

**MINUTES OF THE OCTOBER 4, 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

Call to Order

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

Invocation

Councilman Taylor offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Public Comment

- Mr. Jim Frese, 7444 Eastside Road, came before Council asking for their support of Lt. Col. Stuart Scheller who was put in the brig for speaking the truth. He stated that when he rides around the Island, he sees the flags honoring all of the armed forces and those locally who serve. He is proud and again asked Council to support Lt. Col. Stuart Scheller.

- Mrs. Julie Brommer, Chincoteague Island Cats, advised they will hold a fall catch and release at the old fire house from Thursday, October 14th - 17th. She thanked the Town for allowing them to use one of the firehouse bays. They hope to collect 65 cats from 10 different locations. Pocomoke Animal Hospital has agreed to conduct surgery and microchipping 50 cats.

- Mr. David Landsberger, 5475 Warren Street, advised that they have received a recommendation from the Planning Commission on the detached quarter proposal he submitted to the Town several months ago. He strongly recommended that they reject the recommendation from the Planning Commission and either send the detached quarter ordinance back to the Planning Commission for further consideration or pass it as it was suggested. He gave the reasons that Council has read the ordinance that addresses a problem that exists here in the Town. He stated that ignoring or not dealing with it doesn't make this problem go away. Some

of the reasons that were given were: 1) "I don't want this in my neighborhood" which was a comment made by a Commission member prior to consideration. 2) "Mr. Landsberger has resources that others in the Town do not have." He stated that this comment is irrelevant to the proposal. 3) "Enforcement of single-family occupancy would be hard." He added that enforcement difficulty is not a valid reason. 4) "The Special Use Permit solves the problem." He feels this is not true and it's not a practical solution for many people dealing with housing issues whether a charge is made or not. He also added that discussion of this topic has brought several discriminatory and illogical zoning rules. The fact that the R1 Zone is limited to 4 subdivisions on the Island is not based on any illogic that anyone has been able to explain to him. Mr. Landsberger stated that regardless of HOA rules which should take precedence, there is no reasonable distinction between, for example, Smuggler's Cove and Oyster Bay. Smuggler's Cove is an R1, and Oyster Bay is not. This hasn't been explained to Mr. Landsberger by anyone.

Mr. Landsberger stated that he is advising Council that he is not giving up on this issue and will pursue this to the fullest extent that he can. He intends to; 1) Get a permit to attach his garage to his home, making his detached quarter into an attached quarter. He added that this is perfectly legal and can be done. The construction of this and the publicity he intends to pursue to demonstrate the wastefulness and pettiness of the current zoning and the reason why it should be dealt with now instead of being swept under the rug. The ability for someone to build a duplex on their property, other than in an R1, but not build a detached resident on the same property is arbitrary and illogical. He advised that he intends to publicize this. 2) Pursue a legal opinion as to whether or not the current policy denies him the full use of his property which would be the basis for legal action. Given only facts, he strongly recommends that Council approves the ordinance, which was well written and complete, or to send it back to the Planning Commission for further consideration.

- Ms. Mary Drew, Grand Bay Court, advised that Saturday, she was watching her daughter and son-in-law with her grandson fish off of the pier at Memorial Park. A little boy threw his fishing line backwards that hit her daughter causing her to lose her balance and fall overboard. Her grandson immediately jumped in after her and helped her. She was taken to the Dock's In for x rays as she was injured with bruises and cuts on both feet, but nothing life threatening. She asked Council to put fencing or a barricade up to keep anyone from falling.

Agenda Adoption

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

Staff Reports

General Government

Town Manager Tolbert advised that they will be renting another space in the old firehouse for a barber shop. He stated that VDOT has installed signage along the Causeway. He added that edge line reflectors are not approved for the Causeway and rumble strips will be put down the center line as requested. He stated that Trolley Director Welsh's last day is Sunday, October 10th. He stated they have advertised for this position but as of today they have not received any applications. They ordered the fuel system at the Harbor as discussed. The new fuel system will be more reliable using a cellular signal as opposed to the unreliable WiFi at the Harbor. They

will install an upgrade of a chip reader sometime after the first of the year. Mr. Eddie Moran has agreed to become the new Board of Zoning Appeals and has been sworn in. Town Manager Tolbert stated that the mason has started laying blocks for the restrooms at the Brianna's Kindness Park and hopes to have a grand opening in November. He reviewed the financial report including the monthly Meals and Transient Occupancy Tax revenues. The Building and Zoning Department has issued 46 building permits for September.

Councilman Taylor reminded everyone to keep Building and Zoning Administrator Bowden in their prayers.

Police Department

Chief Fisher gave an update to his report for September. He reported that the annual Poker Run raised \$20,000. He stated that everyone had a great time and thanked everyone who helped. He stated that SRO John Carmody attended CIT training. He added that he wants all of his officers to have this training as it is good for all law enforcement, fire and EMS. He and Captain Greenley attended the FBI Academy Citizens Academy Symposium in Newport News last week. They covered various topics. Cpl. Butler and Pfc. Geminiani attended virtual trauma in law enforcement conference. Chief Fisher also advised that he and both Sheriffs met with the Eastern Shore 911 Commission who want to combine all dispatch services with 911. He stated that there was a study done and it was recommended they have 2 extra dispatchers. He explained that the Town's dispatchers do more than dispatch. They have been doing call logs since 2017. He reported that they have received just over 12,000 calls since then. They also sell Dog Park passes, boat launch permits, emergency calls, etc. He is unsure how this would work. They were strongly against this. He advised of the preparations for the 2nd Annual Flag Football Tournament, which is scheduled for Saturday, November 27th.

Public Works Department

Public Works Director Spurlock reported that other running water system, maintaining the parks, and road maintenance the Brianna's Kindness Park playground is 100% complete. The parking bumpers will be installed this week as the striping has been done. They have started the restrooms this week as well. Lukas Utilities ran the septic line from the gym of about 300 ft. at no charge to the Town as their contribution to the Park. He publicly thanked Lucas Utilities for their donation. When the restrooms are completed, they will begin on the pavilion. He reported that Well 6 puts out about 270 gallons per minute, this more water than they can use in the winter. They installed a VFD, a variable frequency drive, to slow it down the well which will save money on electricity.

Councilwoman Bowden stated that the roads in Ocean Breeze have been grated and filled. She asked where they stand on getting some of this paved.

Public Works Director Spurlock advised that VDOT denied adding the roads into the Urban Maintenance Program this year. VDOT issued a few recommendations, and the Town will make the request again that they be added for next year.

Emergency Services

Emergency Management Coordinator Rush advised of the monthly response numbers. He mentioned a potential storm that isn't expected to become a hurricane. He advised of the Helios Laser Target Engagement program which planned to close Assateague beach 20 days in October. There was a joint letter sent and the reduced the number of days. He expressed how important the impact of this could be in June and July and feels they should work this out now. He also reminded that everyone needs to be prepared as we are still in hurricane season. He gave ideas of some items to add to the preparedness list. He advised of ANEC Generlink to hook your generator to the electrical box. They also have surge assistance. He stated that everyone should learn the scent for fire safety. He added to change the batteries in smoke detectors and replace smoke detectors that are older than 10 years old. He also mentioned an escape plan and escape ladders.

Emergency Management Coordinator Rush reminded that Halloween Trick-or-Treating will be Saturday, October 30th with a curfew of 8:00 p.m. He stated that Main Street will be closed from Cropper Street to Church Street and Sunnywood Manor will be closed to vehicle traffic. He also reviewed the COVID statistics and gave a brief summary.

There were brief comments regarding the laser target engagement that is a testing phase to potentially put on ships.

Committee Reports

Harbor Committee

Mayor Leonard advised they discussed the Kids' Fishing with Harbormaster Merritt Day, Saturday October 16th, a kayak ramp at Memorial Park, the sale of fuel, the fuel system and replacing the last wooden pier at the Harbor with grant money. They also talked about replacing the boat ramp at Memorial Park to be done in-house.

Budget and Personnel Committee

Vice Mayor Bott advised they discussed the Police salaries which will be discussed later in the meeting.

Introduction of Municode Meeting Application

Town Manager Tolbert showed Council how to log into their portal for the Municode. He also showed how to maneuver to get the information needed for meetings including agendas, packets, minutes and audio/videos.

Adoption of the Minutes for the September 9th and 16th, 2021, Council Meetings.

Councilman McComb motioned, seconded by Councilwoman Richardson, and others, to adopt the minutes of the September 9th and 16th, Council Meetings as presented. Unanimously approved.

Consider Transient Occupancy Tax Resolution

Councilman Bott explained that with the 1% increase to the Transient Occupancy Tax, they felt it was necessary to specify the use of the funds. A resolution was drafted to give guidelines for the expenses of the 1%. He stated that it will be made available to the Public Safety Committee who will make recommendations for the safety and the welfare of the public. The Public Safety

Committee's recommendations will go to the Budget and Personnel Committee and then on to the full Council.

Councilwoman Bowden stated that she wants to go on record that she doesn't agree with including Public Works to this.

Councilwoman Richardson explained that she felt the same way until it was explained that Public Safety is when you need snow removal and tree removal which falls under safety for storms. She mentioned Hurricane Sandy which the Town has still never been reimbursed for their expenses for the cleanup and repairs. These are funds for emergency crews and during a bad storm.

Councilwoman Bowden advised she understands but doesn't want to see it being used for sidewalks or roads.

Vice Mayor Bott motioned, seconded by Councilman McComb to adopt the Transient Occupancy Tax Resolution. Unanimously approved.

RESOLUTION

WHEREAS, the Town of Chincoteague is responsible for the safety and general welfare of the public, both citizenry and visitors and provides services to protect the public within its incorporated limits; and

WHEREAS, maintenance and improvement of public safety can regularly require the establishment and funding of Department of Emergency Services, Police and Fire Departments and Public Works; and

WHEREAS, in recent years the increased tourism and visitation to the Island has strained the Town's resources causing potential reductions in the general welfare and public safety services; and

WHEREAS, the Town Council recognizing the need for increased public safety services voted at its November 4, 2019 regular meeting to increase the Transient Occupancy tax by 1% to be effective January 1, 2021 and that the funds resulting from this increase shall be accounted for in a separate fund and be used exclusively for the improvement of the general public safety of the Town's citizens and visitors; and

WHEREAS, the Town's standing Public Safety Committee, whose membership is composed of 3 members of Council, is charged with making improvements to public safety for the betterment of the community and its inhabitants.

NOW THEREFORE, BE IT RESOLVED, that all proposals for expenditures from such public safety fund shall be presented to the Public Safety Committee at a scheduled meeting for review and approval and that the chairperson of the Public Safety Committee shall recommend to the Budget and Personnel Committee at its next regular meeting any expenditure so approved by the Committee; and

BE IT FURTHER RESOLVED that no expenditures from the Public Safety fund shall be made without a recommendation from the Budget and Personnel Committee and the approval of the full Council except they be part of a lawfully approved annual Town budget.

Recorded Vote:

Moved By: _____

Seconded By: _____

Yeas: _____

Nays: _____

TOWN COUNCIL of the
TOWN OF CHINCOTEAGUE, VIRGINIA

By: _____
John Arthur Leonard, Mayor

The undersigned Clerk of the Town of Chincoteague, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution adopted by the Town Council of the Town of Chincoteague, Virginia, at a regular meeting held on the ____ day of _____, 2021.

Michael T. Tolbert, Clerk

Consider Chincoteague Police Department Salary Changes

Vice Mayor Bott advised that EMS salaries and staffing levels were addressed at the last Council meeting. Police Department salaries was discussed at the last Budget and Personnel Committee meeting.

Town Manager Tolbert reviewed the increases and the comparisons to other local law enforcement salaries. The Budget and Personnel Committee recommended the increase which will cost less than \$20,000 for the remainder of the fiscal year.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the Chincoteague Police Department's Salary Increases per the recommendation. Unanimously approved.

Consider Planning Commission Recommendation

Town Manager Tolbert stated that they heard a proposal from Mr. David Landsberger to allow detached quarters in all residential zones of the Town. He advised the Planning Commission voted unanimously to make the following recommendations: 1) they not recommend to change anything in the current Zoning Code with respect to detached quarters. 2) they would like to monitor applications for detached quarters for such uses for the purpose of possibly including them into the next revision of the Town's Comprehensive Plan, and 3) waive any application fee

in association of a medical hardship. He advised that because they are not making any change to the Zoning Ordinance it will not require a public hearing.

Mayor Leonard asked when the next revision of the Comprehensive Plan is.

Town Manger Tolbert advised they have 3 years.

Councilman Taylor asked about the state laws regarding mother-in-law quarters.

Town Manager Tolbert was unable to quote the state laws. He stated that the state law gives each community the powers within their framework, which is fairly large. There are guidelines of what to make R1, R2, R3 and R4. They give the latitude to adopt the Comprehensive Plan the way they want. The Zoning should follow the Comprehensive Plan. The Planning Commission decided not to make a recommendation on the zonings.

Councilman Taylor doesn't see a problem because duplexes are allowed in the Residential Districts.

Councilwoman Bowden stated that the Planning Commission has reviewed this on August 10th and August 14th. She wholeheartedly believes they have reviewed this, debated it and its not in the Comprehensive Plan as it stands.

Councilwoman Bowden motioned, seconded by Councilman McComb to approve the Planning Commission's recommendation to waive the fee for a Conditional Use Permit for a medical hardship. Unanimously approved.

Mayor and Council Comments

Councilman Savage commended the Town on a fine job with the Brianna's Kindness Park. He has taken his grandchildren and added that it is a great job. He added that the Town, as a whole, is under great leadership and they do a fine job.

Councilman Taylor stated that Lt. Col. Scheller and all of the military should be in our prayers. They are under stress and in a position where they don't feel they have support. He asked everyone to pray for their safety and protection.

Councilman McComb expressed his condolences to Building and Zoning Administrator Bowden and his family because of the loss of his father. He also wished the Chincoteague Chamber of Commerce luck in the upcoming Oyster Festival.

Vice Mayor Bott thanked Mr. Frese for reminding Council of Lt. Col. Scheller adding that he has been following this and feels it's criminal what's going on. He encouraged everyone to get involved.

Councilwoman Bowden stated that she has also followed it. She feels these are bad times with things happening in the country that she never thought would. She stated that we should all keep their eyes on this. She announced that the Fire Company will have their oyster fritter dinner

Friday, October 29th at noon and asked Chief Fisher for traffic control. She asked about Star Transit to utilize their services a couple of days a week.

Town Manager Tolbert advised they had a conference call last week. He stated he will report on this at the workshop meeting when he has all of the information.

Councilwoman Bowden also mentioned that our Building and Zoning Administrator Bowden lost his father over the weekend. She asked to keep him in your prayers. She concluded that the Yankees play tomorrow night, one and done; win and go on or lose and go home.

Mayor Leonard asked for prayers for Sheriff Todd Wessells who lost his father as well. He advised that Mr. Dallas Johnson, who worked here, went to school here and played ball here recently passed away from cancer. He commented that he was a great person who had many friends here. He concluded with "Roll Tide".

1. 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.

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 perspective business opportunities and evaluation of staff. Unanimously approved.

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

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

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

3. Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager