolbert was advised of a change regarding a letter he read at the September 8<sup>th</sup> Council meeting. The verbiage sounded as if Town Manager Tolbert was urging Council as opposed to Mr. Matthew L. Merritt urging Council. He asked that this be clarified in the minutes.

**Councilman McComb motioned, seconded by Councilwoman Richardson to adopt the minutes of the August 3<sup>rd</sup>, and August 20<sup>th</sup>, 2020 Council meetings as corrected. Unanimously approved.**

**10. Mayor and Council Comment**

Councilwoman Bowden welcomed and commented on Mrs. Lewis' new position as the Finance Director. She also welcomed Mr. Bowden as the new Building and Zoning Administrator. She congratulated Ms. Johnson and Mrs. Tolbert, agreeing with the selection as they both were well deserving of this recognition. She asked everyone to keep Councilman McComb in their prayers as he is going through some health issues.

Councilman Taylor stated that he is praying for all. He feels that if everyone would treat others nicely the country would be a better place. He encouraged all to count their blessings and thank the Lord for it.

Mayor Leonard concluded with "Roll Tide".

**11. Adjournment**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE OCTOBER 15, 2020  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

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

**Council Members Absent:**

None

William T. McComb, Jr. Councilman  
Matthew Reed, Councilman  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief

**1. Call to Order**

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

**2. Invocation**

Councilman McComb offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Comment**

Mayor Leonard opened the floor for public comment.

- Ms. Nancy Payne, 4296 Main Street, came before Council regarding political signs. She read and the State Code. She also advised that her sign on the corner of Main Street and Maddox Boulevard was vandalized. She added that vandalism and crime should be addressed. She stated that the Town government doesn't make stronger efforts to connect with the people. She suggested paying someone to put weekly updates and the agenda in the local paper. She feels if the Town had posted the political signage rules and regulations she wouldn't be standing before Council.

Councilman Taylor asked Ms. Payne if the Building and Zoning Administrator addressed her signs.

Ms. Payne responded that they have not.

- Mrs. Louisa Flaningham, 5122 Main Street, came before Council to sing the praises of the Police Department. She advised of an incident at the Timothy Hill house and wanted Council to know how well the Police Officers handled the matter. She stated that they were very professional and nice. She also stated that she and her husband are so proud of the Police Department and how seriously they handled the case. Mrs. Flaningham added that the officers made them feel safe. She informed Council that they have now installed some cameras. She expressed how wonderful they were and how good of a job they did.

**5. Agenda Adoption**

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

**6. Proclamation**

Mayor Leonard read the Proclamation.



**PROCLAMATION**

**WHEREAS**, throughout our community there are many cemeteries and family burial grounds; and

**WHEREAS**, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

**WHEREAS**, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

**WHEREAS**, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

**NOW, THEREFORE**, I, Mayor John A. Leonard do hereby proclaim the week of November 7<sup>th</sup> through 13<sup>th</sup>, 2020, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

**DATED** this 15<sup>th</sup> day of October, 2020.

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John A. Leonard, Mayor

ATTEST:

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Michael T. Tolbert, Town Manager

Mayor Leonard asked for help.

Councilwoman Richardson advised they will be cleaning the Mechanics Cemetery on November 7<sup>th</sup>. She invited everyone to come out and help.

## **7. Review of State of Emergency**

Emergency Management Coordinator Rush reported on the state and Eastern Shore statistics of COVID19. He advised that Chincoteague is still at 31 total cases with 642 tested. He showed the slide that was posted on the website and social media regarding Trick-or-Treating. He advised that the Town will have Halloween Trick-or-Treating. He reviewed the safety precautions. He commented on future plans for events and outbreaks. He also added that the downtown will be closed from Church Street to Cropper Street for Trick-or-Treating with the Downtown Merchants.

There were discussions regarding signage for Halloween.

Emergency Management Coordinator Rush also reviewed the tropics adding that November 30<sup>th</sup> is the technical end of Hurricane Season. They are also in recovery and the numbers are staying safe. He anticipates additional cases into the winter months. He feels the fall and winter activities will still happen but modified unless something happens and there is an outbreak.

## **8. Review of CARES Act 2.0 Awards**

Town Manager Tolbert reported that CARES Act 2.0 was successful. He reviewed the total grants issued. They have spent \$503,922 on grant awards, hazard pay, and equipment leaving a balance of \$71,874.73 to spend on qualifying items. He reviewed a list of qualifying items. He asked for input from Council.

There was discussion about the cost of a new dispatch console and if it qualifies for the grant. They also discussed the possibility of purchasing 1 message board and using the rest for the dispatch console.

## **9. Mayor & Council Announcements/Comments**

Councilman Taylor appreciated Mrs. Flaningham's compliment for our officers. He expressed his concerns that more of the younger people don't want to be police officers.

Councilman McComb congratulated the Chamber on a successful DIY Oyster Festival. He also complimented the officers on the traffic control during the event.

Vice Mayor Bott gave kudos to the Town staff on the CARES Act Grants. He stated that they gave close to 84% of the CARES Act money to the businesses and watermen. He is impressed with how quickly and efficiently staff made it happen.

Councilwoman Bowden also thanked Mrs. Flaningham for complimenting the Police Officers. She advised that the Town has come a long way and feels they communicate well with the

website and social media especially with the live meetings. She added that people are going to read what they want. She understands Ms. Payne's frustration.

Ms. Payne commented.

Councilwoman Bowden asked everyone to keep Councilman McComb in their prayers.

**10. Closed Meeting in Accordance with §2.2-3711 (A) (3) of the Code of Virginia to Discuss the Acquisition and of Real Property**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711A(3) of the Code of Virginia to discuss acquisition of property. Unanimously approved.**

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

**Vice Mayor Bott motioned, seconded by Councilwoman Richardson to certify the closed meeting in accordance with §2.2-372 (D) of the Code of Virginia. Unanimously approved.**

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

**12. Adjournment**

**Vice Mayor Bott motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE NOVEMBER 2, 2020  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

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

**Council Members Absent:**

William T. McComb, Jr.

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Harvey Spurlock, Public Works Director  
Mr. Mark Bowden, Building and Zoning 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. Public Comment**

Mayor Leonard opened the public comment.

- Mrs. Monika Roske, a representative from the Chincoteague Island Cats gave an update regarding the upcoming Cat Roundup that will begin Thursday. She also discussed their operation which is paid for by donations and grants. She advised they are collecting supplies.

There were questions and comments.

- Mr. Garry Pinkston, 6264 Mumford Street asked Council for support in having VDOT update the Causeway. He feels it is unsafe and there is nowhere to pull off in an emergency.

- Town Manager Tolbert read a letter from the Chincoteague Volunteer Fire Company regarding the need to hire more Emergency Medical Staff. They have several employees that are out due to illness, injury, and surgeries. They urged Council to approve the hiring of additional staffing to fill the shifts appropriately.

**5. Agenda Adoption**

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

**6. Staff Reports**

General Government

Town Manager Tolbert advised that the office staff has been diligently working on tax bills. He reported that over 10,000 tax bills will be mailed Tuesday morning. He also gave an update on the Filtration Plant at NASA which is complete, and the testing has been proposed and approved. He added that NASA owns and will operate the plant. He reported on the CARES Act. They awarded a total of 88 small businesses and 11 waterman grants which totals \$398,000, \$39,500 to hazard pay for EMS, Police and Public Works employees. He reported on the balance and proposed expenditures. He briefly reviewed the Financial Report, Meals and Transient Occupancy Tax revenues along with Building and Zoning. He reported on the Harbormaster Fishing Tournament. He read a list of those who donated and assisted in the successful event. He thanked Harbormaster Merritt who has done a great job.

#### Public Works

Public Works Director Spurlock reported on the Mumford Street project. The new water main and tie-ins have been completed. The sidewalks should be completed by Friday and the paving is scheduled for the following week. He reported they also painted about 300 fire hydrants.

There were brief comments.

#### Police Department

Chief Fisher reported that the officers are participating in the “No Shave November” fundraiser. He added that Ms. Leonard approached the Police Department for a donation for the Smith Street Park. The Police Department has decided they will sell Police Department hats with the “Be Kind” logo from Brianna Merritt’s wish with the proceeds going to the Smith Street Park in honor of Brianna.

#### Emergency Services

Emergency Management Coordinator Rush reported on the EMS calls for October. He added that they are working on upcoming events.

### **7. Review of State of Emergency**

Emergency Management Coordinator Rush reported on the Virginia, County and Local COVID-19 statistics. He advised of Hurricane Eta which will make landfall Tuesday in Nicaragua. He thanked Public Works Director Spurlock, Chief Fisher for all their help for another successful Halloween. He also thanked USF&W for allowing the Town to use their signboard.

Councilwoman Bowden commented on the Christmas parade route, from the High School to Bunting Road expressing concerns with the large concentration of people in the downtown area.

### **8. Committee Reports**

#### Cemetery Committee

Councilwoman Richardson reported that Cleanup week is November 7<sup>th</sup> through November 13<sup>th</sup>. They will have a cleanup at the Mechanics Cemetery this Saturday from 9am to noon. She invited volunteers to help.



### Public Works Committee

Councilwoman Richardson stated that they discussed the Sarbanes path along Maddox, the storm water check valve purchase and cleaning out the ditches. She added that the County's spider can no longer clean out tidal ditches. She reported that they approved the purchase of a grading bucket for the excavator at a cost of \$3,500 - \$4,000 to be paid for out of the VDOT money.

There was brief discussion.

### RCEC

Councilman Reed reported that they discussed the Smith Street park and drawings. They will meet again in December to finalize the drawings and plans. He added that Ms. Leonard is working on donations for the park equipment.

### Budget & Personnel

Vice Mayor Bott advised they discussed round 2 of the CARES Act. They were given an update of the Financial Strategic Plan status. They reviewed the budget discussing salaries and promotional raises.

## **9. Adoption of the Minutes for the October 5<sup>th</sup> and 15<sup>th</sup>, 2020 Council Meetings**

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the October 5<sup>th</sup> and 15<sup>th</sup>, 2020 Council meetings as presented. Unanimously approved.**

## **10. Approve Resolution for Flood Ordinance**

**Councilwoman Bowden motioned, seconded by Councilman Reed to adopt the Resolution for Flood Ordinance. Unanimously approved.**

Mayor Leonard read the Resolution for Flood Ordinance



### **RESOLUTION**

**WHEREAS**, the Town Council has interest on behalf of its citizens to reduce the potential damage and impact due to flooding within the Town.

**WHEREAS**, the Town has previously adopted and currently enforces a flood ordinance that places certain restrictions on the building of structures within the Town to lessen and mitigate the effect of flooding.

**WHEREAS** this ordinance currently requires that all structures located in a flood hazard zone be built to the minimum Base Flood Elevation (BFE). and also includes a 2' freeboard requirement for new structures.

**WHEREAS** the National Flood Insurance Program's Community Rating System will begin implementing a free board standard for communities with Class 8 ratings that includes a one-foot freeboard requirement for all mechanical items as well as structures.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Chincoteague has adopted and will enforce a 2-foot freeboard requirement (including equipment or mechanical items) for all residential buildings, including manufactured homes, constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its Special Flood Hazard Area (SFHA) where base flood elevations have been determined on the Flood Insurance Rate Map (FIRM) or in the Flood Insurance Study (FIS), except those areas that receive open space credit under Activity 420 (Open Space Preservation).

Recorded Vote:

Moved By: Councilwoman Bowden  
Seconded By: Councilman Reed

Yeas: Bott, Bowden, McComb, Reed, Richardson, Taylor  
Nays: None  
Abstentions: None  
Absent: None

TOWN COUNCIL of the  
TOWN OF CHINCOTEAGUE, VIRGINIA

By: \_\_\_\_\_  
John Arthur Leonard, Mayor

The undersigned Clerk of the Town of Chincoteague, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution adopted by the Town Council of the Town of Chincoteague, Virginia, at a regular meeting held on the 2dn day of November, 2020.

\_\_\_\_\_  
Michael T. Tolbert, Clerk

Town Manager Tolbert advised that Building and Zoning Administrator Bowden is certified in FEMA Flood Plain Management. He is reviewing and working hard on the points for the FEMA credits to help reduce the flood insurance on the Island.

## **11. Appointment of Committee and Commission Members**

Mayor Leonard reviewed the appointments/reappointments: *Planning Commission*: The four-year terms being served by Mr. Michael Dendler and Mr. Steve Katsetos are expiring. They both would like to be considered for reappointed. *Curtis Merritt Harbor Committee*: Mr. Danny Bowden's two-year term is expiring, and he has indicated that he is willing to serve another 2-

year term. *Building Code Board of Appeals*: Mr. Ernest Dale Holston's 5-year term is expiring, and he has indicated that he is willing to serve another term.

**Councilman Taylor motioned, seconded by Councilman McComb to appoint Mr. Michael Dendler and Mr. Steve Katsetos for another four-year term on the Planning Commission, Mr. Danny Bowden for another 2-year term on the Curtis Merritt Harbor Committee and Mr. Ernest Dale Holston for another 5-year term on the Building Code Board of Appeals. Unanimously approved.**

## **12. Mayor & Council Announcements/Comments**

Councilwoman Bowden asked everyone to keep Councilman McComb in their thoughts and prayers.

Councilman McComb sent his best wishes and prayers as Supervisor, Billy Joe Tarr recovers from knee replacement surgery.

Councilman Taylor reminded everyone that God is in Control during the elections.

Mayor Leonard concluded with "Roll Tide".

## **13. Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia to Discuss Personnel Matters for Staff Evaluations.**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711 (A) (1) of the Code of Virginia to discuss staff evaluations. Unanimously approved.**

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

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to certify the closed meeting in accordance with §2.2-372 (D) of the Code of Virginia. Unanimously approved.**

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

## **15. Adjourn**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn. Unanimously approved.**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE NOVEMBER 16, 2020**  
**CHINCOTEAGUE TOWN COUNCIL EMERGENCY MEETING**  
**Council Chambers**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Christopher D. Bott, Vice Mayor  
Denise P. Bowden, Councilwoman via phone.  
William T. McComb, Jr. Councilman  
Ellen W. Richardson, Councilwoman  
Gene W. Taylor, Councilman

**Council Members Absent:**

Matthew Reed, Councilman

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Harvey Spurlock, Public Works Director  
Mr. Tyler Greenley, Police Captain

**1. Call to Order**

Mayor Leonard called the meeting to order at 1:00 p.m. in accordance with § 2.2-3707.D. of the Code of Virginia, (*Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting*) to discuss matters related to the existing State of Emergency and discuss the recent Executive Order issued by Governor Northam.

**2. State of Emergency**

Mayor Leonard advised they have events coming up that will be affected by the Order. He stated that they have to decide how to handle the Town with the new mandates. He stated that outdoor gatherings have been reduced to 25 which would shut down the tree lighting ceremony and the parade.

Emergency Management Coordinator Rush reported that there is only 25 people allowed to gather together.

Christmas Parade: He discussed the parade with Chamber Executive Director Shotwell. He suggested having a drive-thru. He stated that as long as they space groups of 25 or less who would stay in their designated sections. He added that this was just an idea for the parade.

Tree Lighting Ceremony: He spoke with Mrs. Ruthann Mason, who is heading up the ceremony. They have decided they will not have a ceremony. They want the Town to go ahead and light the tree.

Holiday Market: He spoke with Mr. Alex Hubb and based on the Governor's Executive Order this can move forward. The plan is to remind of social distancing, hand sanitizer stations, extra tables to separate the vendor from the customer. He feels this can move forward.

Emergency Management Coordinator Rush commented that the biggest change is the group gatherings. He added that religious ceremonies; weddings and funerals are still allowed; churches are still allowed to continue as they have been. However, receptions can have no more than 25 people. The only change with restaurants and bars is that they can no longer serve alcohol after 10:00 p.m. He stated that the only change in masks are that children 5 years and older must wear a mask in public. The Commonwealth is rising to 7.3% daily positive cases. He gave some further statistics within the state. He warned that this could get worse. He commented further about the parade keeping family units together. He doesn't feel the Holiday Market is any different than going to the grocery store.

Councilwoman Bowden feels the Chamber needs the Town's support no matter what they choose. She agrees that they should just turn the Christmas lights on.

Councilman McComb expressed his concerns about people congregating.

Councilwoman Bowden commented that because of logistics it should be cancelled. However, she wants to support the Chamber in their decision.

Councilman Taylor commented that there are some great ideas. He doesn't want to take everything away from people.

Councilman McComb interjected that they have to look at public safety.

Chief Fisher reported on the plans of the Flag Football Tournament Fundraiser. They will contact the coaches with the rules and procedures.

There were brief comments.

Chief Fisher gave a suggestion for the parade offering the officers to be staged at the parking lots to keep people moving.

Vice Mayor Bott advised they are working on it now and trying to work out the problems. They will have the data tomorrow.

Councilwoman Bowden feels they need to make these sacrifices so they can get back to normal operations for next year. She feels that people will still come, just on a smaller scale. She added that small sacrifices now are for big rewards for later. She feels they should take every precaution. She added that whatever they decide is good with her.

### **3. Adjournment**

Councilman McComb motioned, seconded by Vice Mayor Bott to adjourn. All present were in favor and the motion was carried.

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

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

**Council Members Present:**

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

**Council Members Absent:**

None

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief

**1. Call to Order**

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

**2. Invocation**

Councilman McComb offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Comment**

There were no comments.

**5. Agenda Adoption**

Mayor Leonard requested to move item #7, Public Hearing, Lot Line Vacation for Mr. Lawrence Casserly to item 12a.

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the agenda as changed. Unanimously approved.**

**6. Joint Public Hearing with Planning Commission: Conditional Use Permit for Mr. David Landsberger.**

Planning Commission Chairman Rosenberger opened the Planning Commission joint meeting and public hearing. He reported at the last Planning Commission they had the opportunity to speak with Mr. Landsberger. He commented that it is a legal building and if the building was joined to the main structure this wouldn't be an issue, but because it is unattached it requires a conditional use. He asked for a motion to approve.

Planning Commission Member Shendock moved, seconded by Planning Commission Member Katsetos to recommend to Council to approve the conditional use permit for Mr. David Landsberger. Unanimously approved.

Mayor Leonard opened the public hearing, there were no comments, and he closed the public hearing. He asked for discussion from Council.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the Conditional Use Permit for Mr. David Landsberger. Unanimously approved.**

**~~7. Public Hearing, Lot Line Vacation for Mr. Lawrence Casserly~~**

**8. Review of State of Emergency**

Emergency Management Coordinator Rush reviewed the current statistics regarding COVID-19. He discussed the planning for the upcoming vaccinations as soon as mid-December. He also reviewed plans for POD (Point of Distribution) for employees.

**9. Consider EMS Staffing Proposals**

Emergency Management Coordinator Rush explained the staffing deficiencies the EMS has been experiencing due to injuries and illnesses. He reviewed plans to hire 3-7 part-time EMS personnel along with the cost to the Town and savings.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the hiring of part-time EMS staff as recommended. Unanimously approved.**

**10. Review of C.A.R.E.S. Act**

Town Manager Tolbert explained the proposed purchases with the left-over funds of the C.A.R.E.S. Act. He informed Council of the cost of a cloud-based dispatch system which would fall under the C.A.R.E.S. Act guidelines for dispatchers who could work at other locations or at home due to COVID-19 for separation of staffing to keep them safe and continuing to function. He reviewed the cost of the equipment and installation which is just under \$20,000. There will

be a monthly fee of approximately \$1,000 to be paid for by the USF&W dispatch fees the Town collects. He added the 3-month trial offered.

Town Manager Tolbert also advised of a letter he received from a business owner who didn't know about the last round of C.A.R.E.S. Act funding.

Councilwoman Bowden commented that this was advertised with the media in print, website, and Facebook. She feels that everyone had the same opportunity. Council agreed that the 2<sup>nd</sup> round was closed.

**Councilman McComb motioned, seconded by Councilwoman Bowden to approve the purchase of the cloud-based dispatch system. Unanimously approved.**

## **11. Consider Employee Raises**

Vice Mayor Bott advised employee raises were discussed in depth with various scenarios to give the Town's employees raises. He advised that the Budget and Personnel Committee recommends giving the employees the merit and/or cost of living raises with the retroactive amount to be revisited in May 2021.

There were brief comments.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to give the employees the merit and/or cost of living raises with the retroactive amount to be revisited in May 2021. Unanimously approved.**

## **12. Review of Strategic Financial Plan**

Mr. Robert Lauterberg and Mr. Taylor Brian with VML-VaCo came before Council to review the Strategic Financial Plan. He advised that the Town's financial situation is very good and very well ran. He reviewed and gave suggestions to put some policies in place for surplus funds in General Government, Water Department and Harbor to go to reserves for each of those departments to be used for capital improvement projects. He discussed in depth revenue sources and the Town's very low debt. They offered to come back to assist in creating and implementing the plans.

Councilwoman Bowden stated that it is a great feeling when a firm such as VML-VaCo says they're in good financial standing.

Council thanked Mr. Lauterberg and Mr. Brian for the work they presented.

## **12a. Public Hearing, Lot Line Vacation for Mr. Lawrence Casserly**

Mayor Leonard opened the public hearing, there were no comments, and he closed the public hearing.



**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the vacation of lot line on Cleveland Street for Mr. Lawrence Casserly as presented. Unanimously approved.**

**13. Mayor & Council Announcements/Comments**

Councilman Taylor thanked the current and past Town Managers, Councilmembers and Mayors for doing such a great job being conservative with the Town funds. He feels the Town is blessed and thanked God

Councilman McComb wished everyone a Happy Thanksgiving and a safe holiday.

Vice Mayor Bott gave a shoutout to Town Manager Tolbert and Emergency Management Coordinator Rush for their time and hard work on the EMS staffing and salary increases. He expressed his appreciation.

Councilwoman Bowden stated that in the month where they are to give thanks the Town is blessed. She is extremely thankful for the employees, especially this year where they have gone above and beyond doing just about anything asked of them. She added that she was glad to be able to give the raises. She wished everyone a Happy Thanksgiving adding to enjoy the time with family as you never know when you they won't be there.

Councilwoman Richardson stated they are very fortunate. She feels the Town has been frugal through the years. She stated that everyone is on the same page and wants what is best for the Town. She appreciates the Town employees, adding that without the employees the Town wouldn't be here.

Mayor Leonard wished everyone a Happy Thanksgiving. He also suggested the possibility of having a mini parade where it would include Town Police, Fire Company, and Trolley with limited exposure. He added that there would be no candy. He asked for input after the meeting.

**14. Closed Meeting in Accordance with §2.2-3711 (A) (1,3) of the Code of Virginia to Discuss the Evaluation of Senior Staff and Acquisition and of Real Property**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711A(1,3) of the Code of Virginia to discuss acquisition of property. Unanimously approved.**

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

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to certify the closed meeting in accordance with §2.2-372 (D) of the Code of Virginia. Unanimously approved.**

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

**16. Adjournment**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adjourn. Unanimously approved**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE DECEMBER 7, 2020  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

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

**Council Members Absent:**

**Council Members Present Via Phone:**

William T. McComb, Jr. Councilman

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Bryan Rush, Emergency Management Coordinator  
Mr. Robby Fisher, Police Chief  
Mr. Harvey Spurlock, Public Works Director

**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.

Mayor Leonard advised that Council would have to vote to approve Councilman McComb to attend the meeting via phone.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to approve Councilman McComb to attend the meeting via phone. Unanimously approved.

#### **4. Public Comment**

Mayor Leonard announced that there will be a Mayor's Pop-up Christmas Parade, this Saturday, December 12<sup>th</sup> starting at 6:00 p.m. at the high school. He gave the parade route: He hopes everyone can watch the parade from their homes or a parked vehicle. They don't want people to gather outside but would like for them to enjoy a parade of sorts. The Town will judge the homes to be decorated December 16<sup>th</sup>.

Mayor Leonard opened the public comment.

- Mrs. Julie Brommer, President of Chincoteague Island Cats, gave a report of the recent Cat Roundup. She thanked Council for their support and allowing them to use the gym.

Councilwoman Bowden again thanked her for all she and her group does for the Island cats.

- Executive Director Bryce Van Stavern, Chincoteague Museum, explained how the Museum was affected during the pandemic. He thanked Council for their continued support and help keeping them open.

#### **5. Agenda Adoption**

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

#### **6. Staff Reports**

##### General Government

Town Manager Tolbert advised the office staff has been very hard at work collecting and posting taxes. As of tonight they have collected about 70% of the taxes. Water Supply Updates: NASA has conducted 12 days of operational testing on the Filter Plant and the results so far is there is no Pfas detected in the finished water. He also advised that the purchase orders they discussed regarding the C.A.R.E.S. Act will be submitted soon for reimbursement. He reviewed the Financial Report, Meals & Transient Occupancy taxes. He advised that Building and Zoning Administrator Bowden is doing a great job. Building and Zoning Administrator Bowden advised that building is busier than normal for this time of year. Town Manager Tolbert also advised that on November 12<sup>th</sup>, Mayor Leonard and Town Manager Tolbert met with the County Administrator, the Chairman of the Boards for Accomack and Northampton Counties, Senator Lewis and Delegate Lewis to discuss their legislative agenda. They presented the Town's priorities.

### Police Department

Chief Fisher reported they have been collecting toys for Island families. He advised that the Sheriff's Department has been unable to conduct their toy drive this year and the Town's Officers felt they could collect for both the Town and the County to help them out. He also reported that he provided the election with an officer for safety. He and Col. Adams met with a gentleman with the Mana Café food distribution about traffic control during this.

### Public Works

Public Works Director Spurlock gave an update on the Sarbanes Grant. He advised they are in the last phase and in the process of obtaining easements for the sidewalks. He reported that the Mumford Street Project is complete, he showed slides and explained the work and in-house savings.

Vice Mayor Bott asked Public Works Director Spurlock to look at the Cleveland Street drainage issue.

Town Manager Tolbert added that the Public Works did an excellent job on the Mumford Street Project. He stated that from the demo to the waterline, there are professional results. They did the majority of what can be done in-house saving the Town a lot of money.

### Emergency Services

Emergency Management Coordinator Rush reported on the EMS calls for November. He reviewed the part-time staffing plan. He stated that after the deadline of December 18<sup>th</sup>, they will schedule interviews, make selections, offers, and obtain background checks. The new part-time staff should be on the schedule for the 2<sup>nd</sup> week in January.

## **7. Review of State of Emergency**

Emergency Management Coordinator Rush reported on the recent COVID statistics. He also explained the new CDC guidelines adding that the VDH has adopted them. He reviewed the latest information and roll-out of the COVID vaccines.

## **8. Committee Reports**

### Budget & Personnel

Vice Mayor Bott advised they discussed the meeting in the workshop meeting in November.

Councilwoman Bowden advised they have done a disservice to the part-time employees regarding raises. She mentioned the part-time staff in the Police Department and EMS, stating that if it were not for the part-time staff the Town would be in bad shape. She felt that not including them in the raises was a slap in their faces. She wants to review this.

Vice Mayor Bott suggested sending this to the Budget and Personnel Committee for review.

Town Manager Tolbert advised he has crunched the numbers. He stated that they have to include all of the part-time employees of, EMS, Dispatchers, Mosquito Control and Trolley

which is over 20. Last month Council approved a plan to expand the EMS Service. He added that Emergency Management Coordinator Rush has done a great job on the plan. He stated that everything is dependent on the hours worked. He requested more time to be able to study and estimate the hours.

This will be further discussed at the next Budget and Personnel Committee meeting in January.

**9. Adoption of the Minutes for the November 2<sup>nd</sup>, 16<sup>th</sup>, and 19<sup>th</sup>, 2020 Council Meetings.**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the November 2<sup>nd</sup>, 16<sup>th</sup>, and 19<sup>th</sup>, 2020 Council meetings as presented. Unanimously approved.**

**10. Mayor & Council Announcements/Comments**

Councilwoman Bowden stated that today is Pearl Harbor Day but hasn't been mentioned in too many places. She reminded that a lot of people died that day to give them the right to be at the table. She also expressed her sympathy to the Salyer family who have been a mainstay in this community for many years. Salyer Funeral Home was open in 1949 by Mr. Bill Salyer, and Ms. Connie Bailey ran it for many years. She also wished everyone a Merry Christmas adding to enjoy your families adding that it will be different.

Councilman McComb also wished everyone a Merry Christmas.

Councilman Taylor mentioned Mrs. Britton's birthday, stating that she is still a fixture in our community. He thanked her for her service and sacrifice with her husband, Rev. Britton within the church and community, representing the Town well. He concluded with wishing everyone a Merry Christmas.

Councilman Reed announced that he is resigning from Council at the end of December. He stated that it has been a pleasure to serve. He explained that he plans to move off the Island.

Mayor Leonard thanked Councilman Reed for his service and is sorry to see him go.

Councilwoman Richardson stated that this has been a crazy year. She added that they are fortunate to live here. She wished everyone a Merry and Healthy Christmas. She thanked the EMS and Emergency Management Coordinator Rush for reminding them not to let their guard down with COVID. She commented on her condensed Thanksgiving. She is hopeful that next year will be back to a new normal.

Mayor Leonard advised that there is a group who is trying to raise money for the Smith Street Park in honor of Team Brianna with the Island Community "Unity Ribbons". They want everyone to adopt a senior and volunteer to decorate their yard. Make the Island shine a little brighter. They want everyone to take a ribbon and put it on their mailbox, tree, or door to send the message that we're a strong community, thankful, kind, and blessed. We're a small tight-knit Coastal Community. He stated that we practice kindness and enjoy waiving at one another

breathing in the salty air on the causeway. We need to show how lucky we are, show our hope and display the Island Unity Ribbon to demonstrate our support in making the 2020 holiday season the best it can be. The Team Brianna Town Park Project wants to thank all who have worked to raise funds and donate to our future sensory park and always wish from Brianna Merritt to “Be Kind”, which is what is on the ribbons. He asked everyone to take a ribbon and adopt a senior.

Mayor Leonard also stated that December 7<sup>th</sup> is a date that will live in infamy. Those veterans are getting older. They did a great service and joined the military while they were still in high school. He asked everyone to thank a veteran. He concluded with “Roll Tide”.

**11. Closed Meeting in Accordance with §2.2-3711 (A) (3) of the Code of Virginia to Discuss Acquisition of Real Property.**

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (3) of the Code of Virginia to discuss staff evaluations. Unanimously approved.**

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

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to certify the closed meeting in accordance with §2.2-372 (D) of the Code of Virginia. Unanimously approved.**

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

**13. Adjourn**

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager