

**MINUTES OF THE JUNE 7, 2021**  
**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  
Ellen W. Richardson, Councilwoman  
K. Jay Savage, Councilman  
Gene W. Taylor, Councilman

**Council Members Absent:**

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Robby Fisher, Police Chief  
Mr. E. Bryan Rush, Emergency Management Coordinator  
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. Consider Remote Participation**

Mayor Leonard advised that Vice Mayor Bott is attending the meeting by phone.

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to allow remote participation by Vice Mayor Bott. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**5. Public Comment**

Mayor Leonard opened the floor for Public Comment.

- Mr. Garry Pinkston, 6264 Mumford Street, passionately urged Council to do whatever they can, to force the state to put a shoulder on the Causeway. He expressed how dangerous the Causeway is and the inability to pull over for emergency vehicles, for personal reasons or to get out of the way of a possible accident. He pleaded with Council to do something.

## **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 reported that the GAC plant is up and running. He advised that 100% of the Town's water is coming from the Town's wells. He reported on a successful Student Government Day. He stated that the students had assignments and took them seriously. Almost all of them thanked him for allowing them to participate. They advised they learned a lot about the government and community working together. One citizen contacted Town Manager Tolbert stating that they were interviewed by a nice young man who was knowledgeable and concerned on the subject. He also reported that the Firehouse has a couple of renter commitments, and they are waiting for the leases. He added that a veterinarian will be renting along with the Chincoteague Island Community Cats. The Kiwanis will be renting the old garage on Cropper Street. He advised the Kiwanis will be meeting to discuss the rate at their next meeting.

Town Manger Tolbert reported on the ARPA funding. Staff continues developing projects. There is still no guidance. The state has the money, they have 30 days to distribute the funds. He was informed by the Virginia Municipal League that the Town's amount is \$2.98 million, which is calculated by the population. He listed some of the items that are allowable expenses. He added that this will cover the approved expenses from 03/03/2021 and they have until 12/31/2024 to have all the purchase orders completed. They have until 12/31/2026 to pay out all of the funds. Town Manager Tolbert gave the financial report stating that finances look good, and they are at about 79% in expenditures and 87% in revenues. The Harbor is slightly below revenues, but he feels that with fuel sales they should meet the budget. He added that slip rentals will be paid in July. He reviewed the Meals and Transient Occupancy revenues. Meals Tax collection is at 89% of the budget and Transient Occupancy Tax collection is at 110% of the budget.

Town Manager Tolbert also advised that the Building and Zoning Department continues to be very busy. They had 52 permits in May consisting of both commercial and residential. He also reported that they received approved for the Virginia Port Authority grant in the amount of \$146,371 to replace wooden piers at the Harbor with floating piers. They can get 4 additional slips with the floating piers. The Town's match is \$42,000 with a total project cost of \$168,500. They should start in the fall, and it will be done in-house.

Councilwoman Bowden stated that when the ARPA funds are available she would like to have a meeting for public input.

Councilman McComb agreed.

Councilman Taylor commented on the population and the 2020 Census totals.

Councilwoman Bowden knows many people who didn't complete the Census. She is afraid the count will be low.

There were comments.

### Police Department

Captain Greenley reviewed the May report and advised they participated in Student Government Day.

Mayor Leonard congratulated him for going before the Board of Supervisors regarding the SRO.

Captain Greenley responded that he will be going back on June 15<sup>th</sup> for the vote with Town Manager Tolbert and Chief Fisher.

### Public Works

Public Works Director Spurlock stated that Brianna's Kindness Park has all except 1 piece of equipment installed, which is on the way. Once the last piece arrives and is installed, they will put the stone and mulch in. Branscome installed the sidewalk and curb. The athletic field is 100% complete, it has been graded and is draining, and grass was put in, which needs cutting. The restrooms have been finalized by the Health Department and they plan to start next week. The ground water storage tank has been painted and the water plant is in excellent shape. They are also continuing drainage maintenance. They have cleared a clog in the central ditch in Ocean Breeze which it is now flowing as it should.

Mayor Leonard asked if they have done any road grating in Ocean Breeze.

Public Works Director Spurlock advised they did it this morning. He added that they should hear from VDOT that they have added Ocean Breeze into the Urban Maintenance Program.

Councilman Taylor asked if it looks like they will be able to have a soft opening of the Brianna's Kindness Park on July 1<sup>st</sup>.

Public Works Director Spurlock believes it should be.

Mayor Leonard asked what the mosquito count has been.

Public Works Director Spurlock advised the high has been 3. He added that this is due to the larvicide program which seems to help.

Councilman Taylor advised the drone laws changed and suggested looking into spraying with drones.

Public Works Director Spurlock stated that larvicide does work, however there will be a hatching of the marsh mosquitoes from the recent nor'easter.

### Emergency Services

Emergency Management Coordinator Rush referred to the monthly EMS Report advising there is an anomaly of additional calls from last year due to COVID. He reviewed the statistics from 5 years back. He stated that people are here and need medical and trauma care. The Minotaur

launch is scheduled for Wednesday, June 15<sup>th</sup> in the morning. He reminded that the beach may be closed. He reported that they have filled the full-time positions and had the part-time hiring process. They have hired 4 part-time positions and should be running full speed by mid-July. He also stated that the COVID emergency is over. He reminded everyone that it is hurricane season, and everyone should prepare now.

Councilwoman Bowden asked if he could go back 10 years in the run reports for Causeway accidents including numbers of patients, transports, and fatalities.

Emergency Management Coordinator Rush advised he knows he could go back 6 years. He added that he would work on it and should have it to her within a few days.

Councilman Taylor also commented on being unable to pull over when an ambulance is going off the Island. He agreed with Mr. Pinkston.

## **8. Approve Emergency Operations Plan**

Emergency Management Coordinator Rush advised the EOP is reviewed every 4 years, and it has to be adopted by the elected officials. They have been working on it since the beginning of the year. He advised that he added the Pandemic Plan answering questions in the EOP along the way. It was presented at the last Budget and Personnel Committee meeting. He reported that they it is ready for adoption.

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to approve the Emergency Operations Plan. Unanimously approved.**

## **9. Committee Reports**

### Harbor Committee

Mayor Leonard reported on the grant for a new floating dock. He advised the Harbor is full for rentals and busy. He stated that they discussed the sand that was blowing and has since been taken care of by the adjoining property owner who put a double fence up and spread the sand.

Councilwoman Richardson stated that she was glad the Committee didn't vote to remove the launch permit. She stated that it helps to maintain the dock and ramps.

### Ordinance Committee

Councilman Savage gave a report on the May Ordinance Committee meeting. He stated that they discussed the Marijuana Ordinance, Downtown speed restrictions, tobacco waste products, hogs, and domesticated fowl. He advised that Town Manager Tolbert needed additional information and will be reviewing some of these further.

Councilman McComb asked if they have confirmed the State Code for marijuana keeps from allowing public consumption on streets or sidewalks and other public places.

Town Manager Tolbert stated that it is not allowed to be used in public. He advised he read the State Law carefully. He stated that other states define "public" differently. Other states define it as anytime it can be seen by standing in the public. Virginia does not define it this way.

There was discussion if there is any benefit to the Town to adopt the Virginia Marijuana Code as the Town's.

Town Manager Tolbert advised that Chincoteague is bound by the State Code. He will consult an attorney to see if there is any benefit in adopting the State Code.

### RCEC

Councilman Taylor reported that there have been a lot of fundraising efforts. The Public Works staff has been a big part of the Brianna's Kindness Park by putting together the equipment. There are others that are fundraising so it won't cost the Town and things can be done. He thanked the Public Works staff for doing the work adding that they are the best.

### **10. Adoption of the Minutes for the May 3<sup>rd</sup>, 20<sup>th</sup> and May 27<sup>th</sup>, 2021, Student Government Council Meetings.**

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the May 3<sup>rd</sup>, 20<sup>th</sup>, and May 27<sup>th</sup>, 2021, Student Government Council Meetings as presented. Unanimously approved.**

### **11. CPD Accreditation**

Captain Greenley advised that Mr. Mays was unable to attend this evening and asked if they could reschedule for next month.

### **12. Consider Line Vacation**

Attorney Robert Turner advised that Patricia and Douglas Lodge purchased a duplex on Deep Hole Road and want to convert the duplex to one home. They have to vacate the property line that was put in when the duplex was built, in order to convert the building.

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to approve the lot line vacation on lot 8A-1A and A-1B Deep Hole Road for Mr. & Mrs. Douglas Lodge. Unanimously approved.**

### **13. Mayor and Council Comments**

Councilwoman Bowden appreciated Mr. Pinkston for speaking his mind about the Causeway. She stated that with things getting busier and, in the winter, they don't think about what could happen. The Causeway is one of the most dangerous roads on the Eastern Shore which leads to the most popular place on the Eastern Shore. She feels VDOT dropped the ball. The state doesn't do their part to make sure it's patrolled and safe. She stated she was not blaming the State Police as they are spread far and thin. She would like Council to suggest that VDOT put cameras on the Causeway, put signage up to maintain speed and to find the money to put shoulders on the Causeway. She added that shoulders won't fix everything, but it will give someone a better chance for getting out of the way and pulling over. She added that she was excited to see people come to the Island, adding they can sightsee when they get here and not on the Causeway. She mentioned a car going off the Island at 115 mph. She added that when the pager goes off, she's holding her breath when they dispatch an accident on the Causeway. She feels they have to do something and push the state to make this stretch of road safe.

Councilwoman Bowden also commented on Student Government Councilman, Ayden Leonard's concerns with the No Wake Zone near Memorial Park. She stated that the buoys can't be seen, and she has watched boats pushing water. She suggested having it enforced. She feels it should be readdressed. She also stated that she loves the Town staff and added that they have done great through everything. She would put the Town's staff, police, and medics up against anyone. They do a fantastic job. She reminded everyone that they are coming up on the busy season, to be patient, and look out for each other to make it safe.

Mayor Leonard advised that new buoys have been ordered.

Councilman Taylor commented on the turn lanes on Maddox Boulevard onto Main Street. He added, referring to Mr. Pinkston, that the noisy wheel gets the grease.

Councilwoman Bowden added that the Maddox and Main intersection is an issue with VDOT. It has the capability of a left turn arrow, but it's not working, or it isn't on. She doesn't understand why VDOT thinks the left turn lane is not beneficial. There is a lot of congestion, and they have to figure a way to get traffic off of Maddox.

There were further comments.

Councilman McComb asked if Town Manager Tolbert received his email about this issue.

Town Manager Tolbert advised he did. He reported that he spoke with Mr. Isdell with VDOT. The Town can request a study and traffic change to help with the traffic flow at different times of the day. He also stated that he will write the letter to Suffolk asking for a study at the Main and Maddox intersection and about shoulders on the Causeway.

Councilman Savage stated that staff is doing a great job and he is quite impressed. He appreciates Mr. Pinkston for coming to Council. He added that it is up to Council to push it and get involved. He is all for it.

Mayor Leonard commented that the traffic at Maddox and Main is a headache. They've talked about adding signage at Chicken City Road and Deep Hole Road to help people get where they want to go by way of the back roads. He also advised Alabama softball is playing in a big game tonight. He concluded by saying, "Roll Tide".

**14. Closed Meeting in Accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss discipline of specific personnel, prospective business opportunities, and probable pending litigation.**

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss discipline of specific personnel, and prospective business opportunities. Unanimously approved.**

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

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson in accordance with §2.2-372 (D) of the Code of Virginia that the Council certify that to the best of each Council Member’s knowledge.**

- (1) only public business matters lawfully exempted from opening meeting requirements under this chapter and**
- (2) only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. Unanimously approved.**

**16. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

DRAFT