

**MINUTES OF THE JANUARY 4, 2021**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**  
**Council Chambers**

**Council Members Present:**

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

**Council Members Absent:**

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.

**4. Public Comment**

Mayor Leonard opened the public comment. There was none.

**5. Agenda Adoption**

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

**Ayes: Bott, Bowden, Richardson, Taylor**

**Nays: None**

**Absent: McComb**

**6. 2020 Christmas Decoration Recognitions**

Mayor Leonard announced the winners of the 2020 Christmas Decorated Homes:

Most Traditional:

Mr. Jason Young  
Mr. & Mrs. Charles Pertsch, Honorable Mention

Most Festive:

Mr. & Mrs. William Kambarn  
Mr. Sonny Rodgers, Honorable Mention

## Best Overall

Mr. & Mrs. Bill Birch

Mrs. Yvonne Daisey, Honorable Mention.

## **7. Staff Reports**

### General Government

Town Manager Tolbert reported that tax collections are at 89%. He advised that the GAC Plant testing and sampling is complete. They are waiting for the final approval from the Office of Drinking Water to begin operations. The CARES Act grant is completed. He reported that they received \$503,922 through 2 awards. All monies have been applied, spent, received, and reimbursed. He feels it was a success.

Town Manager Tolbert reviewed the Financial Report. He reported that the Meals Tax revenues are down from last year and the Transient Occupancy Tax revenues are within a couple of hundred dollars from last year. He added that the floating dock for the Harbor should be here the 3<sup>rd</sup> week of January and scheduled to be installed within that week.

### Police Department

Chief Fisher advised he and Town Manager Tolbert attended a virtual Zoom meeting with the Academy who is conducting investigation of having their own firing range. He reported that he, Capt. Greenley and Dispatcher Lewis attended a virtual meeting with VRSA. He explained that President Trump ordered that law enforcement could only use a chokehold in life-or-death situations. It also has to be incorporated to their policy. Chief Fisher advised that the DCJS directed the accreditation staff to conduct the compliance reviews on this. He reported that they submitted all policies within a few days to the DCJS who approved the changes to their policy. He added that if they did not complete the changes, they would not receive federal money.

Chief Fisher announced they were able to help 10 families and 24 children for Christmas. He thanked everyone for their donations of money and toys. They also collected for the Sheriff's office who had a great year as well. The leftover toys and items went to the Atlantic Fire Company who helped 96 families.

### Public Works

Public Works Director Spurlock reviewed the current drainage situation. They repaired the pump at the traffic circle. They plan to clean ditches within the next couple of weeks.

Councilwoman Bowden asked about the traffic light at Maddox Boulevard and Main Street. Public Works Director Spurlock responded that the local signal tech from VDOT was here today. There is a faulty detector on Maddox Boulevard, and it should be repaired by the end of the week.

### Emergency Services

Emergency Management Coordinator Rush reviewed the monthly EMS report. He stated that in 2019 they ran 905 EMS calls and in 2020 they ran 902 EMS calls. They have to decontaminate the ambulance after calls and are going through PPE. He added that there are more COVID patients now than in the beginning.

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

Emergency Management Coordinator Rush reported on the recent COVID statistics. He also reported on the vaccines. He mentioned that there is a mutated strain now in the U. S. which they believe is more contagious but no more dangerous. They are still in response and recovery operations. He encouraged the public to keep out of group settings, wash your hands, wear your mask and watch your distance.

## **9. Committee Reports**

### Public Works Committee

Councilwoman Richardson reported that they discussed the Multi-Modal Transportation Project.

### RCEC

Councilman Taylor advised they had a very productive meeting where they reviewed and continued plans for playground equipment at the new park on Smith Street. He commended the fundraising efforts. He also announced that a caring citizen has offered to match the funds raised for park equipment. He urged Council to put this in the budget.

## **10. Adoption of the Minutes for the December 7<sup>th</sup>, 2020 Council Meetings.**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the December 7<sup>th</sup>, 2020 Council meeting as presented. All present were in favor and the motion was carried.**

**Ayes: Bott, Bowden, Richardson, Taylor**

**Nays: None**

**Absent: McComb**

## **11. District 1 Supervisor Report**

Accomack County Supervisor Billy Joe Tarr gave an update on the CARES Act funds the County received which was about \$6 million. He reported where it was disbursed. They have \$1.2 million to help with the food shortage. He continued that they partnered with different agencies to help with relief from food shortages, internet and hotspots and utility bill assistance. They also gave hazard pay to the County's first responders. They are working on an Urgent Needs Grant to help in another round of assistance for hunger. They are also working on childcare. RH Contracting was given an extension to complete the Library. He also reported that the Governor has put in the 2022 budget, Cost of Obtaining Adjustment. This is a study of teachers' salaries around the state. This could lead to a raise in the teacher's salaries on the Shore making the salaries competitive and keeping teachers here.

Councilwoman Bowden asked how much the study would cost for the teachers' salaries.

Supervisor Tarr responded that it wasn't specified. He thanked everyone and offered to be back the 1st meeting in April. He also announced that he will be the Vice Chairman of the Board of Supervisors this year and the Chairman the following year.

## **12. Consider Preliminary FY 22 Trolley Budget**

Town Manager Tolbert explained that the Operating Budget for the Trolley is due next month. He briefly reviewed the budget stating that the Trolley Service is funded by a federal and state

grant totaling 71% and the Town funds 29%. He stated that there is a capital expenditure this year where they have to replace a trolley that is 11 years old. The funding of the new trolley will be 80% paid by the government, 16% paid by the state and the Town would pay the remaining 4%. They have a capital account for a trolley and can only be used with approval from DRPT. Once they replace the trolley, they will come before Council to ask to surplus the trolley. The trolley will bring in more than the Town would pay out. He added that they plan to run the Trolley this year as they normally would as oppose to weekends only.

**Vice Mayor Bott motioned, seconded by Councilwoman Richardson to approve the preliminary FY 22 Trolley Budget. All present were in favor and the motion was carried.**

**Ayes: Bott, Bowden, Richardson, Taylor**

**Nays: None**

**Absent: McComb**

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

Councilwoman Bowden asked everyone to pray for Councilman McComb as he will be in Baltimore early tomorrow for surgery. She wished everyone a Happy New Year. She also stated that they made it through 2020 and together they can get through 2021. They have a lot to look forward to.

Councilman Taylor prayed for Councilman McComb.

Mayor Leonard concluded with "Roll Tide".

### **14. Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia to Discuss Appointees for Filling the Vacant Council Seat.**

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson move that the Council convene a closed meeting pursuant to Sec. 2.2-3711 A.1 Code of Virginia for discussion and consideration of the appointment to fill the vacant council position. All present were in favor and the motion was carried.**

**Ayes: Bott, Bowden, Richardson, Taylor**

**Nays: None**

**Absent: McComb**

### **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 are were identified in the motion by which the closed meeting was convened,**

**were heard, discussed or considered.**

**All present were in favor and the motion was carried.**

**Ayes: Bott, Bowden, Richardson, Taylor**

**Nays: None**  
**Absent: McComb**

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

**Ayes: Bott, Bowden, Richardson, Taylor**  
**Nays: None**  
**Absent: McComb**

**16. Adjourn**

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

**Ayes: Bott, Bowden, Richardson, Taylor**  
**Nays: None**  
**Absent: McComb**

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE JANUARY 21, 2021**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING**  
**Via Zoom**

**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  
Gene W. Taylor, 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  
Mrs. Kelly S. Lewis, Finance Director

**1. Call to Order**

Mayor Leonard called the meeting to order at 7:00 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 public comment. There were none.

#### **5. Agenda Adoption**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the revised agenda which added item: Consider Part-Time Employee Raises. Unanimously approved.**

#### **6. Review of State of Emergency**

Emergency Management Coordinator Rush reported on the COVID-19 positive rates. He also reported on the vaccine schedule and stated that the Eastern Shore is only receiving about 25% of the vaccines as ordered. He listed the Round 1B category of those to be administered the vaccination. He stated that the Health Department has been helping and they are training EMS staff to assist in administration of vaccinations. He feels that around May they should see things slow down. He reported on the hospitalizations as well.

Councilwoman Bowden asked about the holdup on vaccines.

Emergency Management Coordinator Rush feels it could be a number of reasons.

Councilwoman Bowden also asked if there is a timeframe on easing restrictions.

Emergency Management Coordinator Rush responded that there has been no discussion on easing restrictions. The current restrictions are in effect until January 31<sup>st</sup>.

Councilman McComb offered the Community Center for vaccinations administration.

Emergency Management Coordinator Rush stated that the Center Director and a Board member reached out to him as well.

#### **7. Consider Smith Street Park Proposal**

Councilman Bott explained that the Budget and Personnel Committee discussed funding of the Smith Street Park Project. They voted to recommend approval of the funding which includes a donation from a generous benefactor, donations from fundraising efforts by a local group and the Town.

**Councilman Bott motioned, seconded by Councilman Taylor to approve the funding for the completion of the Smith Street Park allowing Town staff and the Recreation and Community Enhancement Committee to oversee the completion. Unanimously approved.**

Mayor Leonard added that at a Committee Meeting in 2019 they agreed to name the park after Brianna Merritt. He asked Council if they would vote to name it “The Brianna Kindness Park”.

**Councilwoman Bowden motioned, seconded by Councilman Taylor to name the Smith Street Park “The Brianna Kindness Park”. Unanimously approved.**

Councilman Taylor thanked Mayor Leonard and Vice Mayor Bott for supporting the community with this project.

Mayor Leonard stated that the group that is raising money for the Brianna Kindness Park has already met their goal of \$40,000 and they plan to continue with fundraising efforts.

**8. Consider Part-Time Employee Raises**

Vice Mayor Bott advised that the Budget & Personnel Committee unanimously approved and recommends a 2.5% salary increase for all Part-Time employees.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve a 2.5% salary increase for all part-time employees. Unanimously approved.**

**9. Review of Salaries and Benefits FY 22 Budget**

Town Manager Tolbert reviewed the proposed FY 22 Budget for Department Salaries and Benefits.

**10. Mayor & Council Announcements/Comments**

Councilwoman Bowden welcomed Councilman McComb back. She stated that she has watched over the last year and a half the Brianna Kindness Wishes. She stated that there are a lot of players in the fundraising efforts. She expressed her thanks for the generous efforts from Mr. David Landsberger, Ms. Cindy Faith and Ms. Donna Leonard along with so many others that played a hand in this. She can't wait to see it completed and come to light for this child. She feels it will be a nice thing and she thanks every single individual who helped.

Councilwoman Richardson asked about the 1% of Transient Occupancy Tax that is supposed to go toward the EMS division.

Town Manager Tolbert stated that the increase went into effect January 1<sup>st</sup>. He advised that this is for “Public Safety”.

Councilwoman Richardson asked if it would be listed on a separate line item.

Town Manager Tolbert stated that they will have an internal accounting of the 1% of Transient Occupancy Taxes for Public Safety for tracking.

Mayor Leonard proudly announced that his team, the Alabama Crimson Tides won the National Champions. He concluded with “Roll Tide”.

**11. Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia to Discuss Evaluation of Individual Personnel Performance Matters.**

**Councilwoman Bowden motioned, seconded by Councilman McComb move that the Council convene a closed meeting pursuant to Sec. 2.2-3711 A.1 Code of Virginia for discussion and consideration of the appointment to fill the vacant council position. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: None**

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

**Councilwoman Bowden motioned, seconded by Councilman 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.**

**(3) only public business matters lawfully exempted from opening meeting requirements under this chapter and**

**(4) only such public business matters are were identified in the motion by which the closed meeting was convened,**

**were heard, discussed or considered.**

**All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: None**

**Councilwoman Bowden motioned, seconded by Councilman to go back into regular session.**

**All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: None**

**13. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE FEBRUARY 1, 2021  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

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

**Council Members Absent:**

None



Gene W. Taylor, Councilman

**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.

**Councilwoman Bowden motioned, seconded by Vice Mayor Bott to approve Councilman McComb attend via cell phone. Unanimously approved.**

**2. Invocation**

Councilman Taylor offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Comment**

There was none.

**5. Agenda Adoption**

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

**6. Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia to Discuss Appointees for Filling the Vacant Council Seat.**

**Councilwoman Bowden motioned, seconded by Councilman McComb move that the Council convene a closed meeting pursuant to Sec. 2.2-3711 A.1 Code of Virginia for discussion and consideration of the appointment to fill the vacant council position. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: None**

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

**Councilwoman Bowden motioned, seconded by Councilman McComb 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.**

**(5) only public business matters lawfully exempted from opening meeting**

**requirements under this chapter and  
(6) only such public business matters are were identified in the motion by which the  
closed meeting was convened,  
were heard, discussed or considered.**

**All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: None**

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

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

**Nays: None**

**Absent: None**

#### **8. Consider Appointment for New Council Member**

Mayor opened the floor for nominations from Council to fill the vacancy.

**Councilman Taylor nominated Mr. Jay Savage to fill the Town Council Vacancy, seconded  
by Vice Mayor Bott. Unanimously approved.**

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

**Nays: None**

**Absent: None**

Mayor Leonard congratulated Councilman Jay Savage advising that he would begin at the next Council meeting.

#### **9. Staff Reports**

##### General Government

Town Manager Tolbert reported on the upcoming launch information, reviewing COVID precautions for the NASA contractors traveling here from out of the country. The Visitor Center will be closed for the launch. He reported on the Virginia Port Authority Grant that the Harbor received. They have received several over the past few years. This grant which was awarded in May was to install more floating docks adding 20 slips at the Harbor. They have another grant opportunity next week for this year's project of adding a fishing pier at Memorial Park. He added that the Harbor Master has already been receiving calls to rent the new slips. He briefly reviewed the matching grant information.

Vice Mayor Bott feels the floating piers are the greatest things. He asked if there are plans to take care of the parking lot at the Harbor.

Town Manager Tolbert advised that this can be done. He continued by reviewing the financial report revenues, expenditures and comparing them to last year. He feels they are living within their means. He reported on the Meals and Transient Occupancy Taxes.

Councilwoman Bowden asked about building permit approval timeframe.

Town Manager Tolbert stated that there is nothing on the books. However, occasionally they have to wait on the Health Department, Land Use Permits, etc., which could cause a delay.

Councilwoman Bowden feels the Harbor's floating docks look very nice.

Town Manager Tolbert reported that the floating docks were installed in 66 hours and the Public Works staff did a great job.

Councilwoman Bowden asked if something could be done with the very bright Convenience Center's lights.

Town Manager Tolbert advised he will contact the Accomack County Public Works to have them redirected.

#### Police Department

Chief Fisher advised he gave Council an updated report. He attended a Committee meeting for the new radio system for Accomack and Northampton Counties. He reported that he attended a grant workshop. He added they have the new signboard/safety trailer. They have been meeting with Emergency Management Coordinator Rush for upcoming Emergency Operation Plans. He advised of a 50/50 DCJS grant for body cameras. He stated that Watchguard has an upgrade to the body cameras that is waterproof. They will apply Friday.

Councilwoman Richardson asked if the new signboard had radar and camera. She also asked if it gives counts, speeds, times and if a camera could be put on it.

Chief Fisher responded it does have radar, traffic counts, traffic studies, reports, etc., but not a camera. He also stated that a camera could be put on it. However, when you put the camera on it the charge becomes a civil matter as they didn't witness the violation.

Mayor Leonard asked if there is a schedule for moving the signboard to different points on the Island.

Chief Fisher stated that they want to work on a schedule for this summer for traffic studies. He advised of the reports it has already generated.

Councilwoman Bowden asked about the cost to replace the body cameras.

Chief Fisher advised it would cost \$15,000 total.

#### Public Works

Public Works Director Spurlock reviewed a PowerPoint presentation with pictures of the installation of the floating docks at the Harbor showing the different stages. He stated that it was a total cost to the Town of \$37,000.

Councilwoman Richardson asked about the life expectancy of the floating docks.

Public Works Director Spurlock advised approximately 25 years.

Councilwoman Bowden asked about installation.

Public Works Director Spurlock thanked Dean Fisher with Fisher Marine for all his help.

Mayor Leonard reminded that the Public Works staff worked in 10-15 mph winds with a day of winds up to 30 mph in the cold and blowing sand.

Town Manager Tolbert commented that sand blowing off of the Bluewater site has been a problem. Bluewater has agreed to put a tarp up on the Town's fence along with keeping it wet eliminate the problem.

There were comments.

Public Works Director Spurlock reported that the DEQ groundwater withdraw permit is a 15-year permit. He added that the DEQ measures growth and it is steadily declining in the amount of withdraw due to the new radio read meters and the Water Conservation Management Plan. He suggested that there may be a few new projects within 15 years.

Councilwoman Richardson advised there is no Public Works Committee Meeting Tuesday.

Councilwoman Bowden asked when they would start ditch maintenance.

Public Works Director Spurlock advised that repairs are being made to the bucket and they would start soon.

#### Emergency Services

Emergency Management Coordinator Rush reviewed the monthly EMS report. He also compared the stats from January 2021 to January 2020. There were many more respiratory distress calls in January of 2020 than January of 2021. He advised that his staff is putting reports together to track the cause of the change. He stated that they hired 4 part-time EMS personnel. He also reported that Emergency Management has been working on the Hazard Mitigation Plan for a final adoption of next year. The EOP is also up for renewal. He plans to incorporate the changes to include public health and pandemic. They will continue to meet every few weeks. Once the EOP is in a good draft stage Council will review and make changes. They want it to meet all of their needs.

Vice Mayor Bott asked if Council will have to approve the final EOP.

Emergency Management Coordinator Rush advised Council would have the final approval. He would like to have it adopted by the 1<sup>st</sup> part of June and Council should see it by mid-March. He also advised of minor coastal flooding for tomorrow.

#### **10. Review of State of Emergency**

Emergency Management Coordinator Rush gave stats on statewide and Town COVID-19 testing, positive rates, and hospitalizations. He also reviewed the vaccination phases. He stated

that they are seeing a decrease in numbers but warned of a possible increase in the next few weeks. He concluded that the public is the key, adding “Wash your hands, wear your mask, watch your distance”.

Mayor Leonard asked about the projection of people for the Antares launch.

Emergency Management Coordinator Rush was unsure but reported that the Visitor Center will be closed for the launch Saturday, February 20<sup>th</sup> at 12:36p.m. They should plan for extra space.

Mayor Leonard asked if the Refuge would be closed all day or until after the launch.

Emergency Management Coordinator Rush was unsure at this time.

Mayor Leonard was concerned about the Causeway.

Emergency Management Coordinator Rush stated that the Virginia State Police would be monitoring the Causeway.

Councilwoman Bowden announced that the Fire Company was denied for the RFAF Grant to purchase a new ambulance.

Emergency Management Coordinator Rush stated they were declined but will reapply in March for a possible award in July. He stated that a new ambulance is approximately \$259,000 and the grant is an 80/20 grant. He advised that the ambulances are in excellent shape and other agencies needed the grant more at this time.

#### **11. Chamber of Commerce Annual Report**

Chamber Executive Director, Mrs. Evelyn Shotwell reviewed their Mission Statement and goals. She also reviewed the regional overview from the Virginia Tourism Corporation. She went over stats, growth and the obtained goals. She advised of a marketing grant they received along with press releases, brochures, social media outreach and promotions. She reviewed the events expressing their success: DIY Oyster Festival, Business Christmas Decoration Contest, member services, ribbon cutting, Businessperson of the Year and Citizen of the Year.

Chamber Executive Director Shotwell continued reviewing the economic development, plans for a hospitality summit, and the travel guide. She thanked Accomack County Board of Supervisors and the Town of Chincoteague for all their help and support and for believing in them every year.

#### **12. Committee Reports**

Mayor Leonard dispensed of the Committee reports.

#### **13. Adoption of the Minutes for the January 4<sup>th</sup> and January 21<sup>st</sup>, 2021 Council Meetings.**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the January 4<sup>th</sup> and January 21<sup>st</sup>, 2021 Council meeting as presented. Unanimously approved.**

**14. Mayor and Council Announcements/Comments**

Councilwoman Bowden asked everyone to keep Councilwoman Richardson in their prayers. She also welcomed Councilman Savage to Council and added she has no doubt that he will serve Council well.

Councilman McComb congratulated Councilman Savage. He thanked everyone who applied and hopes to see them at the poll running at the next election.

Councilman Taylor also congratulated Councilman Savage.

Mayor Leonard stated that he looks forward to working with Councilman Savage.

**15. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE FEBRUARY 18, 2021  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Christopher D. Bott, Vice Mayor  
William T. McComb, Jr., Councilman  
Ellen W. Richardson, Councilwoman  
K. Jay Savage, Councilman  
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

**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 was none.

### **5. Agenda Adoption**

**Vice Mayor Bott motioned, seconded by Councilman McComb to adopt the agenda removing Item #8. Unanimously approved.**

### **6. Review of State of Emergency**

Emergency Management Coordinator Rush reviewed the most recent COVID-19 statistics for the state and the Eastern Shore. He discussed the positive cases, tests, and deaths. He reviewed the numbers of vaccinations and plans going forward. He also reviewed the plans for the ANTARES rocket launch scheduled for 12:36 p.m. Saturday, February 20<sup>th</sup>. He advised that the Refuge will be closed until after the launch. He added that the Health Department is the enforcement authority for the Governor's Executive Orders. He reported that the new COVID virus is in Virginia which could be more contagious but less serious.

Emergency Management Coordinator Rush also stated that you can call (877)-VAX-in-VA or (877) 829-4682. The call center is staffed from 8:00 a.m. to 8:00 p.m. 7 days a week. If you have preregistered, you do not have to register again. You can go to the website to register as well: [www.vaccinate.virginia.gov](http://www.vaccinate.virginia.gov). He reminded everyone to wash your hands, wear your mask and watch your distance. He added to keep your circle small, if you're sick don't go out and get tested.

### **7. Presentation of Old Fire House Project**

Mr. Grayson Williams with the ANPDC reviewed the updated proposed plans for the Old Fire House. He reviewed the checklist, parking, designs and funding. The overall goal is to have a continual asset that can give back to the community, creating more opportunities for the work force, create more foot traffic in the downtown going toward the Ropewalk. He reviewed the statistics of the survey and commented on the RFQ with Hill Studio, the design from Hill Studio, and identified rent. He discussed the sewage treatment system which will be on the Cropper Street property and budget constrictions,

Mr. David Hill, President of Hill Studios, reviewed the plans showing pictures. He also described and explained the proposed interior space, possible events, rental spaces, apartments, elevator, tax credits and several grants. He reviewed maintenance, the potential cashflow, and loans.

Mr. Williams explained that they researched other areas the size of Chincoteague showing pictures.

Mr. Hill stated they recommend that the Town approve a plan so they can explore the grants.

Mr. Williams feels this is the most feasible plan within the real estate market. He offered their help every step of the way. He asked for questions or comments.

Councilman Taylor asked if there is any subsidizing.

Mr. Williams advised he would check on that specifically.

Councilwoman Richardson thanked them for the presentation. She commented that this plan is what they need and the whole purpose for saving the Fire House. She thanked them and added that they've done a good job.

Mr. Williams thanked Council for meeting with them.

8. ~~FY22 Budget Discussion for Harbor, Water & EMS~~

**9. Mayor & Council Announcements**

Mayor Leonard welcomed the newest Councilmember, Mr. Jay Savage.

Councilman Savage expressed his appreciation for Council's confidence in him. He has been thinking about this for a while and feels it is time for him to serve the community. He added that he will do this to the best of his ability.

Councilman Taylor wished Councilwoman Richardson well, adding that God will be with her during her surgery. He wishes Councilwoman Bowden well and hopes to see her back with them. He thanked Councilman Savage for his willingness to serve. He warned Councilman Savage that it won't be easy and there will be times you will make people mad. Any decision they make they ask that the Lord guide them, the employees and the Town. He added that Councilwoman Richardson will be in his prayers.

Councilman McComb welcomed Councilman Savage. He wished Councilwoman Bowden well adding that he is confident she'll be back to herself in the morning. He added that Councilwoman Richardson is in his prayers.

Mayor Leonard also welcomed Councilman Savage. He wished Councilwoman Richardson the best of luck tomorrow. He reminded everyone to keep the folks in Texas in our prayers.

**10. Adjourn**

**Councilman McComb motioned, seconded by Vice Mayor Bott to adjourn. Unanimously approved.**

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager



**MINUTES OF THE MARCH 1, 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  
K. Jay Savage, Councilman  
Gene W. Taylor, Councilman

**Council Members Absent:**

Ellen W. Richardson, 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. Public Comment**

There was none.

**5. Agenda Adoption**

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

**6. Staff Reports**

**General Government**

Town Manager Tolbert reported on the completed application and presentation to the Virginia Port Authority Grant for the Harbor to replace finger piers with another floating dock. He thanked Mr. Patrick Hendrickson for his photos of the Harbor before and after the new pier was installed. He added that it showed the KOA next door, which shows a need as well. He advised that the KOA is requesting 12 slips. He thanked Mr. Cole Chesser for his drone low altitude pictures of the Harbor that were also used the grant presentation. He thanked Mr. Mike Tolbert, 2<sup>nd</sup> for his drawings they used for the grant presentation. He added that they didn't charge for the services.

Town Manager Tolbert reported that the General Government finances are where they are supposed to be which is at about 66% - 68%. He stated that the Harbor was approximately \$110,000 in the red, but as of today the last VPA grant funding arrived making it even. The Harbor Master is selling fuel. He reminded Council that the slip rental will not be collected until after July 1<sup>st</sup>, which is in the next fiscal year. He continued that the Meals Tax is down about 10%. However, the Transient Occupancy Tax is up because this is the first reporting from the 1% increase which started January 1<sup>st</sup>. The Building and Zoning Department has been extremely busy for February. He commented that Building and Zoning Administrator Bowden is doing a great job.

### Police Department

Chief Fisher gave an update to the report advising that he had an officer working Selective Enforcement Saturday who wrote 10 summons which brings the total to 33 for February. He reported that he and the Department Heads have been meeting to update the EOP. He stated that he and all the officers provided monitoring and traffic control for the ANTARES launch. The officers also participated in Domestic Violence Training via Zoom. Chief Fisher stated that since Governor Northam has eased up on some of the restrictions, they have decided to schedule the Flag Football Tournament for April 3<sup>rd</sup> starting a 9:00 a.m. The proceeds from the Flag Football Tournament will benefit Brianna's Kindness Park equipment fund. They have also scheduled a Drive-up Senior Luncheon for Wednesday, March 24<sup>th</sup>, from 11:00 a.m. – 2:00 p.m. He stated that the Island Seniors can call the Chincoteague Police Department to schedule a pickup time.

### Public Works

Public Works Director Spurlock stated that drainage has been the topic for February with the amount of rain they have had. He advised of drainage problems on Cropper Street and Cleveland Street which will be addressed when it dries up. He reported that the ditch bucket has arrived and working well. Mr. Chuck Holston is doing a great job with it. He asked Council for a list of ditches that needed immediate attention. He also advised they relocated the emergency generator from the old Firehouse to the Willow Street filter plant. He commended Mr. Edwin Taylor for doing an outstanding job getting this moved and operational. He concluded that the final phase of the Sarbanes Project has started with the sidewalks down Maddox Boulevard from Chicken City Road to the traffic circle.

Mayor Leonard commented that the roads in Ocean Breeze are going to be a continuous nightmare.

Public Works Director Spurlock agreed and commented further. He added that the Ocean Breeze roads have been submitted to VDOT to be included in the Urban Maintenance Funding.

### Emergency Services

Emergency Management Coordinator Rush reviewed the monthly EMS report. He stated that he compared the stats from January and February 2021 to January and February from the past 5 years. He advised that respiratory illnesses is less this year than previous years. He feels this is probably due to wearing masks and less people in groups. He stated that with the COVID-19

cases lower they haven't had as many COVID transports. He feels it could be the education from staff to clientele.

Vice Mayor Bott interjected that sickness is lower than it has ever been that he can recall.

Emergency Management Coordinator Rush also reported that EMS is required to have advanced training and are now able to have in-house instructors. The Fire Company has purchased 2 new stair chairs at a cost of \$12,015.97 that are electric driven. There were comments. He also advised that the Fire Company is buying 2 new LifePac 12-lead monitor/defibrillator systems at a cost of \$40,893. He also showed drawings of the new ambulance adding that they are reapplying for a grant which closes on March 15<sup>th</sup>. The cost is \$270,000. This is an 80/20 grant which would cost the Fire Company approximately \$53,000 - \$54,000 out-of-pocket. He reminded everyone that the current ambulances are still in good shape but on the replacement cycle. They will know if they have been selected to receive the grant by July 1<sup>st</sup>. He added that they have been working on the EOP. He feels they are ahead of schedule and his goal is to have it to Council by the 1<sup>st</sup> meeting in April for a final adoption in June.

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

Emergency Management Coordinator Rush advised they are in day 356 of COVID-19. He gave the stats on the State, Eastern Shore, and Town for testing, positive rates, and hospitalizations. He reviewed the vaccine schedule and numbers of doses given in Virginia daily. He reported that Johnson & Johnson has been approved and has a 1 dose vaccination. They should have 69,000 doses in Virginia by the end of the week. He advised to register for a vaccination by going to: <https://vaccinate.virginia.gov> or call 877-829-4682. He reported that the Governor has eased some of the restrictions slightly. He stated they are in mitigation of the lessons learned to return as close as possible to normal. He concluded that the public is still the key, keep in small groups, wash your hands, wear your mask, watch your distance, don't go out when you're sick and get vaccinated.

## **8. Committee Reports**

### Budget & Personnel Committee

Vice Mayor Bott reported they met on February 9<sup>th</sup> and reviewed the proposed FY22 Budget for General Government, Public Works, Roads, Police, Dispatch and Mosquito Control expenditures.

### RCEC

Councilman Taylor advised the playground equipment has been ordered. He stated that Mrs. Donna Leonard and Mr. David Landsberger has done a lot of work to raise money. Brianna's Kindness Park is becoming a reality and fundraising efforts continue. He stated they received a request for the Pickleball group to use the gym. This has been tabled for a month in hopes that the Governor will lighten up on restrictions. The Tennis Association has requested that the Town resurface the tennis courts at Memorial Park. They are willing to give \$11,000 toward this.

Town Manager Tolbert advised to fill the cracks, reseal and coat the tennis courts and basketball courts would cost just under \$40,000.

**9. Adoption of the Minutes for the February 1st and February 18<sup>th</sup>, 2021 Council Meetings.**

**Councilwoman Bowden motioned, seconded by Vice Mayor Bott to adopt the minutes of the February 1<sup>st</sup>, and February 18<sup>th</sup>, 2021 Council meeting as presented. Unanimously approved.**

**10. Discussion of Budget: EMS, Harbor and Water**

Town Manager Tolbert reviewed the proposed FY22 Budget expenses for the Water Division, the Harbor and EMS listing proposed items, projects and savings.

There were brief comments regarding line items listed within the EMS Division, and significant savings in the EMS Division due to Emergency Management Coordinator Rush utilizing part-time personnel to fill the shifts. They also discussed parking at the Harbor.

Town Manager Tolbert concluded that at the next meeting Council will have to decide how to balance the proposed FY22 Budget making revenues match the expenditures which are over at this point.

**11. Mayor and Council Announcements/Comments**

Councilwoman Bowden asked about the Inlet Study.

Mayor Leonard responded that VIMS hasn't given a final report.

Town Manager Tolbert stated that he included the study in the ANPDC list of projects, but hasn't seen anything.

Councilwoman Bowden welcomed Councilman Savage to Council. She asked everyone to keep Councilwoman Richardson on their prayers, Mr. Carlton Leonard, and the Rush family who are going through some trials. She concluded by saying "Go, Yankees!"

Councilman Savage stated that he has hit the ground running. He feels that the Town government is doing quite well, especially in the times we live in. He feels that staff is doing a good job. He thanked Councilwoman Bowden for welcoming him. He also stated that he is praying for Councilwoman Richardson, Mr. Leonard and the Rush family.

Councilman Taylor also commented on his prayers for Councilwoman Richardson, Mr. Leonard, and the Rush family. As tourist season approaches, he prays for a safe, happy, and healthy family-oriented season.

Councilman McComb also echoed prayers for Councilwoman Richardson, Mr. Leonard and the Rush family. He also added tourist season is coming, ready or not.

Councilwoman Bowden added that she asked Mayor Leonard advising when COVID-19 is over and they get the green light, if the Town could have a block party with a big bonfire to burn masks.

Mayor Leonard thanked everyone for their prayers for his brother, Mr. Carlton Leonard. He stated that this is how Chincoteague is and the community is a blessing. He advised this is a wonderful place. He also commented that a year ago they didn't know what they were getting into. He hopes this March isn't like last March. He added that all they can do is pray.

**12. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE MARCH 18, 2021  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Christopher D. Bott, Vice Mayor  
William T. McComb, Jr., Councilman  
K. Jay Savage, Councilman  
Gene W. Taylor, Councilman

**Council Members Absent:**

Ellen W. Richardson, Councilwoman  
Denise P. Bowden, Councilwoman

**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 was none.

**5. Agenda Adoption**

**Vice Mayor Bott motioned, seconded by Councilman McComb to adopt the agenda as presented. All present were in favor and the motion was carried.**

**Ayes: Bott, McComb, Savage, Taylor**

**Nays: None**

**Absent: Bowden, Richardson**

**6. Review of State of Emergency**

Emergency Management Coordinator Rush reviewed the Covid-19 state and local statistics. He also reviewed the vaccination phases along with the variants. He advised that the Governor announced an increase for graduations of an outdoor capacity to 5,000 attendees or 30% of the venue whichever is less. They are currently in response, mitigation, and recovery mode within the State of Emergency. He reminded everyone to “wash your hands, wear your mask, watch your distance, don’t go out when you’re sick and get vaccinated”.

**7. Consideration of Rate and Fee Adjustment**

Town Manager Tolbert briefly reviewed the Rate and Fee Schedule. He advised of a recommendation to increase the trash collection fees. There was discussion.

Councilman Taylor suggested to increase it \$0.10 per week and review this each year.

**Vice Mayor Bott motioned, seconded by Councilman Taylor to make an increase of \$0.10 per week, effective 07/01/2021. All present were in favor and the motion was carried.**

**Ayes: Bott, McComb, Savage, Taylor**

**Nays: None**

**Absent: Bowden, Richardson**

**8. FY 22 Budget Workshop 2<sup>nd</sup> Draft**

Town Manager Tolbert reviewed the changes from the 1<sup>st</sup> draft to the 2<sup>nd</sup> draft, advising of the deficit. There was discussion and changes were made to the revenues for Meals Tax and Transient Occupancy Tax bringing the deficit down.

Council directed Town Manager Tolbert and staff to continue to review making cuts and corrections eliminate the deficit.

There was brief discussion regarding upgrades to the high-pressure water main from the mainland to the Island.

Mayor Leonard feels they are well ahead of schedule.

Town Manager Tolbert gave created to prior staff stating that years of work has gone into the spreadsheets and he has taken it and made it his own. He asked when they want to meet again and suggested the next Budget and Personnel Committee meeting.

Council agreed to review it again at the next Budget and Personnel Committee meeting.

**9. Mayor & Council Announcements**

Councilman Taylor stated that he misses Councilwoman Richardson and added that he is praying for the Leonard Family.

Councilman McComb Concurred.

Mayor Leonard concluded with “Roll Tide”.

**10. Adjourn**

**Vice Mayor Bott motioned, seconded by Councilman McComb to adjourn. All present were in favor and the motion was carried.**

**Ayes: Bott, McComb, Savage, Taylor**

**Nays: None**

**Absent: Bowden, Richardson**

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE APRIL 5, 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. 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 floor for Public Comment.

- Mrs. Patricia Farley, 3243 Lisa's Lane, stated that it is good to see all of Council. She is impressed with the way Council and Town Manager Tolbert has handled the budget by juggling and prioritizing to keep it in balance. She also discussed the amount that Congress Luria's office informed her the Town would receive from the Federal Government for the American Rescue Plan. She advised that the use is loose in law. She listed some of the allowable funding. She feels that Island non-profit organizations should be included. She listed some other ideas for the money adding that the Chamber of Commerce should also be included as they are the reason, they have the revenues they do.

- Mrs. Julie Brommer, Chincoteague Island Community Cats Organization, advised of another cat round-up for the spay/neuter program. This will begin Thursday, April 29<sup>th</sup> through Saturday, May 1<sup>st</sup> at the Firehouse. She reminded residents to keep their cats indoors during this time. She added that they have an area they would like to target, and the goal is 50 cats.

Councilwoman Bowden asked where they plan to trap.

Mrs. Brommer responded they would like to trap in the central part of the Island.

Councilman Taylor thanked her.

Councilwoman Bowden expressed the great job they do.

Mrs. Brommer thanked Council for allowing them to use the firehouse.

## **5. Agenda Adoption**

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

## **6. District 1 Supervisor Report**

Accomack County Supervisor, Mr. Billy Joe Tarr reported that the state has sent a sizable amount of money in support of their teachers. The Board of Supervisors approved the \$64 million budget on March 29, 2021. There will be no tax increase. He added that they have set aside another \$50,000 for the Inlet Study, which brings the amount up to \$200,000. He explained that this is a 3-year study with a cost of \$3 million. Nothing will be done by the Army Corp of Engineers until the study is done. He has a Waterways meeting on April 15<sup>th</sup> and will confirm if it is still approved. They also budgeted a donation of \$25,000 for the Chincoteague Chamber of Commerce. He reported that on July 1<sup>st</sup>, 2021 the Board of Supervisors approved a revision to the Waterway Ordinance to permit all users to display a parking permit on their vehicle when using the County facility. He added that if you are a boat owner and assessed personal property taxes on the boat you will receive a free sticker. Queen Sound boat launch is exempt which is an agreement with VDOT. The fees are \$7 per day or \$40 per year.

Supervisor Tarr stated that Accomack County will receive \$6.2 million for the American Rescue Plan. The Town's figures have changed a few times and there aren't many rules. He advised that County Administrator, Mr. Mike Mason with the County will hold a Town Hall meeting to receive proposals from residents for the funds.



Councilman Taylor asked if Supervisor Tarr would request a donation for Brianna's Kindness Park.

Supervisor Tarr stated they have all received his letter and they have intentions to make a donation, it's just not the time.

There was further discussion.

Mayor Leonard mentioned the Wallops plan to dredge so that rocket parts could be brought to the Harbor. He asked if there was a way the put those 2 things together to get more money or have the Inlet Study done.

Supervisor Tarr thought so and would look into it further.

## **7. Staff Reports**

### General Government

Town Manager Tolbert reported the Water Filtration Plant is not in operation as of yet. The permit is in hand; however, NASA is changing the operation contractors which is causing a delay. He reported on Brianna's Kindness Park; sitework to begin next week and they will receive the 1<sup>st</sup> delivery of some of the equipment later this month. He advised that he is in the process of putting the firehouse on the Virginia Landmark Register and the National Registry of Historic Places. The process takes time and is involved. He is getting help from Councilwoman Richardson. He explained that if the firehouse is in both registries, he understands that it will not prevent anything including tearing it down. He added that the only way to protect the building from being torn down or modified is to get a grant easement from the State of Virginia that specifies the building will not be modified or torn down.

Town Manager Tolbert also reported that the American Rescue Plan Act was passed in mid-March. The Secretary of Treasury has 60 days to produce regulations of the use of the funds. There are general guidelines of which he listed a few. The amount the Town will receive has changed over the last few weeks. The County will receive \$6 million. He added that the Town will get the money from the state which has 30 days to get it to the Town. The Town has to submit a certification of need to the state to receive the funds. He offered to keep Council informed.

There were further discussions about guidelines and potential expenses.

Town Manager Tolbert also advised they have until the end of 2024 to spend the money. He also informed Council that he will have news within a few days about the Inlet Study. He then reviewed the Financial Report along with the Meals Tax and Transient Occupancy Tax current revenues and trends over the past several years. He reported that under Building Permits, the average has been 43 building permits in the month of March and this year for March they have 82 building permits. He added that Building and Zoning Administrator Bowden is doing a great

job. He is seeing people, answering phone calls, conducting inspections daily and still able to complete his job.

### Police Department

Chief Fisher reported that they had the Flag Football Tournament that was postponed from Thanksgiving weekend. They raised \$1,833 from admission, donations, and team entry fees. They will add more to this when they tally the hat sales. He advised that on March 24<sup>th</sup> they held the Annual Senior Luncheon where they served 250 meals. He expressed his appreciation to Emergency Management Coordinator Rush and his wife Arla for delivering 30 meals. He added that their daughter Ms. Linda Sue Rush was excited about this. They felt that they should fulfill her wish to do this for the seniors of the Island.

Chief Fisher also stated that the new dispatch system is up and running. All dispatchers have certification for the new radio system. He reported that it is working and going well. Captain Greenley completed a grant application to the DCJS for a School Resource Officer. He explained that the grant can be for up to 4 years. They should hear something in May or June. He added that they have been approved for the grant for new body-cameras. There was brief discussion about the new body cameras and what they will do with the old body cameras.

Chief Fisher announced that Al's Pals team won the tournament and belt. He added that they would like to make this an annual event. The next event will be in November. He asked for prayers for the young man who sustained injuries during the tournament.

Councilman Taylor commented on such respect and good sportsmanship.

### Public Works

Public Works Director Spurlock updated Council on the progress of the Sarbanes Grant Project. He advised of what is left with sidewalks along with the costs leaving a balance of \$18,000. This will not cover the bike path from Eel Creek to Famous'. He suggested lighting on the traffic circle to use the rest of the funds. He also advised they are working on drainage adding that the excavator is being used to clean ditches. He mentioned the Cleveland Street drainage experiment which was a huge success. He also stated that there was a failed drain on South Main Street by the Carnival which was fixed earlier in the day.

## **8. Committee Reports**

### Budget & Personnel Committee

Vice Mayor Bott reported on changes in the Personnel Policy Handbook that clarified, annual leave, sick leave, and jury duty.

**Vice Mayor Bott motioned, seconded by Councilman McComb to approve the changes in the Personnel Policy Handbook clarifying annual leave, sick leave, and jury duty. Unanimously approved.**

### Ordinance Committee

Councilman Savage advised they met on March 11<sup>th</sup> to discuss drainage and review of the Drainage Ordinance. They discussed issues with those filling less than 10,000 square feet on their property and not requiring a permit. He advised that Town Manager Tolbert suggested they forward this to the Planning Commission. This will eliminate large costs in the Storm Water Management Plan. They want to use the talent the Town has in-house to keep this from getting out-of-hand before it is too late. He added that Town Manager Tolbert felt it would be remedied within a few of months.

#### RCEC

Councilman Taylor reported they discussed fund raising for Brianna's Kindness Park. He thanked everyone for all their fundraising efforts. He also advised that the Pickleball Association requested to use the gym and as the Governor lifted some of the restrictions, they were able to allow one use per day in the gym.

**9. Adoption of the Minutes for the March 1st and March 18<sup>th</sup>, 2021 Council Meetings. Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the minutes of the March 1<sup>st</sup>, and March 18<sup>th</sup>, 2021 Council meeting as presented. Unanimously approved.**

#### **10. Consider Rental of Old Firehouse**

Councilman Taylor stated that putting the firehouse on the National Registry could take 2 years. He would like to rent the 3-bay section for \$600 per month, the 2-bay section for \$500 per month, and offices for \$400 per month. He feels this will show if it works. He suggested making a decision and renting it as soon as possible.

Councilman McComb asked about the condition of the building.

Town Manager Tolbert advised it is clean but exactly like it was when the Fire Company moved out. He added that there is nothing to prevent it from being rented.

There was discussion regarding air-conditioning, lease agreements, insurance and hold harmless forms.

#### **11. Consider Vacation of Lot Line for Anthony and Cheryl Simione**

Town Manager Tolbert explained that the 3 adjacent lots are on the southern side of Ocean Boulevard. They would like to vacate 2 lot lines creating one larger lot to build a single-family dwelling.

**Councilwoman Richardson motioned, seconded by Councilman McComb to approve the vacation of lot lines on Ocean Boulevard for Mr. & Mrs. Anthony Simione. Unanimously approved.**

#### **12. Mayor and Council Announcements/Comments**

Councilwoman Richardson thanked everyone for their prayers, cards, visits, and encouragement. She stated that it is by the Grace of God she is able to be at the meeting. She commended Council on a splendid job.

Councilwoman Bowden stated she is glad Councilwoman Richardson is back. She thanked Chief Fisher adding he is doing a great job with his department. She appreciates all they do. She included Town Manager Tolbert and Public Works Director Spurlock as well. She stated that the longer she is on Council the more she learns, and hopes she continues. There is a different feel and outlook. She added that the Town has great employees, and she appreciates them.

Vice Mayor Bott stated he is glad to see Councilwoman Richardson back.

Councilman McComb also stated it is good to have everyone here. He thanked Supervisor Tarr for his update. He also thanked Public Works Director Spurlock about the sidewalks, adding this was a great job.

Councilman Taylor welcomed Councilwoman Richardson back. He commented that the reason families like to come to Chincoteague is because it is safe, they feel welcomed and blessed with a wonderful place to fish and crab. He feels this is why the Transient Occupancy Taxes are paying the way. He commented on the boat ramp fees. He feels this will be another good year.

Councilman Savage told Councilwoman Richardson it was good to have her back. He stated that Emergency Management Coordinator Rush and his wife Arla are still in his prayers. He thanked Supervisor Tarr for the update. He commended Chief Fisher for doing great job. He added that in these times of turmoil with law enforcement, this shows it's all about unity. He also feels Public Works Director Spurlock is doing a good job. He added that staff is resilience with leadership and added to press on.

Mayor Leonard thanked everyone for the outpouring during the loss of his brother Carlton. This makes him think about the Island and how blessed we are. He stated he is thankful.

**13. Closed Meeting in Accordance with §2.2-3711 (A) (5) of the Code of Virginia to Discuss a Prospective Business:**

**Councilman McComb motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711 (A) (5) of the Code of Virginia to discuss a prospective business. Unanimously approved.**

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

**Councilman McComb motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3712 (D) of the Code of Virginia. Unanimously approved.**

**15. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE APRIL 15, 2021**  
**CHINCOTEAGUE TOWN COUNCIL WORKSHOP 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

**1. Call to Order**

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

**2. Invocation**

Councilman Savage offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**4. Public Comment**

There was none.

**5. Agenda Adoption**

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

**6. Review of State of Emergency**

Emergency Management Coordinator Rush reviewed the statewide and local statistics: cases to date, new cases, hospitalizations, and vaccination phase. He reminded everyone, "Wash your hands, wear your mask, and watch your distance".

**7. Presentation of Updated Emergency Operations Plan**

Emergency Management Coordinator Rush explained the process, and all involved in the update of the Emergency Operations Plan. He reviewed the updates to the appendices. He asked Council to review it and let him or Town Manager Tolbert know of any changes or corrections to be made. He plans to present the final updated document to Council on June 7<sup>th</sup>, for adoption. He thanked everyone involved.

**8. Consider Modification to Elevated Tank Painting Contract**

Town Manager Tolbert advised that D & M Coatings was the company who painted the high-rise water tower. The Town, at that time, decided not to have the ground water storage tank painted. The Public Works Committee recently approved to have it painted as soon as possible because it will have to be taken out of service for a couple of weeks. They did not want it out of service during the peak season. The current budget line item is \$80,000. However, they can have it painted for \$39,000. They will modify the original contract to conduct the additional work.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the painting of the groundwater storage tank and the modification to the elevated tank painting contract. Unanimously approved.**

**9. Consider Smith Street Deed of Gift**

Town Manager Tolbert explained that Mr. David Landsberger donated the corner lot on Smith Street provided the Town agrees to put a structure complimentary to the Park. He asked the pleasure of Council.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to accept the Deed of Gift for the Smith Street Property. Unanimously approved.**

**10. FY22 Budget Workshop 4<sup>th</sup> Draft**

Vice Mayor Bott reported that the FY22 Budget is in balance. He advised of increases and decreases in funds.

Town Manager Tolbert reviewed the highlighted changes and updates to the draft FY22 Budget.

There was discussion about the SRO for the Police Department.

Town Manager Tolbert continued with the review and concluded that the FY22 Budget is in balance.

Councilwoman Bowden and Councilman McComb commented on a great job with the budget.

Town Manger Tolbert added that they have great staff.

Councilman Taylor also commented on a good job and about paying extra on the water bond.

Town Manager Tolbert reported that Finance Director Lewis reviewed the Bond Contract and found that there would be no penalty to pay off early. He added that the interest is 2%: .5% is the interest and 1.5% is administration cost. He advised that they have a bond that will be paid off in May. His plan is to use this payment on the water bond to help pay this off early.

Councilman Taylor stated that the Town is at the point that when they replace a road, they should also schedule to replace the water lines.

**11. Consider Public Hearing Advertisement for FY22 Budget**

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the advertisement of public hearing for the FY22 Budget. Unanimously approved.**

**12. Mayor and Council Announcements/Comments**

Councilwoman Bowden thanked Emergency Management Coordinator Rush for all of his efforts and all he does. She thanked Town Manager Tolbert and staff for their work on the budget. She commented that the Town's staff can be put against anyone. She wished Councilman McComb good luck on his surgery tomorrow.

Vice Mayor Bott advised he attended a VML WebEx for updates from the State Legislature. He advised of the marijuana sales and will begin in Virginia July 1, 2021. He stated that the State is allowing the localities to opt out of the State mandates. He urged Council to aggressively look into this and create an ordinance opting out of retail sales, prohibit consumption, and open marijuana products in schools, parks, playgrounds, streets, sidewalks, etc. He stated that this is a family destination community. He feels if they don't regulate it, it could get out of control. If the Town establishes an ordinance, then the businesses can establish their own policies.

Councilwoman Bowden added that the Town doesn't allow open containers of alcohol and they should really think about this.

Vice Mayor Bott added that the state just released the recorded bills, they need to be aggressive because it starts in July. He stated that dispensaries will be allowed in 2022 and the Town should look into this as well.

Councilman McComb commend on a great job on the budget prep and Emergency Operations Plan. He stated that it is Law Enforcement Telecommunicators Week and thanked them for all they do every day.

Councilman Taylor stated that Councilman McComb is in his prayers. He stated that the Town is blessed with all the people we have including the visitors. He praised God for where we are adding that He's working with us. He agreed with Vice Mayor Bott that the Town needs restrictions on marijuana. He wants families to continue to come here and allowing marijuana isn't what we're about.

Councilman Savage also advised he is praying for Councilman McComb. He commended staff on a great job. He expressed his concerns about legalizing marijuana. He added that the reason families come to the Island is to get away from atmosphere of where they're from. He stated that we need to nix it.

**13. Adjourn**

**Councilwoman Bowden and Councilman McComb motioned, seconded by Vice Mayor Bott to adjourn. Unanimously approved.**

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE MAY 3, 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. Public Comment**

Mayor Leonard opened the floor for Public Comment.

- Mrs. Julie Brommer, President and Founder of Chincoteague Island Community Cats, spoke of the recent spay and neuter event at the firehouse. She reported they fixed, vaccinated, microchipped and gave flea and tick treatments to 46 cats. One cat gave birth to 5 kittens while at the firehouse. She thanked the Town for their support and use of the firehouse.

- Mrs. Joanne Moore with the Chincoteague Chamber of Commerce, gave an update of the Chamber's recent event "Around the Tump in 3 Days". There were approximately 250 cards given out to participants. She thanked the Town for their support.

**5. Agenda Adoption**

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

**6. Staff Reports**

General Government



Town Manager Tolbert reported that the GAC plant is up and running and the Town is exclusively using the Chincoteague wells now. He also reported on the upcoming rocket launches. He advised that NASA has included the Town in their annual legislative budget request in order to move the Town's wells off of their property. The money, if approved, would be distributed in 5 years which would give time to move them. Town Manager Tolbert reported that he and Mayor Leonard participated in a call with Congresswoman Luria and others concerning the Inlet Study.

Councilwoman Bowden asked about going back to Richmond asking for help with the Study.

Mayor Leonard would be willing to go, and suggested Supervisor Tarr go with them.

Town Manager Tolbert reviewed the rates for the firehouse rentals. He advised he has 3 interested parties and will continue to work on the leases. He concluded by reviewing the financial report advising the Town is about where we should be for this time of year.

#### Police Department

Chief Fisher reported that his department had 51 summonses for the month of April. All officers and dispatchers have been recertified in CPR. He attended the swearing in of local Judge Patrick Robbins. He also advised of a local scam using the Police Department's number and his name telling people that they had an outstanding warrant and should pay for the fine with gift cards. He stated that he sent out a public service announcement.

#### Public Works

Public Works Director Spurlock stated that the last section of sidewalk for the Sarbanes Grant was poured last Friday. He thanked Mr. Bob Lefel of the U. W. Fish and Wildlife Service for his assistance during the project. The Department started the installation of the Brianna's Kindness Park playground equipment. He mentioned that a pole was installed in the Beebe Ranch traffic circle to hold another gateway for the water meter system. He concluded that the groundwater storage tank is scheduled to be painted next week.

#### Emergency Services

Emergency Management Coordinator Rush reviewed the monthly EMS Report comparing last year's calls to this year. They received the new stair chairs and are looking for buyers for the old ones. They received new monitors as well. Staff has been recertified in the required training. He also stated that he needs to hire part-time and one full-time staff member.

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

Emergency Management Coordinator Rush gave an update on the COVID-19 statistics, positive cases, hospitalizations, deaths and vaccines. He feels the Governor will lift some more restrictions on the 15<sup>th</sup>. He also advised that the 2021 Hurricane Season has been predicted to be above average. They are predicting 17 named storms for the Atlantic Basin, 8 hurricanes and 4 major hurricanes. He advised that now is the time to start preparing. He concluded with "Wash your hands, wear your mask, and watch your distance".

### **8. Committee Reports**

Public Works Committee

Councilwoman Richardson reported that Public Works Spurlock already spoke about the sidewalks. She reported that the ditches were fixed in Misty Meadows and a citizen expressed how very pleased they were with the work.

Budget & Personnel Committee

**Vice Mayor Bott motioned, seconded by Councilman McComb to approve a request from the Chincoteague Chamber Commerce for a donation of \$25,000 to come from the Beach, Recreation and Tourism Fund. Unanimously approved.**

**9. Adoption of the Minutes for the April 5<sup>th</sup>, 2021 and April 15<sup>th</sup>, 2021 Council Meetings.**

**Vice Mayor Bott motioned, seconded by Councilman Savage to adopt the minutes of the April 5<sup>th</sup>, 2021 and April 15<sup>th</sup>, 2021 Council meeting as presented. Unanimously approved.**

**10. FY 22 Budget Hearing**

Mayor Leonard opened the public comment. There were no comments and Mayor Leonard closed the public comment.

Town Manager Tolbert advised there were no changes to the FY 22 Budget. He stated that a vote to approve the proposed Budget will be held at the Council Workshop to be held, Thursday, May 20<sup>th</sup>, 2021.

**11. Review of FY 2020 Audit**

Town Manager Tolbert gave a report on the audit. He praised staff for all their hard work.

**12. Consider Ocean Breeze Roads Resolution**

Mayor Leonard asked for a motion.

**Councilwoman Bowden motioned, seconded by Vice Mayor Bott to approve the resolution to accept the streets in Ocean Breeze into the Eastern Shore District. Unanimously approved.**



**RESOLUTION**

**TOWN COUNCIL, TOWN OF CHINCOTEAGUE**

**STREET ACCEPTANCE  
OCEAN BREEZE**

## **EASTERN SHORE DISTRICT**

**WHEREAS**, certain streets on the attached sketch titled Ocean Breeze, Chincoteague Island and described on the attached Form U-1 (Rev. 7-1-17), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Accomack, County; and

**WHEREAS**, the street meets the requirements established by the Virginia Department of Transportation; and

**WHEREAS**, the above streets serve a genuine public need; now, therefore, be it

**RESOLVED**, by the Chincoteague Town Council this 3rd day of May 2021, that the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above-described streets into the Urban System for maintenance, as provided in 33.1-41.1, Code of Virginia; and, be it

**RESOLVED FURTHER**, That this Council does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of thirty (50) feet with necessary easements for cuts, fills and drainage; and, be it

**RESOLVED FINALLY**, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Signed:

Attest:

\_\_\_\_\_  
Hon. John A. Leonard, Mayor

\_\_\_\_\_  
Harvey Spurlock, Public Works Director

### **13. Employee Retroactive Pay**

Mayor Leonard stated that Council needs to vote on the retroactive pay.

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to give the employees the retroactive pay. Unanimously approved.**

### **14. Consider FY 21 Budget Amendment**

Town Manager Tolbert asked for Council's permission to advertise the FY 20 Budget Amendment.

**Vice Mayor Bott motioned, seconded by Councilman Taylor to approve the advertisement of the FY 20 Budget Amendment. Unanimously approved.**

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

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

**16. 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.**

**(7) only public business matters lawfully exempted from opening meeting requirements under this chapter and**

**(8) only such public business matters were identified in the motion by which the closed meeting was convened,**

**were heard, discussed or considered. Unanimously approved.**

**17. Mayor and Council Announcements/Comments**

Councilman Savage commented that staff does a great job.

Councilman Taylor stated that he was thankful for the visitors that came to the Island last year. He hopes this year is even better.

Councilwoman Bowden thanked the Chincoteague Island Community Cats for their service to the Island.

Mayor Leonard would like to see the Town give more in scholarship money in the future adding a 4-year commitment.

**18. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE MAY 20, 2021  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

Christopher D. Bott, Vice Mayor

**Council Members Absent:**

J. Arthur Leonard, Mayor

Denise P. Bowden, Councilwoman  
William T. McComb, Jr., Councilman  
Ellen W. Richardson, Councilwoman  
K. Jay Savage, Councilman  
Gene W. Taylor, Councilman

**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**

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

**2. Invocation**

Councilman Savage offered the invocation.

**3. Pledge of Allegiance**

Vice Mayor Bott led in the Pledge of Allegiance.

**4. Public Comment**

Vice Mayor Bott opened the floor for Public Comment.

**5. Presentation of Donations**

Ms. Donna Leonard expressed her delight to be able to make the presentations this evening. She gave the history of the history of the property that she, her sister Mrs. Jane Wolffe and her brother, Mayor Arthur Leonard purchased the property. Mr. David Landsberger then bought it from them. Ms. Cindy Faith went to Mr. Landsberger asking if he would donate it to the CCA. Mr. Landsberger donated the property to the Town with the stipulation it would be an athletic field and park. Ms. Leonard reported that Ms. Faith is now running the Island Community House and with her drive and determination they spearheaded the fundraising efforts for the equipment for the Brianna's Kindness Park. She advised this is a night of history and introduced Mr. David Landsberger, the big donor.

Mr. Landsberger also gave some history advising that with donations of chess tables it mushroomed into a community project. He spoke with the gentleman doing the playground equipment. He then donated \$80,000 for half of the playground equipment. He then pledged \$25,000 for the pavilion. The land for the park was donated and the deed was recorded last week. He presented Vice Mayor Bott with a check in the amount of \$80,000. Council thanked Mr. Landsberger for his generosity.

Ms. Leonard advised that the next step is fixtures for the Park. They approached the Kiwanis for a possible donation for picnic tables.

Mr. Laser with the Kiwanis presented Vice Mayor Bott with a check in the amount of \$2,500 to go toward the picnic tables.

Council thanked the Kiwanis for their donation.

Ms. Leonard stated that Coldwell Bankers-Harbor Rentals did a softball tournament last Sunday. They also asked their homeowners for donations. They gave a donation in the amount of \$20,147.

Chief Fisher reported they held a flag football game and sold “Kindness” hats to raise money for the Brianna’s Kindness Park. They raised just under \$3,000 and the Police Department donated \$2,000 from the Poker Run Fund making the total donation \$5,000.

Ms. Leonard offered a list of those who donated. She presented a check in the amount of \$40,000 to Vice Mayor Bott. She added that Island Foods donated \$1,500 from a flag sale. The Fire Company is doing a raffle to be drawn in 2022 to be the VIP for the next Pony Penning.

Councilwoman Bowden stated that the Pony Penning VIP Raffle is now at \$7,000 and they have until next May 2022. She advised she will be pushing and promoting this raffle.

Ms. Leonard asked everyone to go to the Brianna’s Kindness Park and look at the progress. She added to remember Brianna’s wish to “always be kind”. This will be in the minds and lives of others for a lifetime.

Council thanked everyone and Ms. Leonard.

Councilwoman Bowden stated that when this came about, this little girl held a special place in everyone’s heart. This community not only amazes her, but there is no other place like this in the world. Ms. Faith and Ms. Leonard spearheading the fundraising and all the donations of land and money from Mr. Landsberger, with the community coming together is something else. Every day she is so proud to be a part of this community. She is thankful and concluded that we are very blessed.

Councilman Taylor thanked the community All-Stars. He also thanked Mr. Landsberger, not only for the donation of land and money but for pushing to make this happen. He stated that this is much wetter than grants. He also stated that we’ve seen the kindness and he commented on a Chincoteague-Arcadia game. They hugged each other after the game showing mutual respect. He thanked Mr. Landsberger for his generosity and push. He thanked everyone for what they’ve done and added that we’re not done yet.

Ms. Leonard also thanked Town Manager Tolbert and Public Works Director Spurlock as they are A #1 in all of this. She asked for an applause.

## **6. Agenda Adoption**

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

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

Emergency Management Coordinator Rush commented that NOAA's hurricane outlook is to have an active hurricane season and the average will also be higher this season due to the 10\*year storms history. He commented on a tropical storm off the eastern coast to possibly be named Anna. He reviewed the stats of COVID-19 on the Shore and Virginia. He reported on the Governor's remarks that everything should be lifted by May 28<sup>th</sup>. He stated that he is unsure what this is, but it will be a new normal. He feels the plexiglass will remain and some will still wear masks. He gave the vaccination hotline adding that if you are in congregated settings you should continue to wear masks, public transportation will require masks and private businesses can still require masks. He added that if you want to wear a mask then wear one.

Emergency Management Coordinator Rush advised that with EMS the PPE use stays the same. They will not change the standards. He added that May 16<sup>th</sup> – 22<sup>nd</sup> is National EMS Week. The EMS - Theme is Caring for our Community. He stated that they were all caring for the community last year and it was considerable. This summer they will be in recovery. They will continue to support the community. The variant spread is slow. PPE supplies are better. Vaccinations on the Eastern Shore are more than adequate. The State of Emergency in Virginia will continue until at least June 30<sup>th</sup>. He recommended that Council consider ending the State of Emergency.

Councilman Taylor asked Emergency Management Coordinator Rush if they will still need the additional protection from COVID on ambulance calls.

Emergency Management Coordinator Rush doesn't believe the previous standards will return. He advised they will still use full protection adding that this is the new protocol. They will treat everyone as if they have COVID to better protect them.

**Councilman McComb motioned, seconded by Councilwoman Bowden to come out of the State of Emergency. Unanimously approved.**

## **8. Public Hearing for Line Vacation**

Vice Mayor Bott opened the public hearing. There were no comments, and the public hearing was closed

## **9. Consider Approval of Line Vacation**

**Councilman Taylor moved, seconded by Councilman McComb to approve the property line vacation for Sue Ellen Bowden on Misty Meadows Drive. The motion was approved.**

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

**Nays: None**

**Absent: Leonard**

**Abstain: Richardson**

## **10. FY 2021 Budget Amendment Public Hearing**

Vice Mayor Bott opened the public hearing. There were no comments, and the public hearing was closed.

### 11. Consider Adoption of FY2021 Budget Amendment

Town Manager Tolbert commented that this is typical housekeeping that is required by the State Code. He added that the big amendment was the CARES Act money.

FY 2021 Budget Amendment					
Revenues	Source	approved budget	proposed amendment	variance	notes
104001.0100	REAL ESTATE TAX	\$ 632,000.00	\$ 670,000.00	\$ 38,000.00	More collections than predicted
104001.0125	PERS PROPERTY TAX	\$ 215,000.00	\$ 223,000.00	\$ 8,000.00	More collections than predicted
104001.0130	DEL. TAX, INT., PENALTY	\$ 18,000.00	\$ 46,000.00	\$ 28,000.00	
104001.0500	MEALS TAX	\$ 1,100,000.00	\$ 1,040,000.00	\$ (60,000.00)	
104010.0300	MOTOR VEHICLE LICENSE	\$ 80,000.00	\$ 83,000.00	\$ 3,000.00	
104010.0600	TRANSIENT OCCUPANCY TAX	\$ 1,290,000.00	\$ 1,450,000.00	\$ 160,000.00	
104041.0190	BRIANNA'S PK DONATION				Waiting for donations
104545.0100	CARES ACT	\$ -	\$ 503,922.00	\$ 503,922.00	
	<b>TOTAL Revenue</b>	<b>\$ 3,335,000.00</b>	<b>\$ 4,015,922.00</b>	<b>\$ 680,922.00</b>	
Expenses					
General Government		approved budget	proposed amendment	variance	
105030.3100	BANK CHARGES	\$ 8,500.00	\$ 17,000.00	\$ 8,500.00	DMV stops fees/CC fees
105030.3401	INSURANCE	\$ 150,000.00	\$ 145,534.00	\$ 4,466.00	additional cyber policy
105030.3601	DONATIONS	\$ 14,350.00	\$ 35,125.00	\$ (20,775.00)	\$25000 from Tourism/Beach Replnsh
105030.4702	VEHICLE MAINTENANCE	\$ 500.00	\$ 1,000.00	\$ (500.00)	over/ B&Z vehicle repairs
105030.4903	COUNCIL'S EXPENSE	\$ 1,000.00	\$ 1,200.00	\$ (200.00)	illness/funeral/retirement
105030.5101	ATTORNEY/LEGAL	\$ 35,000.00	\$ 10,000.00	\$ 25,000.00	Attorney upon request
105030.7701	SPECIAL PROJECTS	\$ 4,000.00	\$ 27,000.00	\$ (23,000.00)	Survey/retirement/front FH Grant ANPDC
105030.7702	PONY PENNING	\$ 13,000.00	\$ -	\$ 13,000.00	
105030.8710	CARES ACT ASSISTANCE		\$ 464,838.44	\$ (464,838.44)	
105030.8910	TRF TO GEN FND RESERV	\$ -	\$ 352,614.56	\$ (352,614.56)	
	<b>Total Gen Govt</b>	<b>\$ 217,850.00</b>	<b>\$ 684,697.44</b>	<b>\$ (819,462.00)</b>	
Emergency Services					
105100.1001	CARES ACT HAZARD DUTY		\$ 36,763.00	\$ 36,763.00	
105110.2101	HOSPITALIZATION	\$ 97,776.00	\$ 53,479.00	\$ 44,297.00	premium reduction
	<b>TOTAL</b>	<b>\$ 97,776.00</b>	<b>\$ 90,242.00</b>	<b>\$ 81,060.00</b>	
Public Works					
106010.2201	RETIREMENT	\$ 22,337.00	\$ 32,660.00	\$ (10,323.00)	amt. through March (3 mos. Left)
106090.9301	SARBANES WORK	\$ 425,000.00	\$ 238,358.00	\$ 186,642.00	
106090.9500	SMITH ST PARK PROJECT	\$ 75,000.00	\$ 90,100.00	\$ (15,100.00)	offset w/ donations from Brianna's Pk.
106090.9600	MUNICIPAL CENTER PARKING	\$ 55,000.00		\$ 55,000.00	
	<b>TOTAL</b>	<b>\$ 577,337.00</b>	<b>\$ 361,118.00</b>	<b>\$ 216,219.00</b>	
Mosquito Control					
106130-3401	Insurance	\$ 6,500.00	\$ 7,000.00	\$ (500.00)	increase
	<b>TOTAL</b>	<b>\$ 6,500.00</b>	<b>\$ 7,000.00</b>	<b>\$ (500.00)</b>	



<b>Police Dept</b>					
107030.7903	ACADEMY DUES	\$ 7,000.00	\$ 7,229.00	\$ (229.00)	increase
107090.9696	COMPUTERS/SOFTWARE	\$ 2,000.00	\$ 5,600.00	\$ (3,600.00)	increase
107090.9760	SOFTWARE/MAINT/CAMERAS	\$ 5,000.00	\$ 6,455.00	\$ (1,455.00)	increase
	<b>TOTAL</b>	<b>\$ 14,000.00</b>	<b>\$ 19,284.00</b>	<b>\$ (5,284.00)</b>	
<b>Revenue Harbor</b>					
304031.0100	INTEREST HARBOR SAVINGS	\$ 1,800.00	\$ 250.00	\$ 1,550.00	rates fell
304031.1000	HARBOR RENT	\$ 100,000.00	\$ 34,593.00	\$ 65,407.00	change in annual rent - due 07/01/2021
304031.1002	SUBLEASES	\$ 52,000.00	\$ 60,000.00	\$ (8,000.00)	increase in subleases/more slips
	<b>REVENUE TOTAL</b>	<b>\$ 153,800.00</b>	<b>\$ 94,843.00</b>	<b>\$ 58,957.00</b>	
<b>Expenses Harbor</b>					
308090.9300	FLOATING DOCK/FINGER PIER	\$ 146,756.00	\$ 149,613.00	\$ (2,857.00)	Town's expense: water line/signage
	<b>TOTAL</b>	<b>\$ 146,756.00</b>	<b>\$ 149,613.00</b>	<b>\$ (2,857.00)</b>	
<b>Expenses Trolley</b>					
703030.7302	REPAIRS/MAINTENANCE	\$ 6,500.00	\$ 13,272.00	\$ (6,772.00)	COVID Precautions
703090.9001	TROLLEY PURCHASE	\$ -	\$ 165,000.00	\$ (165,000.00)	
	<b>TOTAL</b>	<b>\$ 6,500.00</b>	<b>\$ 13,272.00</b>	<b>\$ (171,772.00)</b>	
<b>Revenues Water</b>					
804131.0300	INTEREST ON WATER SAVINGS	\$ 14,000.00	\$ 641.00	\$ 13,359.00	through March
804131.0400	MISC. EXPENSE	\$ -	\$ 4,639.00	\$ (4,639.00)	
804131.0500	AVAILABILITY FEES	\$ 45,000.00	\$ 81,568.00	\$ (36,568.00)	
	<b>TOTAL</b>	<b>\$ 59,000.00</b>	<b>\$ 86,848.00</b>	<b>\$ (27,848.00)</b>	
<b>Expenses Water</b>					
806230.8770	STATE GROUNDWATER PMTS	\$ 10,000.00	\$ 19,435.00	\$ (9,435.00)	
	<b>TOTAL</b>	<b>\$ 10,000.00</b>	<b>\$ 19,435.00</b>	<b>\$ (9,435.00)</b>	
	<b>Total Revenues</b>	<b>\$ 3,547,800.00</b>	<b>\$ 4,197,613.00</b>	<b>\$ 712,031.00</b>	
	<b>Total Expenses</b>	<b>\$ 1,076,719.00</b>	<b>\$ 1,344,661.44</b>	<b>\$ (712,031.00)</b>	
			<b>Balance</b>	<b>\$0.00</b>	

**Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the FY2021 Budget Amendment. Unanimously approved.**

## **12. Consider Adoption of FY 2022 Budget**

Vice Mayor Bott advised this was published on May 3<sup>rd</sup> and is now ready to be considered for adoption.

Town Manager Tolbert advised there are no comments, emails or calls on the budget. It has sat for 7 days and ready for approval. He advised that the total budget is \$7.9 million which is less than last year because of the Sarbanes Grant.

Councilwoman Bowden thanked Town Manger Tolbert and the department heads. She doesn't know how they do what they do with what we have. It blows her mind. She knows its hard and she appreciates the efforts and hard work.

Town Manager Tolbert stated that Council does a wonderful job, and he is fortunate to have the staff he has.

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the FY 2022 Budget. Unanimously approved.**

REVENUES		EXPENDITURES	
<b>GENERAL FUND</b>		<b>GENERAL FUND</b>	
GENERAL PROPERTY TAXES	\$ 867,000	GENERAL GOVERNMENT	
OTHER LOCAL TAXES	\$ 2,987,800	SALARIES & BENEFITS	\$ 538,327
PERMITS, FEES & LICENSES	\$ 270,650	EXPENSES	\$ 815,758
FINES	\$ 47,000	CAPITAL IMPROVEMENTS	\$ 37,345
INTEREST	\$ 10,000	EMERGENCY SERVICES	
LAND USE/RENT	\$ 23,548	SALARIES & BENEFITS	\$ 1,038,906
SERVICES	\$ 12,150	EXPENSES	\$ 49,300
MISCELLANEOUS	\$ 308,200	PUBLIC WORKS (INCL MOSQUITO CTRL)	
GRANTS	\$ 998,364	SALARIES & BENEFITS	\$ 540,642
SOLID WASTE	\$ 406,552	EXPENSES	\$ 634,870
FUND TRANSFERS	\$ 277,542	CAPITAL IMPROVEMENTS	\$ 522,542
		ROADS DIVISION	
		SALARIES & BENEFITS	\$ 158,529
		EXPENSES	\$ 551,629
		POLICE DEPARTMENT (INCL DISPATCH)	
		SALARIES & BENEFITS	\$ 1,050,258
		EXPENSES	\$ 171,500
		CAPITAL IMPROVEMENTS	\$ 99,200
<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$ 6,208,806</b>	<b>TOTAL GENERAL FUND EXPENSES</b>	<b>\$ 6,208,806</b>

PERSONAL PROPERTY		\$0.85 PER \$100 OF ASSESSED VALUE	
EXCISE TAX (MEALS)	5%	EXCISE TAX (TRANSIENT OCCUPANCY)	5%
MOTOR VEHICLE LICENSE	\$ 27		
PERSONAL PROPERTY TAX RELIEF	\$ 0.65	SOLID WASTE COLLECTION	\$2.10 PER WEEK

**13. 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. Councilman McComb 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, prospective business opportunities, and probable pending litigation. Unanimously approved.**

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

**Councilman McComb 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.**

**(9) only public business matters lawfully exempted from opening meeting requirements under this chapter and**

**(10) only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed or considered. Unanimously approved.**

**15. Vice Mayor and Council Announcements/Comments**

Councilman Savage stated that he is grateful for everything with Brianna's Kindness Park. It proves the resiliency of the community to come together for this Park. This is what Chincoteague is truly about. He added that with everything going on here, making these numbers balance out, staff is doing a fine job. He is proud to be a Chincoteaguer.

Councilman Taylor stated that the community is All-Stars and aren't always born here. It takes everyone to come together. He thanked those families who vacation here and that pay transient occupancy taxes. He thanked Chief Fisher for having a safe place for a family to come. He is thankful and hopes to always keep it safe so they will keep coming.

Councilman McComb thanked everyone involved in raising money. He congratulated everyone adding that it is a job well done. He commented that it is shaping up to be a banner year. He added that it could be a challenge. He reminded everyone to be patient when going to the grocery store or wherever that may be. He also stated that the Town needs to put its weight behind Rt. 175 right now with the work and delays. He feels it is dangerous and asked if someone would mitigate this issue.

Councilwoman Bowden mentioned the softball game adding that she is still feeling it. She stated how amazing how many who came out to the games to participate and watch. She looked at everyone having fun and visiting. It was a wonderful sight. She appreciates those who put it on. She added that Emergency Management Coordinator Rush's report to get back to some sort of normalcy. She added that there still will not be carnival or Pony Penning because of logistics and it's too late for permits. She assured everyone that next July they will have the a bang up carnival and Pony Penning year. She closed with "Go Yankees".

Councilwoman Richardson stated that it is wonderful to be a Chincoteaguer. The Lord blessed us with what they have here. He keeps His hand on us. Chincoteague has always been a community that pulls together. She thanked those who welcomed her when she came to the community.

Vice Mayor Bott stated that the Town has been working diligently. He commended Town Manager Tolbert for being on top of the issues like Rt. 175, meetings, the State of Emergency the Kindness Park. He stated that things are moving along at a rapid rate and the Town is fortunate to have them working as hard as they do.

Town Manager Tolbert advised that Council has committed nearly \$400,000 in funds and labor with the Public Works staff installing the equipment at the Park. He added that the Public Works staff is doing a great job and quickly. He wanted everyone to know that the Town committed a lot of funds and he thanked Council.

**16. Adjourn**

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

---

Christopher D. Bott, Vice Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE MAY 24, 2021  
CHINCOTEAGUE TOWN COUNCIL SPECIAL MEETING  
STUDENT GOVERNMENT DAY  
Council Chambers**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Denise P. Bowden, Councilwoman  
Ellen W. Richardson, Councilwoman  
K. Jay Savage, Councilman  
Gene W. Taylor, Councilman

**Council Members Absent:**

Christopher D. Bott, Vice Mayor  
William T. McComb, Jr., Councilman

**Student Government:**

Ms. Emma Faith, Student Government Mayor  
Ms. JaLexus Handy, Councilwoman  
Ms. Ashleigh Lapping, Councilwoman  
Ms. Danielle Jimmo, Councilwoman  
Mr. Ayden Leonard, Councilman  
Ms. Lexi Marshall, Councilwoman  
Mr. Luke Pride, Councilman  
Ms. Caroline Shelley, Town Manager  
Mr. Hunter Barley, Chief of Police  
Mr. Evan Mason, Director of Public Works  
Mr. Hayden Hoyle, Director of Emergency Management

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager

**1. Call to Order**

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

## **2. Invocation**

Councilman Savage offered the invocation.

## **3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

Mayor Leonard explained that this is the annual, with the exception of last year, for the Chincoteague High School students to work with and meet with their respective counterparts.

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to allow the Chincoteague High School Student Government counterparts to take their respective places on Council to conduct a meeting. Unanimously approved.**

Student Government Mayor Faith thanked Mayor Leonard and Council for allowing them to participate today.

## **4. Public Comment**

Student Government Mayor Faith opened the floor for Public Comment.

- Mrs. Katie Farrell, Vice-Principal of Chincoteague High School, stated that on behalf of Principal Holmes and herself it is an honor to see their students here representing the Island this evening. They will do a great job and are in great hands. They look forward to everything they want to do whether it's trade school, college, workforce or whatever they choose. She expressed how proud they are of them. She thanked them and stated that they look forward to them coming back to visit Chincoteague High School.

## **5. Agenda Adoption**

**Student Government Councilwoman Lappin motioned, seconded by Student Government Councilman Leonard to adopt the agenda as presented. Unanimously approved.**

## **6. Staff Reports**

### General Government

Student Government Town Manager Shelley reviewed the Meals and Transient Occupancy revenues for the month of May adding that the numbers are still very strong. She showed the 3-year average. She reported that the Meals Tax budget continues to grow and should make the budget. She added that the Transient Occupancy Tax collections have exceeded the budget. She advised that the Chincoteague Kiwanis has expressed interest in renting the old Town Garage on Cropper Street. The Chincoteague Island Cats is interested in renting the old Town offices and a veterinarian is interested in renting a portion of the old Town office. Town Manager Tolbert is scheduled to meet with the groups on Tuesday to finalize the arrangements.

### Police Department

Student Government Chief Barley received 585 calls for service resulting in 9 investigations into criminal offenses. They conducted 192 security checks, 12 public service calls, 10 fingerprints, and 5 traffic controls. The Department issued 179 summonses for traffic offenses and issued 55 warning tickets. The Department assisted the North Accomack Little League with their opening day parade, they also provided crowd and traffic control for NASA's rocket launch. 2 officers

attended training hosted by the FBI. They supported the U.S. Coast Guard with the Causeway cleanup. They assisted Accomack County Public Schools with their School Bus Rodeo. They also participated in the Drug Take-Back Program.

### Public Works

Student Government Public Works Director Mason reported they completed the construction of the new sidewalk along Maddox Boulevard between Eel Creek and Chicken City Road. The balance of the Sarbanes Grant funds will be used to rectify the traffic circle bike lane flooding, which has also been completed. The total project was to install and/or replace 2.5 miles of sidewalk and is now complete. Student Government Public Works Director Mason reported that they began the Brianna's Kindness Park construction on Smith Street. They installed a utility pole with a gateway for the radio read water meter system on Ridge Road adding that with this approach, they are saving between \$65,000 and \$120,000. They repaired the Main Street stormwater inlet in the vicinity of the Carnival Grounds. They have started painting Trolley stops and they installed a driveway culvert reshaping the ditch in Sunnywood Manor. They installed artificial turf at the Dog Park. They conducted general cleanup and graded Ocean Breeze roads. They also continued ditch maintenance. They have transitioned in cleaning the Town's restrooms daily in response to the COVID-19 guidelines and this was done and currently being done 7 days a week without incurring overtime costs. They continue to conduct routine office, park and complex maintenance, routine pavement repair and traffic control. They completed equipment maintenance for larviciding for the upcoming mosquito control season. They performed routine maintenance, water supply, repair and completed a visual inspection of all meters. They conducted normal vehicle inspections and repair disposing of \$10,256 worth of equipment on GovDeals. He added that they recently completed the 1-million-gallon ground water storage tank painting, and it is back online as of this morning. Smith Street extended was paved. He reported on the upcoming projects: South Main Street drainage upgrade associated with Inlet View Campground. He also stated that they are still working on the Brianna's Kindness Park.

### EMS

Student Government Director of Emergency Management Hoyle reported that the Fire Department had 10 calls from May 10<sup>th</sup> to May 23<sup>rd</sup>; 5 ALS, 3 BLS and 2 fire-hazmat assists. He reported that last May 2020 they had 7 calls and this year they had 10 calls. The hurricane season is here, and sub-tropical storm Anna started forming Saturday the 22<sup>nd</sup> northeast of Bermuda. It is traveling outward and no longer a tropical storm. He suggested preparing for hurricane season by storing water; 1 gallon per day per person, nonperishable foods, flashlights, medicines, pet supplies, making sure your emergency paperwork is completed and filled out.

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

Student Government Emergency Management Coordinator Hoyle reported on all health metrics as of 10:00 a.m., May 24<sup>th</sup>, 2021 there was a decrease since Monday. The 7-day positivity rate has been decreasing. He reported on the state statistics, Accomack County, Northampton and Chincoteague statistics. He reported on the numbers tested. He added that 12 and older are now eligible for vaccines. He stated that if you are not vaccinated you should continue to wear your mask. He advised that on May 28<sup>th</sup> the Governor's restrictions are set to expire. Chincoteague's

State of Emergency will expire as well. They continue with COVID-19 positive rates decreasing to lead to things getting back to normal.

Student Government Mayor Faith thanked Staff for the updates.

## **8. Committee Reports**

### Long Backups on Maddox Boulevard in the Summer:

Student Government Councilman Leonard advised this is a popular topic. He can see where this is an issue. We have a lot more people here right now than normal. He feels if this is indicative of this summer, then there will be a lot of people here. There are a few solutions that would require different entities to work together. The Town could possibly widen the road there. Because there are houses on either side something would have to be done. He added that VDOT would have to help with a more efficient stop light there as well. The Town would have to work together with VDOT to widen the road and change the stop light to help reduce the traffic backup. It would be nice to make changes before the influx of traffic.

### Memorial Park No Wake Zone

Student Government Councilman Leonard also reported that some do not want the No Wake Zone and there are some that area adamant about having the No Wake Zone. He feels it is important to have the No Wake Zone there because of erosion, especially at the Memorial Park boat ramp. He explained, from experience, when you're launching a boat and a boat goes by throwing a big wake it will splash over the back of your boat. Establishing the No Wake Zone will allow water time to travel and the wake to disperse. He advised that he spoke with Mr. Leonard Jester and that last year at 88 years old he was washed out of his boat by another boat's wake. He advised it lifted his boat up causing him to flip out of the boat. He stated that at 88 years old Mr. Leonard pulled himself back up into the boat and on the dock. He even thought of selling his house.

Student Government Councilman Leonard stated that there is a No Wake Zone in place, but the buoys aren't very efficient. They need to make sure it's marked. He added that there are always a couple of people who abuse it. He thought that if they install cameras with video feed it could be enforced by the VMRC. He feels that with the videos there is a more definitive way to prove.

### Possible Use of Ride Sharing Scooters

Student Government Councilwoman Jimmo stated that electric scooters would be a great revenue for the Town. They don't take much space but can be very dangerous at times with high traffic mainly in the summer. She conducted some research around the Island, she asked different age groups as to what they thought about it. She determined that not very many people over the age of 18 were for renting electric scooters. There was a company who contacted a business to partner up, but there are age restrictions of 18. The business was well run, but with the age restrictions not many people would rent them. She stated that for private electric scooters, if they are allowed by the Town, they should have to follow the same regulations as bicycles by staying to the side of the road or in bicycle lanes adding that riders should wear helmets. Based on her research she does not believe that allowing businesses to rent electric scooters is the best idea.

### Speed Limits Within the Downtown Area

Student Government Councilwoman Lappin reported that the biggest suggestion is to reduce the speed limit in the Downtown area. It would be safer because of the number of pedestrians in that area, especially since they have revitalized the Downtown. She spoke with some of the business owners today about their experiences and they advised watching multiple people almost be hit by cars. This is due to people walking out into the road without looking thinking they have the right-of-way as a pedestrian. She doesn't believe at this point anyone has actually been hurt in the Downtown area. She added that she has almost hit pedestrians who just step out not looking. She is unsure if speed is the issue at hand. She feels that people are going to step out whether you're doing 25 or 15 mph. However, 15 mph may help vehicles slow down quicker, but people are still going to go as fast as they want to. She thinks that reducing the speed to 15 or 20 may help the issue and reduce the chance of people getting hurt. The Police Department is currently monitoring the speed throughout the Downtown with the speed trailer. The data isn't back yet, but she and her friends are already slowing down through there. People are going to do what they want driving or walking.

Student Government Mayor Faith thanked everyone for all of the good information.

### **9. Student Government Mayor and Council Announcements/Comments**

Student Government Councilman Leonard stated that he would like to bring up one more problem on the Island in Ocean Breeze. The Ocean Breeze roads have been taken over by the Town. As of now, it's still the stone road with a lot of large potholes. He suggested putting blacktop on the roads. He spoke with some residents there with the same concerns. If there was blacktop, there would be no worry about the weather doing anything to it. He mentioned hitting a pothole there with firetrucks having to get to a scene quickly in an emergency. He feels it would be a good idea to have this paved as soon as possible.

Student Government Councilwoman Lappin stated that the EMS staffing on Chincoteague is a hot topic. She understands that the money is tight, but if Chincoteague gets a priority second ambulance call and they can't staff it, this could be a life-or-death situation. She mentioned relying on surrounding stations having to come over and cover a call with a 15-minute drive. She added that the first 15 minutes are the most important in saving someone's life. She suggested looking into getting more staffing.

Student Government Councilman Leonard agreed with her adding that they have 2 ambulances that should be fully staffed.

Student Government Mayor Faith feels that everything they have discussed is very important. She feels they have made progress and hopes that the real Town Council will look further into the matters they addressed. She thanked the Town Council for allowing them to have Student Government Day. She feels they all learned more about local government that they didn't know before. Doing this together was a great idea and they should do this again next year. She also thanked Mrs. Farrell and Mr. Holmes for allowing them to do this during a school day. She then thanked all of the senior parents for coming out and allowing them to participate today. She added that they are now adults.



Councilman Taylor stated that a few years ago on Student Government Day a young lady attended and passed away before she got to college. He advised them that they are free but not invincible. He told them to keep their guard up and keep their morals high.

Councilwoman Bowden stated that she is extremely encouraged knowing they went out today and seeing the things Council has discussed. She stated that it is highly encouraging knowing they are noticing these things about their hometown. She expressed her appreciation for the Student Government participating with Council. She believes that the Student Government Day started back in the late 70s or early 80s by Mrs. Anna Mae Rounds, a Chincoteague High School teacher. She is tickled they are participating in this. Its nice to see the young generation seeing how the Town works even if it is for just a day. They've done a fantastic job and she feels they will have a fantastic life.

Councilman Savage reiterated what Councilman Taylor and Councilwoman Bowden said. He felt their concerns in the way they presented their issues. He stated that this is the kind of leadership the Town needs in the future. He advised that there are going to be a lot of obstacles in their future, but they can overcome them by relying on prayer and on their parents' wisdom. He asked them not to leave it there and to bring other things to them. They have done a great job.

Councilwoman Richardson stated she is very impressed how they have handled themselves with the public and their responses. She stated they should listen to people and learn what they can. She also stated to carry themselves well because they are professionals and they're proud of the Island. She added that if they put their mind to it, they can do anything. She knows they'll do well. She told a story of a bus kid years ago and one day she must have ridden them a little hard. She advised that when the bus kid was getting off the bus she stopped and stated if she wanted a sermon, she would have asked for it.

Mayor Leonard advised he is approaching them from two directions, one as the Mayor. When he approached Mr. Holmes, he was receptive about having it this year. He is also here as a parent. He remembers when they were at Ms. Tanya's. This is another step forward in becoming fine young adults. He stated that it is heartwarming. He appreciated them stepping up seeing what the Town does. A lot of people don't know what they do, and the amount of time and hard work that is put into this, especially all of the employees, from the Police, EMS, Public Works, and office staff. He added that these are our backbone. It was good for you to see what they do day in and day out. He stated that we're a small Island and 60 minutes one way and 40 minutes the other from the closest hospitals. The EMS is very important to us. He stated that we will hopefully look out for this. He is glad they saw the different issues the Town has and giving their perspectives. He thanked them for coming and participating.

## **10. Adjourn**

**Student Government Councilwoman Lappin motioned, seconded by Student Government Councilman Leonard to adjourn. Unanimously approved.**

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**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.**

**(11) only public business matters lawfully exempted from opening meeting requirements under this chapter and**

**(12) 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

**MINUTES OF THE JUNE 17, 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

**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. Consider Remote Participation**

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



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

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

**Nays: None**

## **5. Public Comment**

Mayor Leonard opened the floor for Public Comment.

- Mrs. Theresa Hockensmith, 8253 Sea Breeze Drive, came before Council regarding a cat colony at a neighboring property. She described the issues along with an altercation. She asked Council for help, suggestions, or direction.

Mayor Leonard advised they were unable to do something about it this evening, but he would refer this matter to another committee and get back with her.

## **6. Agenda Adoption**

**Councilman McComb motioned, seconded by Councilwoman Richardson to adopt the agenda moving item 13, Mayor & Council Announcements to item 10a. Unanimously approved.**

## **7. Adoption of Vehicle and Traffic Code**

Mayor Leonard stated that this is done every year.

Town Manager Tolbert advised this is an annual adoption and he explained the importance of adopting the state update annually.

**Vice Mayor Bott motioned, seconded by Councilwoman Richardson to adopt the Traffic and Vehicle 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, 2021, 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, 6-3-19, 7-16-20, 6-17-2021)

(b) The provisions of this section, as readopted, shall be effective as of 12:01 am July 1, 2021. 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, 6-3-19, 7-16-20, 6-17-2021)

## **8. Consider Causeway Recommendations**

Town Manager Tolbert spoke with Mr. Chris Isdel with VDOT to discuss a no passing zone. He stated that they are resealing the Causeway and it currently has temporary lines. They are preparing to put permanent stripes down, and Mr. Isdel asked for recommendations on passing zones. He advised that if the Town recommends removing passing zones, there will be a Traffic

Study done before they will be removed. The permanent lines are reflective with new center line, but the side lines will not have reflection.

Councilwoman Bowden stated that at one time she was on board with making the entire Causeway a no passing zone. She added that people pass on the double lines, and she feels that allowing passing would give drivers a safe place to pass. She suggested asking for center rumble strips on the Causeway, cameras, and more State Police presence. She feels if you ask VDOT for everything they may give you something.

Vice Mayor Bott asked if it was wide enough for rumble strips. He feels the Causeway needs edge reflectors. He explained that when its raining, windy and dark you can't see the side lines and the reflectors make a world of difference.

Councilwoman Bowden agreed and suggested asking for any and everything to make the Causeway safe.

Councilman McComb agrees and would like to add signage of no passing in a certain area or passing in a certain area and pull-off location signage because folks impede traffic by sightseeing. He added that people pass when they shouldn't.

Councilwoman Bowden added to put a sign that reminds drivers to maintain speed.

Mayor Leonard stated that he has a problem with no notice of work being done. He is unsure if we need County or State representation on board that would go to VDOT. The Causeway is a major thoroughfare, and they should address it. He also stated that there was a study done on Chincoteague Road from RT 13 to the Royal Farms. He feels VDOT needs to study and do something about the Causeway.

Councilman Savage commented on the 3 miles of guardrails. He stated that he would rather run off into the marsh with 2 feet of water than bump a guardrail and back into traffic into a semi.

Mayor Leonard stated that they have talked about raising the road, so it won't be flooded. He also added that this time of year they have terrapins crossing the road with people swerving to miss them almost causing an accident. He feels VDOT could put a buffer along the roadways to keep them from crossing. He reiterated that Council would like to keep it with the passing zones and engage with Richmond VDOT.

Councilwoman Bowden stated that she agrees, but wants them to study everything about the Causeway, not just passing zones.

## **9. Consider Sole Source Recommendations**

Mayor Leonard advised that Raven's Marine has been the company they have ordered the previous floating docks from. The Town staff works well with them and know the quality of the equipment. It has been a great pairing.

Town Manager Tolbert added that the last floating dock project quote was \$112,000 and they quoted this new floating dock project with 4 additional slip spaces at \$120,000.

**Vice Mayor Bott motioned, seconded by Councilman McComb to approve the sole source purchase with Raven's Marine for the Harbor's floating dock. Unanimously approved.**

#### **10. ARPA Update**

Town Manager Tolbert reported that the Town is a Non-Entitled Unit and will receive ARPA funds directly from the State of Virginia. The State Secretary of Finance, Aubrey Lane sent a memo to all Non-Entitled Units on Wednesday of last week, the certification for funds was completed and returned to the State on Friday. He advised that on Monday we received confirmation they received our certification. He reported that the Town should expect the first half of the funds which is \$1.491 million within a week. Council requested uses of the ARPA fund. He advised that he has tentatively scheduled a public hearing for the Workshop meeting on July 15<sup>th</sup>. The hearing will be advertised in the Eastern Shore Post for 2 consecutive weeks immediately prior to that date as well as on the Town's website and Facebook pages. They will review the process and the award to the Town. He suggested, upon closing the hearing, that the Mayor appoint a sub-committee of Council to review the projects, costs, and benefits to make recommendations to full Council of what projects to approve to spend the money. He stated they have until December 31, 2024, to incur the money and December 31, 2026, to distribute the money to all of the contractors. The total award is \$2.98 million. There are recommendations in the office, and it is always a good thing to get public input. Staff will be working on this, and he feels this process will give a thorough understanding of what is involved.

#### **10a. Mayor & Council Announcements**

Councilman Savage asked about receiving the funds by 30 days.

Town Manager Tolbert responded that if the state is unable to distribute the funds within 30 days, they can file for an extension of 90 days. He added that they plan to issue the funds on time.

Councilman Taylor stated that no one knows what the police officers go through. People wouldn't believe what the officers see and endure. He wanted Chief Fisher to let his officers know that Council loves them and are praying for them. He added that they are amazing.

Councilman McComb encouraged the public to participate in the public hearing process for the ARPA funds so they can make best use of the funds.

Councilman Bowden hopes the public comes out to tell the Town what they are thinking about for the ARPA funds. She asked where the Town stands with the traffic light at Maddox and Main.

Town Manager Tolbert stated that he sent a letter to Mr. Isdel who passed it along to Suffolk. Mr. Isdel feels this will pass quickly. He held a staff meeting with Chief Fisher, Emergency Management Coordinator Rush and Public Works Director Spurlock where they discussed the

changes in the traffic light they would like and believed would work. Mr. Isdel advised that if it doesn't work it can be tweaked or refined.

Mayor Leonard stated that the Island residents are influenced by the amount of people here. He stated that it feels like Pony Penning week every day now. He asked everyone to be patient, take their time, relax, and show some Chincoteague hospitality.

**11. Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia to discuss discipline of specific personnel.**

**Vice Mayor Bott motioned, seconded by Councilman McComb to go into a closed meeting in accordance with §2.2-3711 (A) (1) of the Code of Virginia to discuss discipline of specific personnel. Unanimously approved.**

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

**Vice Mayor Bott motioned, seconded by Councilman McComb 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.**

**(13) only public business matters lawfully exempted from opening meeting requirements under this chapter and**

**(14) only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. Unanimously approved.**

**~~13. Mayor & Council Announcements~~**

**14. Adjourn**

**Vice Mayor Bott motioned, seconded by Councilman McComb to adjourn. Unanimously approved.**

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE JULY 6, 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

**Council Members Absent:**

None

Gene W. Taylor, Councilman

**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. Public Comment**

Mayor Leonard opened the floor for Public Comment.

- Ms. Alice Burton from West Virginia, advised she is there regarding the complaint about cats at the last Council meeting. She advised she's been coming to Chincoteague for several years trapping cats with the Chincoteague Island Community Cats for neutering and spaying. She has recently been appointed as their Education Advisory Council Chairperson. She reported that she spoke with the property owner regarding the complaint. He advised of his plan to install a 6' privacy fence. She offered assistance to those who complain about the cats. She gave her credentials with animals as Chief Animal Control Officer for 14 years. She offered help.

- Ms. Julie Brommer, President of the Chincoteague Island Cats, reiterated their mission which starts with community support and finding a solution for cats. She stated that it is not appropriate for cats to destroy property or cause problems for neighbors, but there are humane deterrents. She commented of her appreciation for Ms. Burton who is an expert in cats. She commented further adding that it's about people and enjoying Chincoteague. She added that she brought 190lbs of dry dogfood to the Mana Café to distribute to homebound residents.

- Mrs. Ginger Birch, 7079 Bunting Road, advised she has been trapping, spaying, and neutering cats for over 20 years. She stated that the cats are abandoned. She doesn't want to see cats or dogs go hungry. She added that she has friends that help her feed the cats.

- Mr. William W. Fox, II, 5138 Serenity Lane, addressed Council regarding the need for a Parks and Recreation Advisor. He stated that the Town has a lot of parks, and with baseball fields at the Little League property, he feels there are a lot of opportunities for leagues. He stated that the office staff is currently overseeing this on the side on top of their full plate. He added that because their plate is so full, it could get double-booked. He suggested a full-time employee to oversee this. He feels this position could pay for itself. He gave an example of a weekend softball tournament that could potentially bring in over 360 people or more to the Island to sleep

and eat here paying taxes from hotel rooms and campgrounds. If you offer these types of events and tournaments, leagues, in basketball, pickleball, soccer, softball and flag football, it could pay for itself. He feels the Town is missing out on an opportunity for more tax revenue providing something to do for everyone of all ages.

Councilman Taylor feels that in the real world this would be a 10-hour a week part-time job as it is a small town, unlike the County. He stated that the people who are willing to work with the youth has a heart and passion for it. He asked Mr. Fox if he would participate and take the reins.

Mr. Fox interjected that he does not believe it is a part-time job. He advised that he can name 10 places between parks, fields and recreational spots that are rented out regularly and with events that need to be planned with someone on call that would need to be there all week, 5 days a week. He explained how it wouldn't work once you start planning these events. He stated that this is not a 10-hour a week job. He feels this person should also be in charge of cutting the grass, lining the field, spraying the fields and covering the fields when raining. He commented further.

## **5. Agenda Adoption**

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

## **6. Staff Reports**

### General Government

Town Manager Tolbert reported that the Town has received \$1.491 million for the ARPA funds. They are still working on a selection of projects for this fund. The public hearing is scheduled for July 15<sup>th</sup> and has been advertised. He stated that he spoke with Mr. Isdel with VODT who is committed in working with the Town. He gave an update on the Causeway work. VDOT will be installing the permanent lines with reflectors in the center line and no reflectors on the edge lines. They requested that VDOT add signage, rumble strips along center line and reflectors on the edge lines along the Causeway. The traffic light at Maddox was reprogrammed to work all three lights together. Chief Fisher observed the operation and advised that it seems to be working with a few alterations. VDOT has committed to working with the Town. The Town submitted an official request to VDOT to reprioritize the projects on the Causeway: 1) add shoulders, 2) raise the intersection at Maddox Boulevard and 3) raise the road base along the entire Causeway to prevent closures. The ANPDC is also sending a letter. This matter has also been put on the agenda for the next Board of Supervisors' meeting.

Town Manager Tolbert reported on the Meals and Transient Occupancy Tax. June was a good month and they have met their Meals Tax budgeted expectations. The Transient Occupancy Taxes was almost the last 3 years combined and exceeded the adjusted budget. The Building and Zoning has had a busy month and the Building and Zoning Administrator is doing a great job. He reported that the County's electrical inspector, Mr. C.L. Bundick has retired. Mr. Mark Wood plans to open his own inspection agency to do both counties and Chincoteague once he receives his certifications and licenses.

There was brief discussion regarding the collection of Transient Occupancy taxes and that the light cycle modifications seem to be working.

### Police Department

Chief Fisher reviewed the June report. They helped the Accomack County Sheriff's office with the Chincoteague High School graduation along with the Senior's Parade. They provided parking and traffic control for the launch at the Curtis Merritt Harbor. He reported that they hired a part-time dispatcher and a new part-time traffic control officer. He added that they hired a full-time officer who he will introduce at the August meeting. He reported that they had their VCIN audit which was favorable. He commented on the weekend traffic and delays. He added that the Town has been awarded the grant for the School Resource Officer.

### Public Works

Public Works Director Spurlock reported that other than routine Public Works duties, they have managed to get the Brianna's Kindness Park near completion with sidewalks and parking lot with the exception of 1 piece of equipment which arrived and will be installed this week along with stone and mulch. The playground will be complete within the next 2 or 3 weeks. He is waiting for the sewage permit and one piece of the adult exercise equipment is missing. He encouraged everyone to go by and look at the progress. He mentioned the kayak launch emergency removal. He added that the Sarbanes work is 100% complete.

Mayor Leonard requested the aerial mosquito control to be scheduled.

### Emergency Services

Emergency Management Coordinator Rush reported that the Antares launch has been moved to August. They hired 3 part-time Paramedics and 1 EMT. He gave a shoutout to the Greenbackville Volunteer Fire Company for loaning their ambulance because they have one out of service. He was also happy to report the Fire Company received an 80/20 grant for the Rescue Squad Assistance Fund to purchase another ambulance in the amount of \$174,000 which could take 12-15 months. He advised of Tropical Storm Elsa. There will be gusty winds Thursday through to Friday Morning with 1-3" of rain. Most of the weather should stay off the coast with 40-50mph gusts.

## **7. Committee Reports**

### Curtis Merritt Harbor Committee

Mayor Leonard reported they held an emergency Harbor Committee meeting because of the kayak ramp that fell in and was removed. They would like to replace it with a floating ramp. They discussed the BIG grant and putting in ramps at the Robert Reed Park to accommodate smaller boats. The Harbor is full, and the gas sales are at a record pace.

**8. Adoption of the Minutes for the June 7, and 17<sup>th</sup>, 2021, Council Meetings. Vice Mayor Bott motioned, seconded by Councilwoman Richardson to adopt the minutes of the June 7<sup>th</sup> and 17<sup>th</sup> Council Meetings as presented. Unanimously approved.**

**9. Consider Purchase of VSP**



Town Manager Tolbert advised because of the recent tragic fatal accident on the Causeway and delays in the accident investigation it halted all access to the Island for over 6 hours. He advised that he and Chief Fisher spoke with 1<sup>st</sup> Sargent Kevin Myers with the Virginia State Police about the cause of the delays. 1<sup>st</sup> Sgt. Myers faulted a malfunctioning piece of equipment used to survey the accident scene. 1<sup>st</sup> Sgt. Myers described a piece of equipment that would speed up the investigation of an accident scene. There are 2 of these units on the I64 corridor that were unavailable because they were purchased with funds from the Tidewater area and restricted to use on the I64 corridor.

Town Manager Tolbert stated that Supervisor Tarr has asked for and received approval for the CVFD to purchase the entire unit at the cost of \$16,500. He also advised that he spoke to Mr. Mike Mason, and he agreed to put it on the Board of Supervisor's agenda for the July Meeting. He also agreed to contact the Northampton County Administrator for the same purpose. He stated that he asked Mr. Mason to propose that each county donate 1/3 to the purchase price and that he would ask the Town Council to donate the remaining 1/3. 1<sup>st</sup> Sgt Myers has agreed that if the unit is purchased with local funds and donated to the VSP. He stipulated that it would remain on the Eastern Shore and available for use here at all times. He asked Council to consider approval of 1/3 of the cost of the equipment not to exceed \$5,500 toward the purchase of this forensic equipment.

**Vice Mayor Bott motioned, seconded by Councilman McComb to approve up to \$5,500 toward the purchase of the VSP accident investigative equipment. Unanimously approved.**

#### **10. Presentation of Detached Quarters Proposal**

Mr. David Landsberger addressed Council with his proposal to add "Detached Quarters" to the R1 District in the Town Zoning Ordinance. He explained the reasons for the detached quarters to be for ailing, disabled and/or elderly family members. He explained further giving examples. They don't want to change the single-family zoning. He stated that if they meet the setbacks and septic, they should be able to build granny flats or detached quarters for a family member to live. He stated that he brought this before the Planning Commission and they did not send their decision to Council within 30 days, which is why he is before Council for a ruling.

Mr. Chuck Ward, with Starboard Environmental, LLC., gave a presentation explaining the history of structures and reasons which caused zoning laws that also created problems. He gave solutions and explained possible problems caused by hidden quarters that do not meet State and Town Codes. He read the proposed ordinance. He added that this would be an extension of the existing living space. He believes that adoption of this such of ordinance would add value to this community. He feels it is not a major change, it is a set of guidelines to allow a safe and systemic approach to addressing a real life need that we all recognize and understand. This is nothing more than to change the existing Zoning Code to allow additional space to be constructed but not physically attached to the principal structure. He added that as communities change the Zoning laws change. He offered to answer questions and address Council's concerns.

Councilwoman Bowden stated that she sees this happening and friends and other relatives are staying there for Pony Penning. She stated that she is concerned what happens when it is sold.

She also commented on the lack of enforcement. She added that no one will know how many people are staying there.

Mr. Landsberger interjected that no one knows who is staying in his house right now. Lack of enforcement is not a reason not to have good zoning. He added that if there is an ordinance in place there would be a C.O.

Vice Mayor Bott stated that he has a lot of questions. He also stated that he can see the value in the ideas. He suggested sending it back to the Planning Commission to approach it at all angles. He added that he has questions and would like them to address it. He would also like to see the Ordinance.

Mr. Landsberger interjected that they made the presentation to the Planning Commission and their response was to eliminate the fee for a special use permit. He stated that the Planning Commission chose not to act and according to what he read he could bring it to the Council for a decision.

Town Manager Tolbert explained the options: 1) approve the request and move to a hearing. 2) not proceed and the matter would die. 3) return it to the Planning Commission so they can study it further and report back to Council.

Vice Mayor Bott stated that this is why he wanted to send it back to the Planning Commission.

Mayor Leonard asked if this is not allowed in R1, but allowed in the R2, R3 and R4 Districts.

Mr. Landsberger responded that it has to be detached in R2, R3 and R4 Districts. He added that in Richardson's Landing they are not allowed, but in Oyster Bay they are.

There was further discussion.

Town Manager Tolbert will speak with Mr. Rosenberger. He also advised that it was his understanding that the Planning Commission decided not to meet in July, and the next meeting will be in August.

Councilman Savage asked if there is any history supporting the R1 regulations.

**Councilwoman Bowden motioned, seconded by Councilman McComb to send this matter back to the Planning Commission to get official word before they take action. Unanimously approved.**

## **11. Consider Committee Appointments and Recommendations**

Mayor Leonard advised that Mr. Chuck Ward resigned from the Board of Zoning Appeals. He also advised that the judge would appoint a member to fill his position. There is a vacancy on the Recreation and Community Enhancement Committee. He asked for a nomination.

**Councilman Taylor nominated Mr. David Johnson to serve on the Recreation and Community Enhancement Committee. The nomination was seconded by Vice Mayor Bott. Unanimously approved by Council.**

Town Manager Tolbert explained that there is a vacancy on the Building Code Board of Appeals, which was his position. He recommended to replace the Licensed Profession member with Mrs. Stacey Hart, P.E. who has agreed to serve as a member of the Building Code Board of Appeals.

**Vice Mayor Bott nominated Ms. Stacey Hart to serve on the Building Code Board of Appeals. The nomination was seconded by Councilman McComb. Unanimously approved.**

## **12. Consider Modified Ordinances**

Councilman Savage presented the modified ordinances that were approved by the Ordinance Committee.

### **Sec. 46-3. Deposits on sidewalks, streets, lanes, alleys.**

No person shall throw upon any sidewalk, street, lane, or alley any paper, rags, old shoes, tin cans, bottles, fruit or vegetable peelings, glass, decayed fruit, dead animals, **tobacco waste products** or any other refuse or waste.

(Code 1977, § 8-2, **Amended July 2021**)

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson and Councilman McComb to adopt the addition to Sec. 46-3 of the Town Code as amended.**  
Councilman Savage continued.

---

### **Sec. 10-59. Enclosures.**

It shall be unlawful for any person to keep horses, ponies, mules, donkeys, cattle, sheep, goats, **domesticated fowl** or similar animals in the town unless they are safely and securely enclosed by a fence and provided, they are properly housed. Such housing shall not be nearer than ten feet to any adjoining property line and no nearer than 30 feet to the principal building on any adjoining property. The enclosure shall be kept in such sanitary condition as to comply with all provisions of law.

(Code 1977, § 4-3; Ord. of 4-15-1999, **Amended July 2021**)

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the addition to Sec. 10-59 of the Town Code as presented. Unanimously approved.**

---

Councilman Savage read the next change:

### **Sec. 10-56. Hog pens; keeping hogs.**

Within the corporate limits, it shall be unlawful for any person to:

- (1) Have a hog pen.
- (2) Keep one or more hogs.

### (3) Pet Pig Exemption

It is prohibited to keep a pig or other swine as a household pet, except for a purebred miniature Vietnamese potbellied pig, *sus scrofa vittatus*, Chinese house pigs or pygmy pigs; Juliana Pig that is registered as such and is kept for the sole purpose of providing human companionship. No other swine, pig, hog, boar or member of the Suidae family may be maintained as a pet within the Town of Chincoteague Incorporated Limits.

The permitted pig shall be no younger than six weeks of age and shall be spayed or neutered. Owners must supply upon request of an animal control officer or employee/agent of the Town, proof that the swine is a registered, purebred miniature potbellied pig (*sus scrofa vittatus*); Chinese house pig or pygmy pig; Juliana Pig. Failure to do so shall result in an order to remove the swine and a citation of not less than \$250.

No person or residence shall own or keep more than one pig of the permitted species listed above.

No breeding or sales of pet pigs are permitted in any residential zoning district. Additionally, no slaughtering of pet pigs is permitted within the incorporated limits of the Town.

No pet pig shall be housed outdoors. No outdoor shelters shall be erected for this purpose.

A permitted pig shall be maintained primarily within the residence of its owner. No pig shall be kept outside; however, a permitted pig may be exercised from time to time within a securely fenced enclosure on the owner's property or while under the owner's physical control by means of secure leash, chain, or cord.

No pet pig shall be starved or otherwise deprived of healthful sustenance appropriate for its species and particular nature. Depriving a pet potbellied pig of healthful sustenance for any purpose, including for the purpose of stunting its growth, shall constitute cruelty to animals and be punishable per State Code.

The provisions of this Chapter that pertain to dogs and cats, and all other applicable provisions, apply also to pet pigs, except as specifically provided herein:

No pet pig kept within Town incorporated limits shall exceed the weight of one hundred twenty (120) pounds. The zoning administrator may require a licensed veterinarian's certification as to the weight of any pet pig which, in the opinion of the zoning administrator, exceeds one hundred twenty (120) pounds in weight.

All pet pigs kept in the Town shall be vaccinated against all major swine diseases every six (6) months. Any person keeping a pet pig shall comply with all state laws and regulations governing the keeping and production of swine.

(Code 1977, § 4-1, Amended July 2021)

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to adopt the addition to Sec. 10-56 of the Town Code as presented. Unanimously approved.**

---

Councilman Savage continued.

### **Sec. 58-6. Persons riding bicycles or riding or driving animals.**

Every person riding a bicycle, electric bicycle, electric scooter, electric skateboard, hover board, or any similar device, or an animal upon a roadway and every person driving any animal thereon

shall be subject to the sections of this chapter applicable to the driver of a vehicle, except those sections which by their very nature can have no application.

(Code 1977, § 11-5, **Amended July 2021**)

**Cross reference**—Animals, ch. 10.

**Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the amendments to Sec. 58-6 of the Town Code as presented. Unanimously approved.**

---

Councilman Savage read the addition

**Sec. 42-29. Rules and regulations.**

(a) The following rules and regulations shall be applicable to the uses of all town-owned recreational facilities:

- (1) Each facility shall be open from
  - a. Robert N. Reed Park shall have the hours of operation from one-half hour before sunrise to midnight each day.
  - b. Veterans Memorial Park shall have the hours of operation from on-half hour before sunrise to 10 p.m. each day, with fishing allowed to midnight.
  - c. Donald J. Leonard Park shall have the hours of operation from one-half hour before sunrise to midnight each day.
  - d. Island Nature Trail shall have the hours of operation from one-half hour before sunrise to one-half hour after sunset.

Such hours of operation may be modified by the town manager, his designee, or the director of public works from time to time. Hours of operation shall be conspicuously posted. Entering onto the facility between the hours of closure except during the course of a bona fide emergency shall constitute a criminal trespass.

(2) No person shall take a drink of an alcoholic beverage as defined under Code of Virginia, § 4.1-100 et seq. or tender a drink thereof to another, at any such public facility, except as may be expressly permitted under Code of Virginia, tit. 4.1.

(3) No person shall possess any opened container of alcoholic beverage, as defined in subsection (a)(2) of this section, at any such public facility, except as may be expressly permitted under Code of Virginia, tit. 4.1.

(4) Except as otherwise provided by law and giving due consideration to the present and proposed uses of the public facility, no person shall take a drink of or consume any alcoholic beverage, as defined in subsection (b)(2) of this section or tender a drink thereof to another or possess any opened container of an alcoholic beverage at such public facility.

(5) The above provision for consumption of alcohol will not apply to any person while situated on a boat for which a slip has been leased at the Robert N. Reed Park.

(6) Violation of subsections (a)(2), (3) and (4) of this section shall constitute a class 4 misdemeanor.

(7) No person shall, with the intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, while at such public facility, engage in conduct having a direct tendency to cause acts of violence by the person at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this article.

(8) No open fires or burning shall be permitted at any time except for the purpose of the preparation of food and in cooking grills situated at the facility or provided by such persons. This subsection shall not prohibit the smoking of tobacco products except as may be required by state law.

(9) No person shall destroy, deface or injure any part of such property, real or personal, or otherwise throw or discard or cause to be thrown or discarded on such property or any part thereof any paper, bottle, can, fruit or vegetable peeling, glass, rag or any other refuse or waste, except in a receptacle provided for the disposal of refuse or waste.

(10) Repealed. 10/07/13.

(11) No drugs are permitted.

(12) No excessive noise, as provided by article II of chapter 22, shall be permitted.

(13) No pets shall be permitted in the park, except in Donald J. Leonard Park and Phase I (paved section) of the Island Nature Trail.

(14) No fireworks or explosives are permitted unless a special permit is issued by the town.

(15) No person shall solicit for or conduct any business in any Town Park. For purposes of this Section, "solicit for or conduct any business" means: Sell or offer to sell, lease or rent any article or service;

(16) Perform or engage in any act with the intent or expectation of receiving payment therefore from any person.

(17) Display goods, or descriptions or depictions of goods or services, with the intent to engage any member of the public in a transaction for the sale of any good or service; or

(18) Use the address of any Park in any transaction for business purposes including but not limited to the sale and or lease of goods and/or services for sale.

(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 Veterans Memorial Park and the Robert N. Reed Downtown Park, 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.

(4) A copy of the permit shall be maintained in the town office and a copy delivered to the applicant, which shall be exhibited, upon request, to any member of the town manager’s staff or any police officer.

(5) The town manager shall, further, provide such group or person acting on behalf of the group a copy of the rules and regulations applicable to the facility. The person scheduling the event is responsible for cleaning the park at the conclusion of the event. If cleaning is not performed to the town’s satisfaction, the town will clean the park at the expense of the responsible party.

(6) The town manager shall, further, maintain a scheduling book in such a form as to show the particulars of each permit issued so as to not create unnecessary scheduling conflicts.

(7) Permits shall be generally issued on a first come, first served basis.

(c) The town manager, his designee, or any public officer who has probable cause to believe that any person is not utilizing the facility in accordance with this article shall have the right to terminate such person’s use of the facility and to expel such person from the premises. Any person failing to leave when so instructed by any such person shall be guilty of a separate offense of trespass and punished as provided in this article.

(d) The following only pertains to the Robert N. Reed Downtown Park

(1) A user fee of \$50.00 shall be charged for each scheduled event with the exception of a community service event for which the fee may be waived at the discretion of the town manager. The income from user fees is a project program income and as such may only be utilized for park purposes.

(Code 1977, § 16-4; Ord. of 11-7-1991; Ord. of 7-6-1992 h, i, k(2)) (*Amended 11/02/09, July 2021*)

There was discussion regarding those kayak businesses that use the Park. Those businesses can not conduct the business by receiving money at the Park, they can however launch at the Park.

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the addition to Sec. 42-29 of the Town Code as presented. Unanimously approved.**

### **13. Discuss Trolley Proposal**

Town Manager Tolbert stated that he and Council received a proposal from Ms. Brenda Watson for the Trolley to be used for locals who need transportation to and from local businesses and to develop a local route.

Councilwoman Bowden stated that she believed that not many people ride the Trolley. However, she thinks it could be a good thing 1 or 2 days a week throughout the winter. She understands that they have to have approval with the Trolley grant to see how they could use it. She added that it could benefit the elderly and those without proper transportation along with children. She suggested asking Town Manager Tolbert to see if this possible.

Mayor Leonard directed this matter to Transportation Director Welsh to look into it further. He added that they are strict with the Trolley routes and schedule, but it can't hurt to ask.

### **14. Consider New Kayak Launching Platform**

Mayor Leonard advised that everyone is aware of the recent emergency and failure of the 2-year-old kayak ramp at Memorial Park. He stated that they would use Ravens Marine again who is the sole source supplier.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the purchase and installation of a new kayak launching platform. Unanimously approved.**

### **15. Mayor and Council Comments**

Councilman Taylor stated that the police officers don't do anything for glamor. He is happy for the lady that is thanking his officers for saving her life. He stated that it had impact on her life. He wants to do something for all those involved. He added that he is also glad the state grant went through for the Fire Company.

Councilman McComb agreed with Councilman Taylor. He thanked the Department Heads. He stated that this has been a busy weekend and went off without a hitch. He also thanked Ms. Watson for sending the information on the trolley.



Councilwoman Bowden congratulated Emergency Management Coordinator Rush for his award of Businessman of the Year. She stated that she sings his praises morning, noon and night. She also stated that he has lifted his department to great heights building it from the ground up. She commended him for his dedicated service during COVID and his personal loss adding that he has been there for the Town. She also expressed her appreciation to Public Works Director Spurlock and his department as the Town looks great and his staff is hustling. She also stated that she appreciates everything Chief Fisher and his department does. She added that when she read the letter she knows what's important. She added that she also appreciates Town Manager Tolbert. She thanked Ms. Watson adding that we'll get on it.

Councilwoman Bowden also thanked Mrs. Brommer as she is an animal lover as well and will help in any way she can. She commended Ms. Burton and added that she doesn't want any animal starving or hurting. She added that they can't just get rid of them, they are living breathing things. She agreed that people need to be educated. She thanked Mrs. Birch as well for feeding the cats. She thanked everyone for everything they do.

Councilwoman Richardson stated that this is a wonderful place to live in. She added that you can say what you want about someone, but when it comes down to it, the people are right there to help. She stated that Council has a job to do and does their best to benefit as many as possible. She again stated that this is a wonderful place. She's seen good things happen and bad things happen, but they all pull together.

Mayor Leonard commented about all the people on Chincoteague, that we have been invaded, going from a population of 3,500 to 10,000-15,000. Chincoteaguers take it with stride as it used to be September when they got their Town back but not anymore, it's more like November. He reported that he deals with a lot of tourism, who think how wonderful it is and they can't get over how Chincoteague is a step back in time. He also congratulated the North Accomack Little League 8-10 Minor Girls' Softball Team for making it to the state finals. He commended the Major League Boys for making it close to the state tournament. He also commented on the Fire Company pizza sale.

Councilwoman Bowden reported they sold about 300 pizzas and 500lbs of potatoes for the Pony Fries. She added that they made over \$5,000.

Mayor Leonard stated that people waited 2 hours in line for their pizza and Pony Fries. He thanked Chief Fisher for the traffic control during the pizza sale. He added that they had a good time and plan to do it again Pony Penning.

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

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

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

**Councilwoman Bowden motioned, seconded by Councilman McComb 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.**

**(15) only public business matters lawfully exempted from opening meeting requirements under this chapter and**

**(16) only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. Unanimously approved.**

**18. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE JULY 16, 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:**

None

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager

**1. Call to Order**

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

**2. Invocation**

Councilman Savage 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.

There were none.

## **5. Agenda Adoption**

Vice Mayor Bott asked if they could move item #8 to item #9 and add closed session to discuss Town Manager and Police Chief evaluations.

**Vice Mayor Bott motioned, seconded by Councilman McComb to adopt the agenda moving item 8 to item 9 and add closed session to discuss Town Manager and Police Chief evaluations. Unanimously approved.**

## **6. Public Hearing on ARPA Funding**

Mayor Leonard read the rules for the public hearing. He opened the public hearing.

- Mr. Scott Chesson, one of the owners of the Best Western, advised he is a 30-year resident of the Island. He stated that he is before Council to share his thoughts about the lethargic actions of the Town of Chincoteague and to address the demonstrated need for a central wastewater treatment plant. He gave the history of the Wastewater Advisory Committee, the responsibilities of the Committee and the many sewage studies throughout the years. He reviewed information from the Wastewater Management Plan. He advised that the Committee presented the Wastewater Management Plan to Council providing alternative recommendations for wastewater treatment, and it never happened. He advised that the circuit court granted to include Northampton and Accomack Counties into the Hampton Roads Sanitation District which includes Chincoteague Island. He believes a large portion of the “free money” should be earmarked with a relationship with the Hampton Roads Sanitation District. He stated that a new Wastewater Advisory Committee should be established to help the Town move forward with the provision of a safe and affordable central wastewater disposal system for the Town. Many studies have been researched and discussed over and over throughout the years costing the Town a large sum of money. He feels it’s time to get moving again. He thanked Council for their time and urged them to invest this money into the sewage treatment plant before they’re forced to.

- Chamber Executive Director Mrs. Evelyn Shotwell asked Council to consider using some of the ARPA money on a public restroom at the traffic circle on Maddox Boulevard. She reported on the statistics of visitors who asked to use the restroom. She also added that the traffic circle is half-way between the downtown restrooms and the restrooms at the Wildlife Refuge. She stated that with the number of bicyclists and walkers due to the new bike paths this is a necessity. She thanked Council and asked to consider public restrooms at the traffic circle.

- Mrs. Patricia Farley, 3243 Lisa’s Lane, first thanked Town Manager Tolbert for recommending this meeting. She then thanked Councilwoman Bowden and Councilman McComb for urging people to share their ideas. She urged Council to think boldly and into the future when they decide how the money should be spent. She feels the Town should be reimbursed for the shortfalls in revenues, along with the Center, the Island non-profits, and the Fire Company as they all attract visitors and give quality of life to those who live here. She understands that ARPA funds are for infrastructure of broadband, water, and sewage. She feels the broadband is good, the water is safe, but stressed the need for sewage. She stated that the

ARPA funds should be used to start this process. She explained her experience with a septic issue. She quoted from the Comprehensive Plan regarding a privately owned wastewater treatment plant. She stated that it's time to use this money for central sewage. She also urged Council to hire a new Town Planner to look into future planning and development. She stated that the population is growing, and tourist season is longer. This is a sophisticated resort locality with many moving parts. She feels it's time to hire a Planner to look into the future for what is coming.

- Fire Chief, Mr. Bobby Lappin, with the Chincoteague Volunteer Fire Company advised they are a 501-C3 non-profit organization. He stated that due to the pandemic they have cancelled 2 years of carnival and Pony Swim and have lost approximately \$500,000 in revenue. He advised they have applied for many grants and been denied for many grants. He reported that they were approved for the Office of EMS 80/20 grant to purchase a new ambulance with a final price of \$269,987. However, because of the timing and costs rising, it is now a 64.5%/35.5% grant, leaving the remaining balance of \$95,587. He stated that the Fire Company is asking the Town to pay the \$95,587 through the ARPA funding. He added other expenditures they have incurred this year. They had to purchase 2) Lifepak AEDs at a cost of \$40,000. They purchased 2) new stair chairs which cost \$12,000. Their average spending to restock ambulances is \$21,000.

Fire Chief Lappin then advised of the 2<sup>nd</sup> item they are requesting. He explained the Fire Company is required to upgrade the self-contained breathing apparatus pack air compressor at a cost of \$250,000. This past year they had to start transitioning their air pack to the high-pressure system to meet the FDA standard with a cost of \$30,000. The current compressor is not able to fill the new air packs because of the low-pressure quality. They requested the funds for a new SCB compressor in the amount of \$53,750. They recently purchased a new set of Hurst edraulic tools at a cost of \$43,000 as the old one has a motor with hoses causing distance from the accident scent to be an issue and it can't be used around water. They spent \$50,000 - \$60,000 last year in vehicle maintenance and he reminded everyone that they moved into the new firehouse 2 years ago and have a mortgage despite the loss of \$500,000. Fire Chief Lappin concluded by asking Council to use the ARPA money for the remaining balance of the ambulance and for the SCB compressor totaling \$149,337.

- Mr. Lance Stitcher, of Seaside Vacations, 4101 Main Street, asked Council to look into the project of wastewater treatment.

- Mr. Rick Watson, Watson Gas, owner of 4089, 4095, and 4102 Main Street, came to Council supporting spending ARPA money on sewage. He explained the hurdles he has faced in renovating his properties in the downtown area. He advised that he heard there is a possibility to purchase the Sunset Bay sewage system. He suggested appropriating some of the funding to purchase it. He stated that the Health Department advised there are 2 kinds of cesspools, ones that fail or ones that are going to fail. He advised he plans to build back his building with the frontage as it currently is. He reported that the old bank building will be open by Christmas. He again asked Council to consider spending the funds on sewage.

- Mr. J. W. Jeffries, 6321 Captain's Lane, Unit 121, stated that he was fortunate to sit in on

the interviews of the new part-time EMS staff. He thanked Council for giving the part-time EMS the opportunity to work for the Town. He stated that he has been running the ambulance for 40+ years. He thanked them for thinking of them.

## **7. Mayor & Council Announcements**

Councilman Taylor stated that there is no way to ever repay Fire Chief Lappin and Mr. Jeffries along with the volunteers for all their hours of dedicated service. He thanked them from the bottom of his heart.

Councilman Savage thinks this forum was what they needed. Council needs direction and the community has been very involved in helping them out. He stated that they showed up making recommendations. He appreciated everyone who thought enough of the Town and it's future to come out. He also expressed his appreciation for the Fire Company and all they've done.

Councilman McComb appreciated everyone for coming out. He feels they need to be bold when thinking about the future. He stated that this fund doesn't have to be spent within the year, they have time to make decisions with the biggest impact for everyone.

Vice Mayor Bott thanked everyone for coming out.

Councilwoman Bowden also thanked everyone for coming out. She stated that it seems like a lot of money, but it won't go as far as they would like it to go, and she will treat it like a gift. She appreciated everyone for expressing their thoughts. She advised that she's a member of the CVFC and Mr. Jeffries has been doing this for 40+ years. She always thought she was one of the kids in the Fire Company but she is coming up on 30 years as a volunteer. She stated that when she got into the CVFC, Mr. Jeffries and Mr. Ollie Reed were and still are people you look up to. She also stated that they are good people and she appreciated them and the Chamber. She added that they all make it what it is. She concluded that we all need to work together to make this money do the best they can.

Councilwoman Richardson stated that everything said tonight was all valid. She is glad to see people come out. She thanked everyone. She stated that she has always thought a lot of the Fire Company and appreciates everything they do. She appreciates everyone for what they do, and she thanked them for coming out.

Mayor Leonard stated that this is the 1<sup>st</sup> step. He advised that with the next step, he will form a committee to talk about what they've discussed this evening. They will report back to Council and Council will have another public meeting. They have time to work on this. He asked everyone to stay tuned and know that Council hears you. He was glad everyone was focused on uses adding that they are limited on what they can do with the money.

## **8. Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia to discuss employee matters.**

**Councilman McComb 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 employee matters. Unanimously approved.**

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

**Councilman McComb motioned, seconded by Councilwoman Bowden 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.**

**(17) only public business matters lawfully exempted from opening meeting requirements under this chapter and**

**(18) only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. Unanimously approved.**

**10. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE AUGUST 2, 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:**

None

**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. Public Comment**

Mayor Leonard opened the floor for Public Comment. There was none.

#### **5. Agenda Adoption**

Mayor Leonard advised they will be removing item #6 from the agenda.

**Councilwoman Richardson motioned, seconded by Councilman McComb and Vice Mayor Bott to adopt the agenda as amended. Unanimously approved.**

#### **~~6. Introduction of New Employees~~**

#### **7. Presentation of CPD Accreditation**

Mr. Derrick Mays, Department of Criminal Justice System advised his job is to see that agencies are accredited to be the best they can possibly be. Those agencies have to have support from Council and the public. He asked everyone to take a moment to ask if our officers are alright and then ask again if they're really alright. They have trauma or PTSD but maintain that professional look. He asked that everyone keep them lifted in prayer. He stated to show them love and let them know we are here. He reminded that they keep everyone safe. He stated that accreditation is to show transparency and professionalism. Mr. Mays stated that it was a pleasure since day one and he has been here along the way. It was an honor to come to Chincoteague. He advised that there were 6 sheriffs and 6 chiefs out of 3 assessments, and they had a full return. He stated that he is proud of them and loves them all.

Mayor Leonard stated that they are proud of the officers, and they do a terrific job.

#### **8. District 1 Supervisor Report**

Supervisor Billy Joe Tarr reported that they have changed the zone outside of the Wallops Island gate to build a rocket lab for man-space flight development. It will be the biggest building on the Eastern Shore. He was unsure if it is for operations or production. He commented that if it was for production, it would bring over 250 high paying jobs. The County held their Town Hall meeting on ARPA and 24 people spoke mostly asking for broadband, childcare and help for the volunteer fire companies. The County sent a letter to Spectrum about completing their internet lines or Broadband would be installing. He reported that the County voted on 24/7 EMS in Greenbackville which entails 12 positions. They already have 2 positions. They are used elsewhere. They will be conducting a public hearing to raise taxes to pay approximately \$800,000 for the 7 EMS positions, 1 training coordinator, 3 back-fill positions, and 1 human resource position. They will pay for the positions for the next 2 years through the CARES Act funding. Supervisor Tarr also reported that the County, Chincoteague Volunteer Fire Company and the Town has agreed to pay 1/3 to purchase accident equipment for the Virginia State Police. The County has also endorsed the Town's VDOT request. He added that they will be adding a food and beverage tax throughout the County to even out the taxes charged by the individual towns which will raise approximately \$240,000. He explained that there was a change in the state law regarding comp-time instead of overtime. The food and beverage tax to offset the overtime.

Supervisor Tarr reported on the Inlet Study advising they met with the USF&W manager who advised the study has been done and they are waiting for the funding for the northern parking lot, which is over \$20 million for the project. They tried to get in on the Sarbanes Grant but were not approved. He suggested that the Town ask for funding. He thanked Council for allowing him to come with his update.

Mayor Leonard stated that the Town received Sarbanes Grant funding and mentioned the TIGER Grant.

## **9. Staff Reports**

### General Government

Town Manager Tolbert reported that he spoke with the Northampton County Administrator about paying 1/3 of the accident equipment for the Virginia State Police and was advised it would be on the next meeting agenda. He talked about ARPA projects explaining that items listed in the FY21 budget that were delayed or canceled due to the pandemic would qualify. He stated that expenditures of outdoor activities such as parks qualify. He gave the deadlines for expenditures for the projects. He reported on the VDOT Rt. 175 progress. He stated that the Board of Supervisors and the ANPDC supported the request for priorities. Town Manager Tolbert listed the priorities. He added that they are also trying to tweak the traffic lights. There are now 3 renters and leases, 2 at the old firehouse and 1 at the Cropper Street garage. He reviewed the end of year financial report. He advised that department heads and staff cut and kept revenues ahead of expenses by controlling the spending by deferring projects and putting off promotions. He expressed his appreciation for the departments and staff. He also reported on Meals and Transient Occupancy Tax revenues.

Town Manager Tolbert reported that Building and Zoning Administrator Bowden is still busy issuing permits, reviewing plans, site inspections, seeing customers every day in the office, attends classes for recertification, reviewing the new Building Code, keeping CRS rating up, and enforcing the Zoning Code. He has no down time. He added that he is doing a good job.

### Police Department

Chief Fisher thanked Mr. Mays for coming from Williamsburg for the presentation. He stated that they have been trying to have him come for about a year now and couldn't because of COVID. He expressed his appreciation to all of his help. He reviewed the monthly report and added that they conducted traffic control for the Fire Company's pizza and fritter nights on July 3<sup>rd</sup>, 27<sup>th</sup> and 28<sup>th</sup>. He stated they were happy to help. He added that 3 part-time dispatchers attended an 8-hour Zoom training for mental health and suicide situations. He stated that on July 21<sup>st</sup> he, Town Manager Tolbert, and Mayor Leonard attended the NASA quarterly meeting. He also stated that on July 22<sup>nd</sup> CloudServer Techs updated the firewall on VCIN and tested the system for power outage disaster recovery. He advised that it works with a slight delay. He added that also on July 22<sup>nd</sup> they had an ANTARES Planning meeting for the upcoming launch.

### Public Works Department

Public Works Director Spurlock reported that they have been busy with building, grounds, and mosquito control. He reported on the gallons of water per day that the entire Island is using and



the weekend peaks. They have picked up work at the Center. He announced that they have completed installation of all equipment at the Brianna's Park. He thanked the Public Works crew for spreading stone by hand and mulch in the extreme humid heat. He added that the fencing will be installed on August 16<sup>th</sup> which will complete the playground. The permits are complete, and they will begin building the restrooms in early September. He advised that the only thing left is the pavilion. He also added that they installed the 3<sup>rd</sup> gateway at the Beebe Ranch which should be activated within the next week or so to pick up those radio read water meters in the southern end of the Island.

### Emergency Services

Emergency Management Coordinator Rush reported on the July calls and compared them to the July calls from 2018, 2019 and 2020. They are back to deep cleaning the ambulances. Each shift continues weekly con-ed training. He added that each shift is responsible for training throughout the week. He gave a shout-out to Greenbackville for loaning their ambulance again. They are also planning for weather, hazard, and flooding issues. He added that there's a lot going on behind the scenes. He reviewed the updated hurricane predictions for this season adding that they predict the possibility of hurricanes later in the year. He reminded everyone to be prepared.

Emergency Management Coordinator Rush reported that the ANTARES launch is scheduled for August 10<sup>th</sup> at 5:55 p.m. Assateague will close at 2:00 p.m. on August 10<sup>th</sup> prior to the launch. The USF&W along with the USCG are working out details. He reviewed the COVID counts, statistics and vaccinations. He reminded everyone to "Wash your hands. Wear your mask and watch your distance."

## **10. Committee Reports**

### Public Works Committee

Councilwoman Richardson advised they met on July 7<sup>th</sup>. They discussed the fall paving list but didn't make a decision as they are waiting to see if they can use the ARPA funding. She stated that Public Works Director Spurlock reported that regarding the Master Water Plan update, they will speak with Whitman Requardt & Associates engineering firm who will research and show how to get the most for their money.

### Ordinance Committee

Councilman Savage reported they met on July 8<sup>th</sup> and they discussed the Fill Ordinance and Permit and the Election Ordinance. He stated that the Town Manager came up with the statements and recommends that Council consider approval.

Town Manager Tolbert stated that they will ask for approval later in the meeting. He explained that each locality is required to have an Election Ordinance moving Town elections from May to the General Election in November. The Town's Ordinances and Charter did not state when the elections were to be held but did mention that the newly elected officials would take office July 1<sup>st</sup>. He added that it should be listed in the Town's Charter, which should be updated at a later date as it has to be a legislative approval. He stated that this ordinance satisfies the requirement.

### Budget & Personnel

Vice Mayor Bott stated that they met July 14<sup>th</sup>. They considered employee raises, which will be addressed later in the meeting. They also discussed ARPA funding.

**11. Adoption of the Minutes for the July 6<sup>th</sup> and July 16<sup>th</sup>, Council Meetings. Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the July 6<sup>th</sup> and July 16<sup>th</sup>, Council Meetings as presented. Unanimously approved.**

**12. Consider Recommendation of New BZA Member**

Town Manager Tolbert advised that Mr. Chuck Ward recently resigned from the Board of Zoning Appeals at their June meeting. He stated that Mr. Eddie Moran has agreed to serve on the Board. Mr. Moran previously served on the BZA with several years' experience.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden and Councilman McComb to approve Mr. Eddie Moran to serve on the BZA to fill the term of Mr. Chuck Ward. Unanimously approved.**

**13. Consider Purchase of New Trolley: Report on Local Trolley Route**

Town Manager Tolbert reported that the oldest of the trolleys is the Pied Pieper. He stated that this year they have the availability of the CARES Act funds through the DRPT to replace the Pied Piper at very little cost to the Town. The total cost of the new trolley would be \$168,746 of which \$165,650 would be paid for with the CARES Act funds provided by the Federal Transit Authority. The balance of \$3,096 would be withdrawn from the Trolley Capital account. He added that the Pied Piper would be sold as surplus with the proceeds to be deposited back into the Trolley Capital account. The last trolley that sold in 2016 declared a surplus of \$38,000.

**Councilman McComb motioned, seconded by Councilwoman Richardson to approve the purchase of a new trolley. Unanimously approved.**

Town Manager Tolbert also advised that Transportation Director Welsh will be retiring after the Oyster Festival. He stated that he appreciated Transportation Director Welsh for doing a great job. He added that he boosted the trolley.

Councilwoman Richardson stated that he will be missed.

Councilwoman Bowden asked if the trolleys could be used year-round for transportation.

Town Manager Tolbert advised he was on a conference call and was advised they will look into it.

Transportation Director Welsh stated that Star Transit offers demand service to folks who don't have transportation. Star Transit has 24-hour service. He and Town Manager Tolbert have met with Star Transit representatives. He stated that he was surprised that Star Transit is a national entity. They are moving forward to look at what's available to offer a trolley to provide service

wasn't very expensive. He suggested using the Trolley Service van and advised they will look into it.

Town Manager Tolbert added that they are looking into it further to see what can be done along with the cost.

#### **14. Consider Request from CVFC**

Town Manager Tolbert reported that during the July 15<sup>th</sup> public hearing on expenditures for ARPA, the Chincoteague Volunteer Fire Company advised the need of a high-pressure compressor to fill Self-Contained Breathing Apparatus (SCBA) air tanks for their volunteers. Currently the CVFC uses another company's equipment to fill their tanks. Due to the urgent need, it has been suggested that the Town purchase the equipment. The cost of the equipment is \$53,750. He asked Council if they wanted to purchase the item and/or defer to ARPA funding.

**Councilwoman Richardson motioned, seconded by Councilman McComb to purchase the SCBA for the Chincoteague Volunteer Fire Company in the amount of \$53,750. The motion was carried.**

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

**Nays: None**

**Abstain: Bowden**

#### **15. Consider New Ordinances**

Councilman Savage explained that the first Ordinance is regarding Lot Filling.

#### **Sec. 22-191 Lot Filling Ordinance**

This Ordinance is intended to regulate the filling of land. Regulations are needed because the filling of land may pose significant land use problems, including environmentally damaging changes in topography; threat to desirable land use patterns; and/or safety or nuisance hazards. No building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands.

#### **Sec 22-192 Definitions**

For the purposes of this ordinance, the following definition shall apply:

A. Fill Material — Earth material, including soil, topsoil, sand gravel, rock, stone, small amounts of clay or other similar materials, which is free from contamination, cinders, ashes, refuse, soft or plastic clays, vegetable or other similar organic matter such as food waste, trees, branches, or stumps. Fill material shall be capable of being compacted. Concrete slabs, asphalt chunks, metal bars, or similar material are prohibited as fill material.

#### **Sec. 22-193 Approval process for permits/ Exemptions / Prohibition**

1. A fill and grading permit shall be required of any fill operation on which more than 30 cubic yards of fill is deposited or in which more than 2,600 s.f. of land area is disturbed.
2. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity, to engage in or conduct any filling of land with any type of material within the incorporated areas of the Town of Chincoteague without first procuring a permit from the Town.

B. Work Exempt from Permit - The following are exempt from requiring a permit but must comply with all other applicable regulations of this ordinance:

- Receipt of topsoil for the purpose of ornamental residential landscaping.
- Fill required to resurface a driveway or parking lot with a thickness less than 2” vertically.
- Fill dirt required for building construction purposes pursuant to a duly issued building permit by the Building and Zoning Administrator.
- Projects that meet the criteria for inclusion in the County’s storm water management ordinance.

C. Prohibition

- The filling of land with garbage or rubbish, sludge, biosolids, or any other waste matter is hereby prohibited unless provided for in this ordinance.
- The placing of any fill in suspected wetlands unless the land has been properly delineated and permits from all agencies having jurisdiction over such delineated wetlands have been obtained.

D. Application for Permits - Applications for fill permits hereunder shall be made to the Town Building and Zoning Department. Applications shall contain the name and address of the applicant; a legal description of the property upon which the proposed filling operation is to be carried on; a description of the extent and nature of the proposed operation, including the approximate amount of fill, the square footage of land to be filled and the exact nature of the materials the fill is composed of; the name of the owner of the land described therein; and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed filling operation on said land, and authorizing the Town to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all the provisions of this ordinance and any and all rules and regulations adopted by the said Town pursuant to this Ordinance.

Consideration of Permit Approval; In considering the application for a fill permit, the Building and Zoning Administrator shall consider the following standards:

1. A permit shall not be granted unless the Town Building and Zoning Administrator is able to find the application consistent with public health, safety, and welfare.

2. No application shall be granted on any basis if the Building and Zoning Administrator finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety or welfare, or make worse an already unsatisfactory situation.

3. The Building and Zoning Administrator may request that the applicant consult a professional engineer, planner or other qualified professional, at the applicant's expense, to determine whether the application standards have been met.

### **Sec. 22-194 Appeal of Decision**

A decision of the Building and Zoning Administrator may be appealed to the Board of Zoning Appeals.

### **Sec. 22-195 Duration of Permit**

No permit shall be issued for a period longer than six (6) months. Any request for extension must be made in writing to the Building and Zoning Administrator prior to the expiration of the initial permit.

### **Sec. 22-196 Rules and Regulations**

Each permittee is required, in addition to the aforementioned rules and regulations of the Town, to comply with any special condition or conditions in the permit, any and all applicable provisions of County, State and Federal law, and the following regulations:

A. The finished grade of land which is to be filled shall be done in such a manner as to not cause water to stand or accumulate or to result in a place of danger or a nuisance to the public health or safety.

B. The use of approved best management practices (BMP's) shall be required to prevent storm water runoff from adversely affecting adjacent properties.

C. Any filled area shall be seeded withing 10 days of placing the fill. Vegetation shall be established on the new fill within 20 days of placement.

### **Sec. 22-197 Enforcement**

A. Right of Inspection: The Town of Chincoteague through its duly authorized agent shall have the right to enter upon any land designated in any permit, for the purpose of making inspections, and for the purpose of causing compliance with the terms of this Ordinance. It shall be the duty of the Town Building and Zoning Administrator or duly authorized agent to make periodic inspections of all land for which permits have been issued.

B. Abatement of Unsafe Conditions: In addition to any other remedy available at law, the Town may bring an action for an injunction or other process against a person, or an agent of a person, to prevent, restrain, correct or abate any unsafe condition on a site or violation of any provision of this Ordinance.

C. Suspension or Revocation of Permit: In the event a permit holder violates the terms of this Ordinance, the Building and Zoning Administrator shall have the power to order a correction of the violation or to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension stating the reasons therefore shall be served upon the permit holder by regular first-class mail and certified mail, return receipt requested. Failure on the part of the permittee to correct a violation within thirty (30) days after such request is made by the Building and Zoning Administrator shall be reason for revocation or suspension of the permit. Additional time for correction of the cited violations may be allowed upon submission to the Administrator of good and sufficient cause by the Permittee.

#### **Sec. 22-198 Penalty**

Any person, firm, corporation, or entity found violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction, be punished by a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this Ordinance may also be enforced by an action for injunction, damages, or other appropriate legal action.

#### **Sec. 22-199 Savings**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

#### **Sec. 22-200 Severability**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal or ineffective, shall thereby cease to be part of this Ordinance; but the remainder of this Ordinance shall stand and be in full force and effect.

#### **Sec. 22-201 Effective Date**

This Ordinance shall take effect on the date of publication. All ordinances in conflict herewith are hereby repealed. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the Ordinance Sec. 22-191-201 as presented. Unanimously approved.**

Councilman Savage advised the Election Ordinance was discussed earlier in the meeting. He read the Ordinance.

*Sec. 2-30 Election of Mayor and Council*

Once the ordinance is adopted, a copy must be sent to the Department of Election through our local registrar's *The present members of council shall continue in office until their successors are elected and qualified. On Tuesday November 8, 2022, and on the first Tuesday after the first Monday in November of every fourth year thereafter, there shall be a general election at which time the qualified voters of the Town shall elect 3 members of council for terms of four years each. On Tuesday November 5, 2024, and on the first Tuesday after the first Monday of November on each fourth year thereafter, there shall be a general election at which the qualified voters of the Town shall elect three members of council and a Mayor for terms of four years each. The term of a newly elected Town Council members and Mayor shall commence on January 1 next following such member's election.*

*The council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or the removal of the members of the body or any of them.*

There was brief discussion and clarification.

**Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the Ordinance Sec. 2-30 Election of Mayor and Council as presented. Unanimously approved.**

#### **16. Consider Employee Raises**

Vice Mayor Bott stated that the Budget & Personnel Committee recommended that Council approve the employee raises as well as the raises for part-time employees.

Town Manager Tolbert explained the evaluation process and bell curve. He gave the average scores stating that they will be below budget with the raises in the amount of approximately \$29,000. He also recommended Council approve the proposed employee increases and part-time employees an increase of 1.5%. They were given a 2.5% increase last year.

**Vice Mayor Bott motioned, seconded by Councilman Taylor to approve the recommended employee raises as presented including the part-time raises. Unanimously approved.**

#### **17. Mayor and Council Comments**

Councilman Savage stated that it has been an eventful evening recognizing staff and the Police Force. He commended Chief Fisher for a job well done adding he has great people working for him. He stated that Town staff is doing a great job. He commended the EMS and Emergency Management Coordinator Rush on keeping the Town informed and transparent. He added that they are all doing a fine job.

Councilman Taylor stated they are doing a good job keeping the community safe. He stated that no one knows what they see, hear and do. He added that we want families coming to the Island, but they aren't always the ones who come. The Police Department does their job. He thanked all in the Town and added that other towns are looking. He urged staff to keep up the professionalism, morale, training and keeping busy. He concluded that the Town is blessed.

Councilman McComb congratulated Chief Fisher, Administrative Assistant, Mrs. Amy Lewis, and Captain Greenley along with Mr. Mays for a great job. He also congratulated the Fire Company on a very profitable auction. It was nice to see them breaking records during a pandemic. The also thanked all Town employees for all they've done.

Vice Mayor Bott also congratulated Chief Fisher. He stated that when you bring in an outside consultant it gives a true validation on what they're doing.

Councilwoman Bowden echoed everyone's sentiments. She stated that she would put the Town employees up against anyone. She stated that they wouldn't be where they are if it weren't for the employees. She also advised that during the Blueberry Festival she spoke with a lady from another town in the County who praised the Council for conducting themselves in a professional and unified manner. Councilwoman Bowden feels they have a good group that comes together for the betterment of the Town. She appreciated all they've done. She stated that the auction was much more than they could have dreamed of. They took a hit 2 years in a row without the carnival. On behalf of the Fire Company, she thanked the Town for the money for the equipment. She also commented that the Yankees are moving up with 3 wins in a row.

Councilwoman Richardson stated that they do have a wonderful Town to live in. She stated that with the Town's Police Department and EMS you may see what goes on during the day, but you don't know what goes on at night. She added that you can lay your head down and sleep knowing that you are safe because someone is looking out for you. She stated that they appreciate everyone and all that they do, the Police Department and the EMS along with the community. She thanked everyone for what they do and concluded by asking everyone to stay safe.

Mayor Leonard asked everyone to pray for Mr. John Henry Howard who was severely injured and had surgery. He thanked the Fire Company who has so many moving parts with a lot that goes on. Everyone sees the final product but doesn't see the Mark Bowdens, or Billy Reeds going to the beach daily to feed and check on the ponies. He stated that he is grateful for them. He stated that the Police Department had a big accomplishment to get accredited. He advised he went to a meeting with sheriffs, and they commended our Police Department. He congratulated Chief Fisher. He also thanked the Island residents for being patient and proving this is a friendly place. He concluded with "Roll Tide".

**18. Closed Meeting in Accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss prospective business opportunities, and evaluation of staff.**

**Vice Mayor Bott 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 perspective business opportunities and evaluation of staff. Unanimously approved.**

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

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden 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.**



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

**20. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE AUGUST 19, 2021  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP 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:**

None

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Robby K. Fisher, Police Chief

**1. Call to Order**

Mayor Leonard called the meeting to order at 8:00 p.m.

**2. Invocation**

Councilman Savage offered the invocation.

**3. Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**3a. Approval of Remote Attendance**

Mayor Leonard asked the pleasure of Council to allow Councilwoman Bowden to attend the meeting remotely.

**Councilwoman Richardson motioned, seconded by Councilman McComb to allow Councilwoman Bowden to attend the meeting remotely. Unanimously approved.**

**4. Public Comment**

Mayor Leonard opened the floor for Public Comment.

Mr. Craig Summers, 6286 Smith Street advised he and his wife are the coordinators of the Food Closet. He advised of the donations they receive from all over the shore. He advised over the past 7 months has been a little dry financially. He advised that the food boxes they gave out cost \$31 last year and currently costs \$39.00. He asked Council to consider a donation. He thanked them for the past donation.

**5. Agenda Adoption**

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

**6. Mayor and Council Comments**

Councilwoman Richardson asked about the status of the fuel pumps at the Harbor.

Mayor Leonard advised that because technology is changing, they have put it off. He added that he would like to have a new card reader.

Town Manager Tolbert explained that the pump works fine, but the problem is with the card reader by having to decide how much you're going to purchase before you pump gas. He added that with a new card reader, this won't change. He stated that they are required to upgrade to a chip reader. However, there is no chip reader for this specific pump. They were told that they should have one in a few months.

Mayor Leonard concluded with "Roll Tide".

**7. Closed Meeting in Accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss prospective business opportunities, and evaluation of staff.**

**Councilman McComb, 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 perspective business opportunities and evaluation of staff. Unanimously approved.**

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

**Councilman McComb, 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.**

(21) **only public business matters lawfully exempted from opening meeting requirements under this chapter and**

(22) **only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. Unanimously approved.**

**9. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE SEPTEMBER 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:**

None

**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.

**Councilman McComb motioned, seconded by Councilwoman Bowden to allow Vice Mayor Bott to join the meeting by phone. Unanimously approved.**

**4. Public Comment**

Mayor Leonard opened the floor for Public Comment.

- Mrs. Julie Brommer, Chincoteague Island Cats, advised they will hold a fall catch and

release at the old fire house from Thursday, October 14 through Sunday, October 17<sup>th</sup>. She thanked the Town for allowing them to use one of the firehouse bays so they can hold the cats and monitor their recovery. They have an online registration so they can get a plan together.

**5. Agenda Adoption**

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

**6. Council Recognition**

Mayor Leonard read and presented a Certificate of Recognition for Mrs. Lillie Mae Birch on the occasion of her 100<sup>th</sup> birthday.



# CERTIFICATE OF RECOGNITION

PRESENTED TO

**Mrs. Lillie Mae Birch**

**WHEREAS,** Mrs. Lillie Mae Birch will be honored by relatives and friends on the occasion of her 100<sup>th</sup> birthday; and

**WHEREAS,** Mrs. Birch was born on September 11, 1921, has been a long-time member of this Chincoteague community and is now its oldest living Citizen; and

**WHEREAS,** Mrs. Birch married Arthur Birch and this union produced two children, 3 grandchildren, 3 great grandchildren and 2 great-great grandchildren;

**WHEREAS,** during a long and productive lifetime, she has enjoyed being a member of Union Baptist Church and Island Baptist Church and worked in the churches at numerous jobs as well as received numerous awards for perfect attendance and still enjoys shopping, traveling and reading her Bible.

**WHEREAS,** her dedication to the welfare of others has earned the respect and affection of people from all walks of life and all ages;

**NOW, THEREFORE**, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mrs. Lillie Mae Birch on the occasion of her 100<sup>th</sup> birthday, with sincere congratulations and best wishes for many more happy and productive years.

**DATED** this 7<sup>th</sup> day of September 2021.

---

**Mayor John A. Leonard**

**Attest:**

---

**Michael T. Tolbert, Town Manager**

#### **7. Introduction of New Employees**

Emergency Management Coordinator Rush introduced the new EMS staff: Full-time Paramedic Duane Reade, Part-time EMT Josh Medina, Part-time Paramedic Chris Barrs, Part-time EMT Madison Savage, Part-time Paramedic Shelby Northam, Part-time Paramedic Sam Richardson, Part-time Paramedic Mike Rydberg, Part-time EMT Seth Jonczak, Part-time EMT Chris Cefaro, and Full-time Paramedic Tom Copenhaver.

Chief Fisher introduced his new staff: Dispatcher Michelle Adams, Dispatcher Savannah Stubbs, and Pfc. Luke Arnold.

#### **8. Presentation of Awards**

Chief Fisher advised on June 9<sup>th</sup> dispatch received a call from a brother requesting a welfare check on his sister. When officers arrived, they found a horrific scene. They provided 1<sup>st</sup> aid immediately and contacted EMS who responded. The EMS advised that the officers saved her life because they acted so quickly. He introduced Ms. Theresa Spedmin.

Ms. Theresa Spedmin expressed her sincere gratitude for the officers and EMS who instrumental in saving her life. She thanked her brother, being 2 hours away from home called to have someone check on her. Had he not made the call she would not have survived her injuries. Her deepest gratitude goes out to every person directly and indirectly as she was determined to die that day. She added that the responders and God had another plan. She stated that by them coming through locked doors and to her aid it was evident they cared about her wellbeing. They were at a pinpoint focus on a stressful situation, all the while helping and rendering medical aid that saved her life. She stated that there are no words she could say to adequately say to thank them for what they did for her. She came through this with a sense of self and started her life over. She advised that if it wasn't for the grace of God and the selflessness of those who helped she wouldn't be here today. She advised she is much better and with all her heart thanked everyone for saving her.

Chief Fisher read and presented the awards to: Cpl. Thomas Adams, Cpl. Cody Butler, Cpl. David Gladding, Pfc. Geno Geminiani, Pfc. Jeff Stevens and Dispatcher Benjy Holloway.

Emergency Management Coordinator Rush read and presented awards to: Paramedic Sam Richardson, EMT Joshua Madina and Paramedic Duane Reade.

## **9. Staff Reports**

### General Government

Town Manager Tolbert congratulated the Police and EMS staff, he is proud of them. He reported that they have rented another space in the old firehouse with another possible rental. The compressor has been ordered for the Fire Company and will be here within 45 days. He stated that the forensic accident unit has been ordered and should be here in 30 days. He advised that the Northampton Board of Supervisors have approved to pay for 1/3 along with Accomack County and the Town of Chincoteague. He reported on the 2020 Census adding that the Town population increased about 400 residents. NASA's filtration plant is operating nominally with testing protocol.

Town Manager Tolbert also reported they installed No Wake buoys which makes it 3 within the Memorial Park area. He reported that the finances are on schedule and should meet the budgeted revenues and expenditures. He reviewed the Meals and Transient Occupancy tax revenue. He reported that the Building and Zoning Department has been busy with 42 permits in August along with calls, CRS Rating requirements, office visits, etc. He added that the Town is thankful for Building and Zoning Administrator Bowden.

Town Manager Tolbert commented on the Brianna's Kindness Park advising that he took his grandsons there who liked this park the best. He thanked the Public Works Department adding that they should feel a sense of satisfaction for the work they've done and people will enjoy it for years. He added they have done an excellent job. He thanked the Public Works Department.

### Police Department

Chief Fisher advised that in August they assisted the USF&W for traffic control and clearing the Refuge and beach for the ANTARES launch. He feels this was a good exercise as they were able to clear the beach in 2 – 2.5 hours. He also reported that Pfc. Stevens attended the Field Sobriety Test Instructor School. He stated that he wants 2 of his officers trained as Drug Recognition Experts as there are none on the Shore. Pfc. Carmody is training for the SRO position and is looking forward to working with the new principal at the High School. Cpl. Adams attended a DMV Selective Enforcement Grant workshop. He reminded everyone of the Poker Run this Saturday. They are getting auction items and he added that if anyone has anything to donate to stop them by. He gave the route of the Poker Run and stated there will be an auction at 3:00 p.m. and block party with the Front Page News band. They also plan to have a fire truck with the American flag in remembrance of 9/11.

Councilman Taylor asked if the officers were trained in Narcan.

Chief Fisher advised they have been trained but will make sure their certifications are current.

### Public Works Department

Public Works Director Spurlock reported they have been cutting grass, pumping millions of gallons of water and they have completed Brianna's Kindness Park playground. He stated that the small children's favorite piece of equipment is the adult exercise equipment. They still have to stripe the parking lot and they will be digging footers for the restrooms tomorrow. There is a holdup on materials which could delay completion. Public Works Director Spurlock also advised they have installed a southern gateway for the radio read water meters and it is picking up 1,000 meters. He advised that there are roughly 200 meters not being read with most of them in the northern end of the Island and he gave a suggestion for a solution.

Councilwoman Bowden mentioned the swing set with a bent bar at the Memorial Park.

Public Works Director Spurlock responded that he has ordered a new swing set which is due to be delivered tomorrow.

Councilman Taylor asked about pirate ship safety regulations.

Public Works Director Spurlock advised that it does not comply with the safety regulations. He agrees that there is a void that needs to be filled there.

### Emergency Services

Emergency Management Coordinator Rush advised of the monthly response numbers and compared them to prior years. He reported that they are always conducting shift training as staff wants to be ready. He advised that there is a temporary tide gauge at the Harbor. He explained they are working with the University Corporation of Atmospheric Research. The purpose is to test its ability with a good quality gauge. It is less expensive and could be used across the Caribbean in poor areas. He explained how it works. He reviewed the hurricane forecast and reported that September is Preparedness Month. The link to help prepare for emergencies is posted on the website and social media. He also gave COVID stats, vaccine stats and advised that masks are to be worn for indoor activities and events. He commented on the variants and boosters. He added that the peak hurricane season is September 10<sup>th</sup> and the season goes through November 30<sup>th</sup>. He reminded everyone to wash your hands, wear your masks, and watch your distance.

## **10. Committee Reports**

### Budget and Personnel

Vice Mayor Bott reported Council needs to vote for an increase in part-time hours and for a pay increase for a supervisor in the EMS Department. He added that they are working on Chief Fisher's request and will address it at the next Budget and Personnel Committee meeting.

**Vice Mayor Bott motioned, seconded by Councilman Taylor to increase the part-time hours and increase in pay for a supervisor in the EMS Department. Unanimously approved.**

Vice Mayor Bott also stated they discussed the allocation of the 1% Transient Occupancy Tax. They decided that the Public Safety Committee will control the expenditures of this fund.

### RCEC

Councilman Taylor mentioned the soft opening of the Brianna's Kindness Park. He stated that it started with the Leonard family who saved the property and offered it to the Town. Mr. Landsberger purchased the property with the same intention, to give it to the Town. He stated that the Lord blessed the Town with a beautiful park. He commented on the specialty equipment for special needs. He added that Mr. Donald Leonard lived with this on his heart. He also stated that Mrs. Joanne Moore brought the idea of Civil War Trails for the Island. He doesn't feel this would be hard to do. He also commented that Mrs. Kathy Michaelian came before the Committee asking for more outdoor pickleball courts at the Donald Amrien Recreation Center and upgrades to the tennis courts at Memorial Park. She offered to give money to help with the upgrades to the tennis courts. She was advised that the requests would be done with ARPA funds. Councilman Taylor also feels that they should try to do something for the youth of the Island.

### **11. Adoption of the Minutes for the August 2<sup>nd</sup> and August 19<sup>th</sup>, 2021, Council Meetings.**

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the August 2<sup>nd</sup> and August 19<sup>th</sup>, Council Meetings as presented. Unanimously approved.**

### **12. Mayor and Council Comments**

Councilman Savage that this has been a heartfelt evening with the recognition of responders both EMS and Police going above and beyond the call of duty to save a life. He stated that they have done a fantastic job and he could see the humility. He feels everyone should be humble. They have done an exceptional job and he gave kudos to those who built the Brianna's Kindness Park. He offered prayers for Vice Mayor Bott along with prayers for those who were affected by the storm. Councilman Savage stated that they are blessed that they survived on the Island. He added that God has truly blessed us. He appreciates the Town of Chincoteague and what is going on with Meals and Transient Occupancy Taxes. It shows that people are here, and it benefits the Town.

Councilman Taylor stated that when he meets with the youth in the activities building, they pray for everyone. He stated we are blessed and should pray for everyone.

Councilman McComb wished Mrs. Lillie Birch a happy 100<sup>th</sup> birthday. He stated that what happened with the Hurricane Ida could have easily happened here. He asked if it was possible to make a plaque for the Brianna's Kindness Park listing the Public Works employees who helped build it. He also congratulated all those who participated in the life saving event.

Town Manager Tolbert advised he would.

Councilwoman Bowden stated that 23-24 years ago she was standing on top of the World Trade Center. She thinks everyone can look back knowing where they were when the news broke of 9/11. She stated that you can't understand how massive the structures were unless you've been



there. She stated that she can't help but think of those who lost their lives. She is also very grateful and thankful. She added what incredible officers and EMS for being there to save someone's life. She stated that it is an incredible feeling. She is grateful they were there and that the young lady was able to get help. She also commented on Mrs. Lillie Birch being 100 years old and what she's seen in her lifetime. She added that it is amazing that someone lives 100 years and reflect on life good and bad. Councilwoman Bowden also stated that this community lost a great human being, Mr. Gary Mason, "Mr. Kiwanis". She stated that her heart goes out to his family and the Kiwanis family. She stated that he will be missed. She expressed her disappointment that the Yankees are in a slump.

Mayor Leonard expressed how blessed they are to live here, and tonight proved it. He stated that with everything going on in the country you find out you live in a special place. He thanked Mr. David Landsberger for his generosity adding that the Brianna's Kindness Park wouldn't have come to fruition without this donation and many other donations to the Town. He also commented on Mrs. Lillie Birch's 100<sup>th</sup> birthday adding that the toll road was new when she was coming up. Mayor Leonard advised that Public Works Director Spurlock and Harbormaster Merritt assisted a sailboat that was stranded in the Inlet. They couldn't raise the Coast Guard by radio or phone, so they assisted getting the Coast Guard to them.

Town Manager Tolbert interjected that the call came into the Town office where the ladies in the front office called Harbormaster Merritt.

Councilwoman Bowden stated that the Causeway was completed in 1922. She feels they should have a special recognition in 2022.

Mayor Leonard concluded with "Roll Tide".

**13. Closed Meeting in Accordance with §2.2-3711 (A) (1,3,5) of the Code of Virginia to discuss prospective business opportunities, and evaluation of staff.**

**Councilwoman Bowden motioned, seconded by Councilman Savage to go into a closed meeting in accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss perspective business opportunities and evaluation of staff. Unanimously approved.**

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

**Councilwoman Bowden motioned, seconded by Councilman Savage 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.**

**(23) only public business matters lawfully exempted from opening meeting requirements under this chapter and**

**(24) only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. Unanimously approved.**

**15. Adjourn**

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

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager

**MINUTES OF THE SEPTEMBER 16, 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

**Council Members Absent:**

Gene W. Taylor, Councilman

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Robby K. Fisher, Chief of Police

**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.

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to allow Councilman McComb to attend remotely. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Taylor**

**4. Public Comment**

There was none.

**5. Agenda Adoption**

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

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

**Nays: None**

**Absent: Taylor**

**6. Matthews Property Lease**

Mayor Leonard advised the same farmer wants to rent the property again.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to renew the lease of the Matthews property. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Taylor**

**7. Inlet Study Review**

Mr. Chris Hein stated that he came before Council in June 2019 regarding an Inlet Study. He gave an in-depth review of the Study reviewing updates and history. He advised that the Virginia Barrier system stated that all the islands within the system have either grown or eroded. He explained the history of changes to the islands and causes, such as hurricanes, nor'easters, etc. They discussed storms and what a storm does, the breaches, and growth. He stated that the Inlet has largely widened, and they all know the problems that it causes.

They also discussed the depth, dredging, along with how and why they track the changes. He reviewed the map of where they drilled in different parts of the Island and what they found. He reported that the beach has been there since 1930 and over by the lighthouse before that. He also reported on other areas giving the years that specific samples dated back to. He showed mapping of how the sand shifts from Wallops Island to Chincoteague. He explained how Assateague moved over 1,000 years. He also explained the predictions using collected data and comparisons.

They reviewed the sandbar, waves, tides, and conditions. Mr. Hein explained the different layers, barriers, samples, material, and currents. He also discussed the timelines and mentioned building grids by putting it together to accurately show the model. He continued with the seasonal factors, and experimental models. They further discussed core samples and some of the areas of the samples. They also talked about the shorelines north that are pumping sand onshore could change the type of sand here on the Island. The trend going from north to south is that the sand gets finer. He reviewed other areas as well. Mr. Hein offered to give a presentation of the history of the Island.

Council agreed that the citizens would enjoy this. They thanked Mr. Hein.

**8. Mayor and Council Comments**

There was none.

**9. 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.**

**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 specific personnel and perspective business opportunities. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Taylor**

**10. 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.**

**(25) only public business matters lawfully exempted from opening meeting requirements under this chapter and only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Taylor**

**11. Adjourn**

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

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

**Nays: None**

**Absent: Taylor**

---

J. Arthur Leonard, Mayor

---

Michael T. Tolbert, Town Manager