

(No January 2022 Council Meetings)

**MINUTES OF THE FEBRUARY 7, 2022
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. 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. Barry Abell, 3776 Main Street, came before Council regarding the placement of the benches at the Watermen's Memorial. He explained why and how the Watermen's Memorial came about expressing how sacred this is and should be treated. He advised at a recent visit to the Memorial, they saw benches with brass name plaques of loved ones. The Watermen's Memorial has a place for name plaques for those local area residents who died at sea. There are criteria for the name to be added to the Watermen's Memorial: name, birthdate, date of death, certificate that the deceased was lost at sea, and a small write-up explaining the circumstances of the loss. The criterion was included in the application to ensure that this site would not become a place for just anyone who liked the view. Yet, there are two benches with personalized memorials without meeting the criteria.

Mr. Abell suggested that Council consider enacting the same rules as Memorial Park where they don't allow plaques or other memorials. He asked Council to: 1) create a committee for the Watermen's Memorial that is dedicated to the improvement and preservation of the site, 2) relocate the personalized benches to another location on the right as you walk up the hill, 3) do not allow personized benches at the Watermen's Memorial making the same rules and

regulations as Veteran's Memorial Park. He also added that when they fill up the names on the memorial, they can get another granite marker. He feels that no one should be able to get a bench with a personalized plaque at the Waterman's Memorial that honor those who were lost at sea. He commented further.

- Ms. Kathy Michaelian, Chincoteague Tennis Association and the Pickleball Group, asked Council to consider the proposal from the RCEC to use the ARPA funding for the resurfacing of the tennis courts at Memorial Park and the pickleball courts at the Amrien Center. She urged Council to make this decision for the funding and complete the project as soon as possible.

Agenda Adoption

Councilwoman Bowden motioned, seconded by Vice Mayor Bott to adopt the agenda adding the annual reports from the Chamber and the Library. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Savage, Taylor

Nays: None

Absent: Richardson

Chamber of Commerce Annual Report

Chamber Executive Director Shotwell reviewed the Chamber's 2021 Annual Report. She reviewed the mission statement, the impact study, marketing, media outlets, advertising, social media reports, staffing and outreach, business development, business retention, membership services and benefits, Chamber events, the marketing grant, and upcoming plans. She thanked Mayor Leonard and Council for their continued support.

Chincoteague Island Library

Mr. Paul Miller, President of the Chincoteague Island Library gave the annual report. He reviewed the history, accomplishments, events, programs, and information. He thanked Council for their continued support.

Announcement of Christmas Decoration Winners

Mayor Leonard announced the winners of the 2021 Christmas Decorated Homes Contest:

Most Traditional Home:

1st Place: Mr. & Mrs. Richard Conklin

2nd Place: Mr. & Mrs. Jack Bowden

Most Festive Home:

1st Place: Mr. & Mrs. Robert Daisey

2nd Place: Mr. & Mrs. Bill Birch

Best Overall Home:

1st Place: Sonny Rodgers

2nd Place: Ms. Logan Holland

Staff Reports

General Government

Town Manager Tolbert reviewed the monthly report. He reported on the delay in the piers at the Harbor, due to supply issues. The piers should be delivered by the end of March with a

completion time of early April. He continued with the Harbor fuel report. He added that the County will be conducting a reassessment this year. There is a new tenant at the old fire house with others expressing interest in renting space. He reviewed the Financial Report, Meals and Transient Occupancy Taxes, and Building and Zoning.

Police Department

Chief Fisher gave a brief update from December and January. He and Town Manager Tolbert attended a Board of Directors' meeting in Newport News, adding there are plans to increase the academy prices. He advised that in December they had the Annual Toy Run with toys donated to local children and Atlantic Fire Company, and also cookies with Santa. The January report consisted of training for staff and the boating incident.

Public Works Department

Public Works Director Spurlock commended the Public Works crews for the great job they did pushing snow in the early hours of the morning during and after the snowstorm. The fuel system will be installed Wednesday. He has submitted a request to add Ocean Breeze roads to the VDOT Urban Maintenance Program and should hear the decision sometime in June. He reported that the brickwork at the Brianna's Kindness Park is almost done.

Councilwoman Bowden thanked Public Works Director Spurlock and staff for the stormwater repair on Anderton Ave.

Emergency Services

Emergency Management Coordinator Rush reviewed the monthly and yearly stats comparing 2021 to 2020. He advised of the ANTARES launch scheduled for February 19th. He also gave the local and statewide stats on COVID-19.

Vice Mayor Bott asked if they would be conducting an investigation into the water incident.

Emergency Management Coordinator Rush advised he is planning an After-Action Report to include the VMRC and Sheriff's Department to see what went well and the failures to help with future incidents.

Committee Reports

Budget and Personnel Committee

Vice Mayor Bott advised they met on January 11th, reviewed and approved the FY23 Trolley Budget. They also reviewed taxes and fees along with projected revenues. He feels there was a great deal of inequality in the fees and asked staff to look into this to be discussed at tomorrow's meeting.

Adoption of the Minutes for the December 6, 2021, Council Meeting.

Councilman McComb motioned, seconded by Councilwoman Bowden, to adopt the minutes of the December 6th, 2021, Council meeting as presented. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Savage, Taylor

Nays: None

Absent: Richardson

Consider Reappointment of Committee and Commission Members

Planning Commission Reappointment

Mayor Leonard advised that the four-year terms have expired for: Mrs. Mollie Cherrix, Mr. David Britton, and Mr. Ray Rosenberger. Each of the members have been contacted and are willing to seek reappointment.

Councilman Taylor motioned, seconded by Councilwoman Bowden to reappoint Mrs. Mollie Cherrix, Mr. David Britton, and Mr. Ray Rosenberger to the Planning Commission for another four-year term. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Savage, Taylor

Nays: None

Absent: Richardson

Harbor Committee Reappointment

Mayor Leonard reported that Mr. Mike Handforth's two-year term has expired, and he has agreed to seek reappointment.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to reappoint Mr. Mike Handforth to the Harbor Committee for another two-year term. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Savage, Taylor

Nays: None

Absent: Richardson

Building Code Board of Appeals

Mayor Leonard advised that Mr. Rob Tye's five-year term has expired, and he has agreed to continue his service.

Councilwoman Bowden motioned, seconded by Councilman McComb to reappoint Mr. Rob Tye to the Building Code Board of Appeals for another five-year term. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Savage, Taylor

Nays: None

Absent: Richardson

Review of the FY23 Trolley Budget and Grant Submission

Town Manager Tolbert advised the Trolley Budget has already been discussed and was inadvertently put in this agenda. The grant was applied for February 1st.

Consideration of Pump and Haul Agreement – White Raven's Nest

Town Manager Tolbert advised that Mr. & Mrs. Landen inquired about a Pump and Haul Permit for their business located at 6382 Maddox Blvd. Requirements were discussed and per the Town's Policy a written request was received.

Mr. & Mrs. Landon explained in detail their situation. They were advised by the Department of Agriculture that they needed a Pump and Haul Permit for a mop sink and a hand sink for gray water. The Health Department advised they would have to go to the Town.

There was lengthy discussion and Councilman Taylor feels they should approve this.

Councilman Taylor motioned to approve the Pump and Haul Permit request as presented.

There was no 2nd at this time and discussion continued.

Mrs. Landen added that they were in the process of getting ready to sign a 10-year lease on this property. She advised that this is a 500-gallon tank.

Councilman Savage asked if there were any conflicting ordinances to regulate the Pump and Haul for food trucks. He also asked if there were any permits that center around commercial activities.

Town Manager Tolbert advised there is no Pump and Hall Ordinance. He stated that they have searched and listed Town approved Pump and Haul Permits. They are either the Town's or non-profits'. The Pump and Haul Permit for the Black Narrows Brewery was with the DEQ not the Health Department.

Mrs. Landen advised that their request is with the Health Department.

Councilman Taylor stated that Council approved one business in the past.

Vice Mayor Bott feels this is a terrible situation. The Town's Pump and Haul is based on state allowance. The Town could grant temporary approval based on the fact that septic is in the near future or a permanent Pump and Haul based on the inability to put septic on a property along with proof. He feels this is a quality situation and he asked how to differentiate.

Mrs. Landen added that they fell under the Department of Agriculture through the Health Department who made them aware of the Pump and Haul.

Councilman Taylor asked how the Town can deny this when they have Pump and Haul.

Vice Mayor Bott asked how you justify allowing this and when another business has to pay a lot of money for a septic system. He expressed his concerns about the quality issue.

There was discussion.

Mayor Leonard added that this is a 2-year contract, and it would come back to Council.

Town Manager Tolbert stated that the Town's Policy states 2 years but is not included in the State Code.

Vice Mayor Bott stated that the State Code requires the fact that you are putting in a septic system or you have proven that you cannot put in a septic system.

Councilwoman Bowden stated that they are ready to sign a 10-year lease if this is approved. She asked that if in 2 years the owner or business would be prepared to put in a septic system. She has a problem with equality of what the state says. She asked if the state could stop the Town from approving this.

Town Manager Tolbert responded that it doesn't differentiate between entities.

Councilwoman Bowden asked about the difference between the requests of the Department of Agriculture with the Landens and the DEQ with the Brewery.

Town Manager Tolbert advised that it is a different type of waste and regulated differently.

Vice Mayor Bott stated that it is still being regulated through the Department of Health not the Department of Agriculture.

Mayor Leonard stated that the Health Department shrugged it off and referred it to the Town.

There was further discussion about this matter.

Councilman Taylor motioned, seconded by Councilman Savage to approve the Pump and Haul Permit from White Raven's Nest. The motion was not passed.

Ayes: Taylor, Savage

Nays: Bowden, Bott, McComb

Absent: Richardson

Town Manager Tolbert stated that they can go back to the Health Department and see what they will allow.

Mrs. Landed advised that they will only allow septic, and this changes their plans drastically.

Mayor and Council Comments

Closed Meeting in Accordance with §2.2-3711 (A) (1 & 5) of the Code of Virginia to discuss specific personnel issues and prospective business opportunities.

Councilwoman Bowden motioned, seconded by Councilman McComb 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. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Savage, Taylor

Nays: None

Absent: Richardson

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.

(1) 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, Taylor

Nays: None

Absent: Richardson

Adjourn

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

Ayes: Bott, Bowden, McComb, Savage, Taylor

Nays: None

Absent: Richardson

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

**MINUTES OF THE FEBRUARY 17, 2022
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, Chief of Police

Call to Order

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

Invocation

Councilman Taylor offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Public Comment

There was none.

Agenda Adoption

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

Review of Budget Expenses: G/G, CPD, P/W

Town Manager Tolbert reviewed the proposed FY23 Budget expenditures for General Government, Public Works, Roads, Mosquito Control, Police Department and Dispatchers. He advised of and explained the increases and comparisons to the previous budget.

There were questions regarding salary increases, staffing increases, and promotional increases in the budget.

Consider Letter of Intent

Mayor Leonard read the Chronology of Events:

The Town of Chincoteague has been working and studying sewage disposal for many years and we continue to do so. I would like to review the most recent Chronology of events related to this Issue.

- October 2011 – The Council formed a Wastewater Advisory Committee whose five members were local business owners and engineers for the purpose of determining the wastewater needs for the Town and to make recommendations to the Council for wastewater collection and disposal alternatives.
- June 2013 - The Wastewater Advisory Committee issued its final report and concluded that the entire island should not, at this time, transition from individual septic drainfields and private treatment systems to a single public wastewater utility system stating -

“It is clear that a voluntary connection agreement will be needed that would allow the cost burden to be carried by the commercial and public customers serving the tourism industry. These issues mean that there will likely be more than one type of treatment facility used to manage the needs of Chincoteague Island.”

The committee identified the Town’s concentrated commercial areas of Main Street and Maddox Blvd as being the primary targets of initial treatment efforts.

- October 2020 – The Circuit Court approves an extension of Hampton Roads Sanitation District’s service area to include all of Accomack County.
- November 2020 - The Town was approached by Todd Burbage of Bluewater Development Corp. concerning the possible acquisition of the sewage treatment facility at Sunset Bay Condominiums.
- November 2020 - The Town manager and an independent engineering consultant began an evaluation of the plant and associated facilities.
- November 2020 - Council was presented with the possibility of the plant’s acquisition at its workshop meeting. The presentation was held in executive session to protect the Town’s position due to the competitive nature of the offer with other private entities.
- December 2020 – at its monthly meeting, Council was presented with a preliminary report of the plant’s condition but due to the imposed time constraints, could not complete a proper evaluation of the facility and likewise could not determine the plant’s overall viability. Council passed on the opportunity to acquire the facility at that time.
- February 2021 – The Town Manager Contacted Mr. Burbage to determine the level of interest of the transfer moving forward.
- April 2021 – Council was informed of Mr. Burbage’s continued interest in the transfer of the facility to the Town at a reasonable cost.
- July 2021 – The Council conducted a public hearing to determine the public’s priorities for the expenditure of \$2.98M of ARPA funding. Seventy-five percent of speakers listed public sewage treatment and disposal as a priority.
- July 2021 – The Town contacted Hampton Roads Sanitation District to propose HRSD’s assumption of ownership and subsequent operation of the Sunset Bay Facility. HRSD offered to provide a consultant to evaluate the plant and the proposed transfer and also to commission a broader study to identify a more permanent solution for the sewage disposal needs of Northern Accomack County.
- August 2021 – HRSD experts performed several onsite inspections of the Sunset Bay Plant and associated facilities.

- October 2021 – HRSD consultant submitted a report and recommendation for the Sunset Bay facility which was reviewed in executive session at the October Workshop Council meeting.
- October 2021 – The Town negotiated with Mr. Burbage the transfer of the plant, land and associated facilities to the Town of Chincoteague at no cost.
- October 2021 – HRSD agreed in principle to accept the facility and permits from the Town, to operate the plant moving forward with the existing customers and to develop additional capacity to utilize the unused permits. The Town agreed to fund construction of the collection system as well as control approval for connections to the system.
- November 2021 – The Town agreed in principle to fund necessary one-time upgrades to the facility and transfer the plant to HRSD for all future operation, maintenance and expansion.
- December 2021 – The Town’s ARPA committee proposed the utilization of ARPA funds for the necessary upgrades to the Sunset Bay Facility and design and construction of a collection system for a planned Island service area.
- December 2021 – Bluewater Development agreed in principle to transfer the plant and associated facilities directly to HRSD to simplify and expedite the transfer process.

Summary

The decision to pursue a limited-service area with an existing DEQ permitted facility and additional permits for expansion allows the Town to offer through HRSD a partial solution to sewage collection, treatment and disposal for commercial and public customers that do not have other viable options. This decision directly correlates with the stated priorities expressed by the public at the ARPA funding hearing. The use of ARPA funds to construct a collection system while pursuing other available State and Federal funding opportunities will help keep the costs of such solutions primarily within the private sector, without placing undue burden on local taxpayers.

Mayor Leonard also read a Letter of Intent:

CUSTIS, DIX, LEWIS & CUSTIS, L.L.P.

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February 17, 2022

Town of Chincoteague

Hampton Roads Sanitation District

c/o Mr. Mike Tolbert, Town Manager

c/o Mr. Ted Henifin

6150 Community Drive

1434 Air Rail Avenue

Chincoteague, Virginia 23336

Virginia Beach, Virginia 23455

RE: Chincoteague Wastewater Treatment Facility

Letter of Intent for Donation from Chincoteague Sunsets, L.L.C.

Dear Mr. Henifin and Mr. Tolbert:

Hope you are well. As you know, I represent Chincoteague Sunsets, L.L.C., a Virginia limited liability company ("*Chincoteague Sunsets*") in various capacities, including with respect to its ownership of the private wastewater treatment plant located adjacent to the Sunset Bay Condos on Chincoteague Island, Virginia. This letter of intent is submitted to you as a memorandum of understanding between the parties that Chincoteague Sunsets, L.L.C. does intend to donate the real property and all wastewater treatment facilities (collectively, the "*Facilities*") to the Hampton Roads Sanitation District ("*HRSD*") at no cost to Chincoteague Sunsets, L.L.C., conditioned on the following obligations of the parties:

1. Express confirmation by the Town and HRSD that the donation of the Facilities to HRSD by Chincoteague Sunsets is a tax-deductible gift and that the appropriate donee party shall execute any and all substantiation gift receipts and acknowledgments, gifting agreements and issue any other confirmations desired by Chincoteague Sunsets or that may be required by the IRS to evidence the gift as tax deductible by Chincoteague Sunsets;
2. The Town of Chincoteague shall facilitate the transition, at its sole cost and expense, and fund any and all improvements to the Facilities required by HRSD;

3. HRSD to further upgrade and operate the plant to include additional unused capacity moving forward with the Town reimbursing HRSD the full cost for all work required to fully honor previously purchased capacity;
4. The Town will identify a limited sewer service area within the corporate limits;
5. Town will construct a collection system in the identified area; and
6. HRSD shall provide sewage treatment for this limited-service area up to the capacity of the permits, and the Town and HRSD shall honor all existing customers that currently are served by the Facility or have purchased EDUs as of the date immediately prior to the donation of the Facilities with service to those previously purchased EDUs that are not connected at the time of the donation to be provided as soon as plant capacity is available.

Chincoteague Sunsets is prepared to donate the Facilities as soon as possible upon the satisfaction of the conditions listed as #1, 2 and 6. Further, by execution below by all parties, Chincoteague Sunsets, the Town of Chincoteague and HRSD acknowledge that I have been asked to assist in drafting the documentation for the gifting of the Facilities and other documentation necessary for the gifting, including, but not limited to the drafting of easements and other deeds that may be necessary for the parties to carry out the transaction contemplated herein. The parties, by execution below, acknowledge that full and complete disclosure regarding such has occurred, that no adversarial relationship exists between them, and all do consent in writing for me to carry out such actions, waiving any conflict that has or may arise in the future related thereto. All parties acknowledge that I will have to withdraw from representation at such time that an issue or adversarial relationship arises between the parties.

Should the terms as presented herein be acceptable to you for the donation of the Facilities to HRSD by Chincoteague Sunsets, I do request that you please execute a copy and return to my attention as soon as possible. I look forward to working with each of you to carry out this transaction.

Sincerely,

John P. Custis, Esq.

Mayor Leonard reported to the public that this information has been posted to the website.

Councilman Taylor stated that this isn't an end-all, it's a start. The Hampton Roads Sewage District will handle this.

Councilwoman Bowden stated that this is a step in the right direction. It is not an end-all. It's moving forward for the years to come. The commercial industry is desperate, she hopes to make this work for everyone.

Mayor and Council Comments

Councilwoman Bowden referred to the Superbowl commercials, commenting that there were several commercials for electric vehicles. She asked about charging stations and feels the Town

should look into this. She advised of transportation.gov for funding for charging stations. She wants the Town to look into this. She also stated that November 15th marks the 100th anniversary of the opening of the Causeway. She suggested planning a ribbon cutting ceremony to celebrate. She added that the Causeway brought the world to us and brought us to the world. She concluded that it is World Kindness Day and hopes everyone did something kind for someone.

Vice Mayor Bott advised the ANEC is working on the charging stations and suggested the Town coordinating with them. He commended Council, Mayor Leonard, and Town Manager Tolbert on the sewage. This is at no cost to the citizens and has a lot of potential moving forward. He added that Town Manager Tolbert worked tirelessly on this over the last year and with the Town's best interest.

Councilman McComb agreed with Vice Mayor Bott, the sewer plant is a great advancement and will be extraordinary for what it can do for the revitalization downtown. He thanked Mr. Burbage and his group as the Town wouldn't have been able to do this without them. He also wished the Chincoteague High School Girls Basketball Team luck going to regionals next week.

Councilman Taylor agreed with Vice Mayor Bott and Councilman McComb about the sewer. He asked everyone to remember, when you're out on the water, the young man who lost his life. He also thanked Council and Staff for being conservative because we don't know what's coming. He also asked to pray for the Country that everyone will be kind and love one another. He stated that they should compromise where compromise is better for all.

Councilman Savage stated that the citizens have spoken on the sewage treatment, and he commended Town Manager Tolbert for all his work on this. He feels this is a great start and building the foundation. He added that they have needed this for a while, he feels they're on the right track. He sees some good things with the Public Works staff, they're working hard and very diversified. He stated that the capabilities are here and utilized. He gave kudos to the Town. He also stated to continue praying for the Jenkins Family in their search. He concluded by saying may God bless the community.

Councilwoman Bowden stated that the Girls Volleyball Team won the district and was supposed to come to a Council meeting but couldn't because of COVID. She would like to have them at the March meeting.

Mayor Leonard suggested waiting for the softball team to win and have them all come before Council.

Adjourn

Councilman McComb, seconded by Councilman Savage to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE MARCH 7, 2022
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
K. Jay Savage, Councilman
Gene W. Taylor, Councilman

Council Members Absent:

William T. McComb, Jr., Councilman

Staff Present:

Mr. Michael T. Tolbert, Town Manager
Mr. Tyler Greenley, Police Captain
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

Mayor Leonard opened the floor for Public Comment.

- Mrs. Kimberly Landen, 6382 Maddox Boulevard, White Raven's Nest, came before Council requesting that Council approve a Pump and Haul Permit for their business. She advised it is only for gray water for a mop sink and hand washing station. She explained her situation and the events leading to her request. She listed the other Pump and Haul Permits the Town has approved. She commented further. She stated that the Health Department feels the Town is misinformed. She was asked by the Town Manager to wait until the March 17th meeting so this matter could go before the Ordinance Committee first and Council could then make the decision to change the Ordinance.

- Mr. Burke Landen, White Raven's Nest, commented on the smell of septic. He suggested taking the Pump and Haul requests on a case-by-case basis. He commented on other businesses with gray water. He stated that Pump and Haul Permits are Health Department approved and safe. They will have a 500-gallon self-contained tank with alarms and will probably only be pumped twice a year. He added that the Town installed water on the lot for a previous business and they didn't have septic. He asked where the water went.

- Mrs. Susan Lenhardt, 6283 Teal Lane approached Council regarding Teaguers Restaurant and the trouble this business has caused. They had no problems with prior businesses there, and they listed them. She stated that until All Dressed Up moved in, they didn't have any problems. Now Teaguers is there with loud music, drunks, garbage, liquor and beer bottles, and parking in people's yards and driveways which has been a huge problem. They've called the police on several occasions and complained to the owners. Then they had buzzards which was taken care of after they contacted the Building and Zoning Administrator. Some of the problems are little better. She doesn't want to run them out of business, but it must be run properly because this is unacceptable.

- Patricia Vumas, 6285 Teal Lane, complained about the loud music at Teaguers. She stated that they have been cleaning up garbage weekly around the business and neighboring properties. They spoke with Building and Zoning Administrator Bowden and some things are under control. She explained of an incident of a drunk coming to her door. Then she had someone shining headlights right into her door and was called vulgar names. She advised she has to keep her doors locked and it's one thing after the other.

They asked for help.

- Town Manager Tolbert read an email from Mr. and Mrs. Larry Beasley who expressed their support of the Pump and Haul Permit for Mr. & Mrs. Landen with White Raven's Nest. They asked why the Town Council would rubber-stamp huge developments on the Island and ignore a legitimate Pump and Haul Permit request from the White Raven's Nest. They asked Council to approve the permit. He also read an email from Mr. and Mrs. Mark Majaras who are also in favor of the Pump and Haul request from the White Raven's Nest. They wrote that the White Raven's Nest is a great asset to Chincoteague. When businesses closed during COVID19 they remained open with fresh berries and fruits at an open-air market. They offered to the public when the public was in need. They urged Council to approve the application.

- Ms. Shuli Tor, lived on Chincoteague for 10 years and currently lives in Atlantic, spoke in favor of the White Raven's Nest and feels the Town should approve the Pump and Haul Permit. She visits the market on a regular basis. She doesn't understand why the Town is working against them instead of working with them.

Agenda Adoption

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the agenda adding the minutes of the Public Works Committee meeting from February 1, 2022. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Presentation to Virginia State Police

Mayor Leonard advised in May of 2021 a tragic vehicle accident occurred on the Causeway approaching Chincoteague which resulted in the death of a local woman. During the subsequent on-site investigation, the VSP were unable to complete their work due to the malfunctioning

piece of forensic equipment. The delay in the investigation forced a closure of the causeway to all traffic, including emergency vehicles for over 6 hours. Chincoteague EMS was forced to transfer 2 patients to mainland units for transportation to the hospital during the closure. Several local businesses including 2 banks remained closed that day as well. The delay in the investigation was due to malfunctioning VSP equipment and the time it took to get a replacement. Sgt. Myers with the VSP also stated that there was more efficient technology available now being used in the Tidewater area but due to the funding source, those units were prohibited from being used anywhere except the I64 corridor. The simple solution here is that the Town of Chincoteague, Accomack County and County of Northampton all collaborated to purchase the newer technology for the Eastern Shore Barracks of the VSP with the stipulation that the equipment stay and be used only on the Eastern Shore. Sgt. Lawson is here this evening to formally accept the new Trimble Forensic Unit for use with the Eastern Shore VSP.

Virginia State Police Sgt. Lawson thanked Council and Supervisor Chairman Billy Joe Tarr for the donation of the Trimble Forensic Unit for the Shore. The Board of Supervisors of Accomack County and Northampton County along with the Town of Chincoteague donated to purchase the unit at a cost of \$16,500 to keep on the Shore. He further explained what it is used for and that it has been used for 5 accidents so far this year.

District 1 Supervisor Report

Supervisor Billy Joe Tarr reported that he attended the General Assembly. The Board of Supervisors has set the near \$80 million budget public hearing for April 4th. He reported that the big news is the Rocket Lab is coming. This will produce 250 jobs. He also reported on the tax rates. The Countywide assessments have increased about 9.51%. The Chincoteague assessments went up 19.2.% and 29% in Greenbackville and Captain's Cove. He added that there are no tax rate increases. There is a new cigarette tax \$0.40 per pack. The County budget contains the next installment for the local match for the Chincoteague Inlet Study. This is the 4th payment making the balance \$200,000. He mentioned the Chamber's request for another \$25,000 donation which was not approved at this time as they are working on paying 31 new EMS providers that was approved.

Supervisor Tarr stated that the personal property tax assessments could go up about 20%. However, they are prepared to lower the personal property tax rate here as well for 2023. He also discussed the approval of additional EMS staffing. He added that several positions haven't been filled yet. He advised of the overall cost to the County, the starting salary and salary after training comparing it to the Town's EMS salaries. He commented that if they can get the base salary up it would draw more candidates. He also advised of the County's Child Care Startup and Expansion Grant. He discussed teacher's salaries. He advised that neither the Senate or House budget bills included Accomack and Northampton Counties on the list to receive Cost of Competing Adjustments this year. But the Senate bill inserted \$1.6 million described as supplemental payment to Accomack and Northampton Counties for the first year only. They received it last year and he understood that Senator Lin Lewis advised it is going to be covered for a 2nd year which is 2023 - 2024.

Councilwoman Bowden thanked Supervisor Tarr for the report and looking out for Chincoteague. She also thanked him for spearheading the VSP Forensic Machine as it is well needed on the Shore.

Supervisor Tarr stated that it is worth every penny. He also stated that if he didn't have Chincoteague in his heart he wouldn't be there. He also stated that the County cares about Chincoteague. They feel Chincoteague is the golden egg paying 27% - 28% in tax revenues.

Vice Mayor Bott commented that the State Code states you can't raise real estate taxes more than a certain percent. He added that it doesn't mention personal property tax increase restrictions.

Supervisor Tarr advised they will do some adjusting.

Councilman Taylor also thanked Supervisor Tarr for all he has done. He commented further that they should receive the revenues from the lottery as promised.

Supervisor Tarr added that the 1% grocery tax pays for school buildings.

Mayor Leonard commented on the Rocket Lab looking for a place to unload a very large barge. He feels it could speed up the Inlet Study.

Supervisor Tarr stated they are willing to move tons of sand. U.S.F.&W. advised all the studies have been done.

There was further discussion and Council thanked Supervisor Tarr.

Staff Reports

General Government

Town Manager Tolbert reviewed the monthly report. He reported that all spaces downstairs at the Old Fire House have been rented. The only vacancy is the dining hall and there is interest once the stair chair is installed. The Matthews Property agriculture lease has been renewed. An ad has been put in the paper for the hunting lease at the Matthews Property as well. He reported that on February 3rd he and Harbormaster Merritt presented the VPA Grant application to replace the last wooden finger pier at the Harbor. He explained further that they have one already in the loop at the manufacturer from the last VPA Grant. He added that they have next year's project ready to be presented to the Harbor Committee. It is something for the Robert Reed Park. Town Manager Tolbert reviewed the Financial Report. He spoke with Mr. Leo Petkowski with ANEC about electric vehicle power stations. Town Manager Tolber has selected several suitable sites and advised they are willing to partner with ANEC. He was advised that ANEC is working on grant opportunities. Town Manager Tolbert continued with the monthly review of Meals and Transient Occupancy Tax collections. He advised that the Building and Zoning department has received 39 building permit applications for February valued at \$1.285 million.

Mr. A. J. Bowden Retirement Recognition

Town Manager Tolbert asked to take everyone back to 1979, when the average new house cost \$58,000, the average interest rate on the new house was 15%. The average income was \$17,500

and they all though gas was terribly expensive at \$0.86 per gallon. You could get a king size beanbag chair for \$19. Rocky II was in theatres, in pop music, Donna Sommer's hit Bad Girls was #1. The popular TV shows at that time were: MASH, The Waltons, Charlie's Angels, the Love Boat, Dallas, and Mork and Mindy. The Sony Walkman was introduced in 1979 and cost all the money in the world at \$200 a unit. Jimmy Carter was President, Margaret Thatcher had just been elected as the Prime Minister of Great Britain, and the YMCA was suing the Village People for being liable for using their name in a song. And in May of 1979, Mr. A. J. Bowden came to work for the Town of Chincoteague Public Works Department during all of this. Mr. Bowden is retiring in a few days, March 11th, 2022. He came to work for the Town of Chincoteague Public Works Department May 1st, 1979, and for the last 25 years has been the supervisor of the Water Works Department. He is also a walking encyclopedia of knowledge for this system. You can't ask him a question that he doesn't know, and you try to stump him, you can ask him where a valve is located, he can tell you where it is, the day it was put in and the crew that installed it. Although Mr. Bowden deserves a nice peaceful time of retirement, we're sure we'll be knocking on his door on occasion to get some of that knowledge he has tucked away over the years. In the 42 years that Mr. Bowden has worked for the Town he has not only been an outstanding employee but also an outstanding citizen. When you look at all the good things this Town represents you see every one of them in Mr. A. J. Bowden. His dedication to his work and attention to detail served the Town of Chincoteague and all its citizens and visitors well for 4 decades. We all owe him a great debt of gratitude. He asked everyone to join him in congratulating Mr. A. J. Bowden on nearly 43 years of dedicated service with the Town of Chincoteague and wishing him a long, healthy, and enjoying retirement.

Public Works Supervisor presented Mr. Bowden with a gift from the Town. He congratulated Mr. Bowden.

Mr. Bowden stated that when he was hired, he came on with Mr. Mike Howard on the same day. He and Mr. Howard were holding brooms when Mr. Cal Peterson walked up to them and said, "40-year men". A. J. replied, "No, I'm don't think so!". He expressed his appreciation for the opportunity to work at the Town. He stated that someone asked him if he was looking forward to retirement. His response was in some ways yes and some ways no. But with this, you're always a part of something. He also stated that you had a job rain, shine, snow, or blow if you could get here. There was always something for you to do as long as you could get here.

Councilwoman Bowden stated that his name is synonymous with the Town. There wasn't hardly a time in her life that when you think of Water Works with the Town you would think of Mr. A. J. Bowden, and vice versa. She stated that they don't get to talk too much during the day. But it's a comforting feeling to see the Town truck parked at his house. She stated that Mr. Bowden is one of the most constants of this Town. His demeanor and attitude have always been the same and you don't find that these days. She thanked him sincerely.

Mrs. Kathy Bowden stated that when Mr. Bowden asked her to marry him, she told him one thing, "when you find a job, stick to it". She wouldn't marry him if he was going to go from job to job because she has seen too many people that didn't have anything. She added that they don't have much but they are blessed. She stated she appreciated the people of the Town of Chincoteague and all the people he worked with and Council.

Mayor Leonard thanked them.

Public Works Department

Public Works Director Spurlock reported that the masonry work is complete, installation of the holding tank is complete, and the roofing should be done at the Brianna's Kindness Park restrooms this week. They installed a 250' watermain extension on Andrews Lane. He advised that there is a lot of teamwork and knowledge within the Public Works Department. He introduced Mr. Chris Quillen as the new Water Works Supervisor who is assuming the reigns that Mr. Bowden left behind. He is confident he will do a wonderful job. He is also very knowledgeable about the SCADA system. Public Works Director Spurlock stated that they also conduct routine operations and he apologized for glossing over the routine operations which is 90% of what the Public Works Department does.

Police Department

Captain Greenley reported they have returned to clean shaven faces which was a fund raiser this year for the Chincoteague Island Library. They have completed in-house training. Officer Butler taught a recertification class for the use of the pepper gun. Officer Stevens taught a refresher in use of force. Officer Stevens had to teach the refresher as he is a general instructor and needed hours. He is now certified in this and has his apprenticeship taken care of. Officer Stevens is also going tomorrow to get his apprenticeship in standardize field sobriety test training to train officers in the area. The officers also helped with the ANTARES launch.

Emergency Services

Emergency Management Coordinator Rush reviewed the monthly report. He advised that the reserve ambulance, 3-0 is now in service and used as a backup in the case the other ambulances are out of service. He reported that COVID-19 is going away, and they are now weather monitoring. He stated that the ANTARES launch went well, and he thanked staff for their assistance. They are currently working on an after-action report for the boating accident. They are also planning for July 4th fireworks Pony Penning, and the July 30th fireworks. He commented further about "Severe Weather Week Awareness" adding there will be a tornado drill on March 8th for the Commonwealth. He reviewed the COVID stats, vaccination information, and mask guidance.

Councilwoman Richardson asked about the CDC Guidelines for wearing a mask on the trollies.

Committee Reports

Public Works Committee

Budget and Personnel Committee

ARPA Committee

BZA

Mayor Leonard advised that the reports are in the packet and stated that the ARPA Committee discussed projects and sewage.

Adoption of the Minutes of the February 7th and 17th Council Meetings

Councilwoman Bowden motioned, seconded by Vice Mayor Bott to adopt the minutes of the February 7th and 17th Council meetings. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Adoption of VRSA Policies

- VRSA Policy Memo
- Categories of VRSA Policies and Procedures
- Safety Risk Management Committee
- Policy Adoption Resolution

Town Manager Tolbert explained that the Town pays a lot for insurance to the Virginia Risk Sharing Association. He stated they have a very extensive program with procedures and policies. He also stated that when they apply each year for coverage completing a questionnaire and if you score 100% VRSA will give a 5% reduction of premium. He advised that Finance Director Lewis has been working diligently for several months on a large policy and procedure manual for VRSA and reduced the remaining to Council responsibilities to adopt the Policies and Procedures, the Committee, and the Policy Adoption Resolution. He read the Policy Adoption Resolution and added that the Policies and Procedures for VRSA should be approved by Council.



TOWN OF CHINCOTEAGUE POLICY ADOPTION STATEMENT

WHEREAS, the Occupational Safety and Health Act (OSHA) of 1970 requires employers to provide a safe place to work, a place free from hazards that might cause injury, disability or even death.

WHEREAS, it is the policy of the Town of Chincoteague that every employee is entitled to work under the safest conditions possible. Every reasonable effort will be made to promote accident prevention for protection and health preservation.

WHEREAS, it is our belief that accidents injure people, damage equipment or property, or destroy materials, cause needless personal suffering, inconvenience and expense. We believe that taking common sense precautions can prevent most all accidents.

THEREFORE, BE IT RESOLVED, that the Town of Chincoteague, through its appointed managers, will endeavor to maintain a safe and healthful workplace. The Town of Chincoteague will provide safe working equipment, necessary personal protection and in the case of injury, the appropriate first aid and medical services.

The Public Works Director will head the implementation of Self-Inspections Program and will communicate pertinent information to all departments. Public Works Director will undertake such duties as may be required in the day-to-day operation of the program.

On the 7th day of March 2022

John A. Leonard, Mayor

Attest:

Michael T. Tolbert, P.E., Town Manager

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to adopt the VRSA Policies and Procedures, the proposed Risk Management Committee, and the Policy Adoption Resolution. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Town Manager thanked Finance Director Lewis for her work on this as it was a tough task.

Consider Building & Zoning Adjusted Rates

Vice Mayor Bott advised at the Budget and Personnel Committee meeting they discussed Building and Zoning fees.

Town Manager Tolbert stated that the Building and Zoning Department consists of an Administrator who does everything. He issued 548 building permits in 2021 for a total value of construction of \$15 million. He stated they would like to support the Building and Zoning Administrator by obtaining a cloud-based permit service. This will assist him in organization and getting permits that are complete when they are submitted. This gives applicants an online service to make the application. The services averages about \$5,000 per year, and this is to maintain the service in an updated form. Originally, they suggested to add a technical fee. The Budget and Personnel Committee recommended reviewing all the building permit fees comparing them to 8 cohorts. The Town's fees were only 58% of the average of the cohorts including Accomack and Northampton Counties. The Committee proposed to increase permit fees 20% across the board and to take the 4 most prominent fees (new construction and renovations of commercial and residential) to equal the cohort average. The Committee also approved the fee schedule and recommends approval by Council.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the increase in Building and Zoning permit fees as presented. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

GENERAL GOVERNMENT FEES		TOC	New for FY23
Building and Zoning Permit Fees		FY'22	
Res. New Construction: per sq ft		\$0.18	\$0.32
Res. New Const. : minimum fee		\$80.00	\$96.00
Res. Remodeling & Alterations: per sq ft		\$0.13	\$0.21
Res. Remodeling & Alterations: minimum fee		\$60.00	\$72.00
Comm. New Construction: per sq ft		\$0.23	\$0.41
(plus \$5 per plumbing fixture (Chaucer))			
Comm. New Constr. : minimum fee		\$110.00	\$132.00
Comm. Remodeling & Alterations: per sq ft		\$0.18	\$0.30
Comm. Remodeling & Alterations: minimum fee		\$90.00	\$108.00
Mobile Homes: per sq ft		\$0.18	\$0.22
Demolition of Structure: Residential		\$30.00	\$36.00
Demolition of Structure: Commercial		\$30.00	\$36.00
Removal/Installation fuel tanks:			
1000-3000 gallon capacity		\$115.00	\$138.00
Each additional 1000 gallon capacity		\$25.00	\$30.00
Installation of radio or communication tower:			
Up to 100 feet		\$115.00	\$138.00
Each additional 100 feet		\$45.00	\$54.00
Each Additional Attachment			
Piers or Bulkheads:			
Up to 300 linear feet		\$90.00	\$108.00
Each additional 100 linear feet		\$11.00	\$13.20
New Docks: per sq ft		\$0.18	\$0.22
Boat ramps & groins		\$115.00	\$138.00
Swimming Pools:			
Permanent Above-ground		\$60.00	\$72.00
In-ground		\$80.00	\$96.00
Commercial		\$80.00	\$96.00
Re-roofing (adding 1 layer to existing)		\$45.00	\$54.00
Installing New Sheathing-Residential while re-roofing			
Installing New Sheathing-Commercial while re-roofing			
Re-siding		\$45.00	\$54.00
Moved Buildings		\$80.00	\$96.00
For other work not listed:			
Residential		\$60.00	\$72.00
Commercial		\$90.00	\$108.00
Certificate of Occupancy (except when issued in conjunction w/a building permit):		n/a	\$0.00
No inspection required		\$30.00	\$36.00
Inspection required:			
Per sq ft		\$0.13	\$0.16
Minimum fee		\$60.00	\$72.00
Appeals to the Board of Appeals		\$450.00	\$540.00
Administrative Fees:			
Lost permit (reissue)		\$30.00	\$36.00
Permit amendment (reissue)		\$30.00	\$36.00
Change of use		\$50.00	\$60.00
Permit 6-month extension (2 ext. maximum)		\$30.00	\$36.00
For beginning constr. prior to obtaining BP:			
First offense		\$50.00	\$60.00
Second offense		\$200.00	\$240.00
Re-inspection fee		\$50.00	\$60.00
State Code Academy Surcharge		2.00%	
Refunds: (% of amount paid)			
Permit issued, no inspections		75%	\$0.60
Foundation inspection completed		75%	\$0.90
Framing & foundation inspection completed		25%	\$0.30
Subdivision Review Fees (per each submitted plat):			
Up to 10 lots:			
Base fee		\$200.00	\$240.00

GENERAL GOVERNMENT FEES		TOC	New for FY23
Building and Zoning Permit Fees:		FY'22	
Each lot (in addition to base fee)		\$10.00	\$12.00
Over 10 lots or required new road construction:			
Base fee		\$500.00	\$600.00
Each lot (in addition to base fee)		\$20.00	\$24.00
Zoning Fees:			
Zoning inspections		\$0.00	
Special use permit		\$450.00	\$540.00
Conditional use permit		\$1,500.00	\$1,800.00
Conditional use permit for Wind Mills		\$450.00	\$540.00
Variance application		\$150.00	\$180.00
Special use permit & variance application processed & presented at same time		\$540.00	\$648.00
Appeal decision of Zoning Administrator		\$450.00	\$540.00
Proposed rezoning change		\$730.00	\$876.00
Amendment to the zoning ordinance		\$330.00	\$396.00
Vacating any subdivision plat or any part thereof		\$250.00	\$300.00
Certification of zoning compliance (includes home occupation)		\$30.00	\$36.00
Site evaluation (subdivision)		\$100.00	\$120.00
Travel Trailer Park Fees:			
Up to 25 trailers		\$500.00	\$600.00
26-49 trailers		\$1,000.00	\$1,200.00
50 or more trailers		\$2,000.00	\$2,400.00
Base fee			
Each lot if over 4 lots (plus base fee)			
Sign Permit Fees:			
Less than or equal to 25 square feet		\$45.00	\$54.00
Each sq ft in excess of 25 sq ft		\$1.00	\$1.20
Mobile Home Park Fees:			
4-25 mobile homes		\$1,000.00	\$1,200.00
26-40 mobile homes		\$2,000.00	\$2,400.00
41 or more mobile homes		\$5,000.00	\$6,000.00
Base fee			
Each lot if over 4 lots (plus base fee)			
Transcript Fees (per page)		\$12.00	\$14.40
Document Fees:			
Comprehensive Plan		\$20.00	\$24.00
Zoning Ordinance		n/a	
Subdivision Ordinance		n/a	
Complete ordinances, incl zoning & subdivision		\$35.00	\$42.00
Excerpts from Ordinances & Other Town Documents:			
per page and/or double sided per page		\$0.10	\$0.12
Maps 36" x 44"		\$55.00	\$66.00
Contractors List (Class A & B)		\$0.00	\$0.00
New Address Fee		\$25.00	\$30.00
New Road Fee (at cost per MSAG)		cost	
Elevators/Escalators/Lifts		\$60.00	\$72.00
Mobile Offices/Pre-manufactured Units		\$60.00	\$72.00
Tent/Air Support Structures (over 900 sq ft)		\$80.00	\$96.00
Carport or Garage: per sq ft		\$0.18	\$0.22
Accessory building/structure (<150 sq ft)		\$45.00	\$54.00
Deck: per sq ft		\$0.18	\$0.22
Fence (>= 8 linear ft. Total)		\$45.00	\$54.00
Fireplace		\$0.00	\$0.00
Foundation		\$60.00	\$72.00
High frequency issued permits (HFP)		Propose 20% for all HFP	
Low frequency issued permits (LFP)		Propose 10% for all LFP	
Not eligible for increase		No Increase	
Non- BZ fees and taxes		No Increase	

Mayor and Council Comments

Councilwoman Bowden thanked Chamber Executive Director Shotwell, and others in attendance at the Council meeting for staying and listening to the meetings, she added that this is how people learn things. She stated that it wasn't until she sat in the Council seat that she learned

how things really work and is still learning. She stated that being on Council has also taught her how to be patient. She was disappointed that some folks said their peace and left. She advised that the last 10 days has been tough. She commented on what she has been through with the Pump and Haul issue receiving texts, messages, and emails, all because people won't listen to the meetings and get to know what the Ordinances state. She advised that, according to the Town's Ordinance, the Accomack County Health Department has to turn down the septic application before you can apply for a Pump and Haul permit. She asked Town Manager Tolbert if this was correct.

Town Manager Tolbert advised that it states that to be eligible there must be no other option for you including a septic or alternative system from the Health Department.

Councilwoman Bowden advised, to her knowledge, the landowner or business owner has not applied for or been turned down for a septic permit. She stated that staff has worked very hard in trying to work with these people. She referred to messages she has received and stated that it's sad that it has come to that. She spoke to those listening, urging them read the Town Codes and either come or watch the meetings. She stated to educate yourselves before you speak on things you may not know. She added that there is an election in November and invited people to run for Council.

Vice Mayor Bott agreed with Councilwoman Bowden.

Councilman Taylor asked for prayers for the people of Ukraine and for peace. He stated we are blessed. He also stated that he sees Public Works staff in ditches, and the money they save the Town is beyond belief. He also stated that we all love each other, and it keeps things going. He thanked everyone for what they do. He commented that Mr. A. J. Bowden who serves his Church the same way as he has served the Town, with passion.

Councilman Savage stated that they are blessed on the Island, and we are tempted to sweat the small stuff. He also stated they have to take a step back. He agreed with Councilwoman Bowden's comments. He also thanked Supervisor Tarr for what he does for Chincoteague. He commented that Mr. A. J. Bowden is the same day and night, at work or away from work. He is an unbelievable worker and will be missed big time. He stated that the Police Department is a group of people helping citizens and they go above and beyond. Town Manager Tolbert, the oversite of this, is doing a fantastic job. If Council has a question or concern Town Manager Tolbert is there and he expressed his appreciation. He also appreciates the Public Works who are in the trenches. He stated that he was glad to see Chamber Executive Director Shotwell at the meeting and with 20 years of service has done a great job. He concluded that Council has to do what they're supposed to do and keep going in the right direction.

Mayor Leonard stated that even though Chincoteague is small, we're going to have growing pains with Rocket Lab coming and 250 jobs. He stated that it is incredible how it will affect the real estate here. He is grateful we live here but finding a piece of it is harder. He commented on how small the world is. He advised that he tries to advertise Chincoteague wherever he goes. He and Councilman Savage were at an event in Pennsylvania, and someone saw what he was wearing and advised he owns property here.

Adjourn

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

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

**MINUTES OF THE MARCH 17, 2022
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, Chief of Police
Mr. Bryan Rush, Emergency Management Coordinator

Call to Order

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

Invocation

Councilman Taylor offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Public Comment

Mayor Leonard opened the public comment.

- Mr. David Landsberger, 5475 Warren Street, read a letter requesting a donation in the amount of \$25,000 with ARPA funds for the Eastern Shore Coalition for Domestic Violence for a new facility called Hope Harbor. He explained the plan, other donations and the ARPA guidelines. He also listed the services they offer.

- Ms. Katherine Helms, 6471 Conant Lane, advised that they have suffered with medical illnesses she is in support of White Raven's Nest and hopes they get around the gray water issue.
- Town Manager Tolbert read an email from Ms. Deanna Bredbenner, 7158 Bunting Road, who expressed her support for the White Raven's Nest and urged Council to approve their permit.

Agenda Adoption

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

Committee Report from the 02/01/22 Public Works Committee Meeting

Councilwoman Richardson advised it was skipped at the last Council meeting. She asked if there were any questions.

Councilman Taylor motioned, seconded by Councilwoman Bowden to add the Public Works Minutes to the last meeting. Unanimously approved.

Proclamation for Cemetery Cleanup Week

Mayor Leonard read the proclamation.



PROCLAMATION

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

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

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

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

NOW, THEREFORE, I, Mayor John A. Leonard do hereby proclaim the week of April 4th through April 10th, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 17th day of March 2022.

John A. Leonard, Mayor

ATTEST:

Michael T. Tolbert, Town Manager

Final Budget Review

Town Manager Tolbert reviewed the highlighted changes. He stated that they will review it once more as there will be some additional changes.

Consider Pump and Haul Request for White Raven's Nest

Town Manager Tolbert advised that the owners of White Raven's Nest have reapplied for the Pump and Haul Permit. He stated that a written request has been provided. There is also a letter from the owner of the property giving the owners of White Raven's Nest permission to act as his agent.

Ms. Anita Johnson, Attorney for the owners of White Raven's Nest, asked Council to consider the request. She feels they should be grandfathered in as their application was made under the prior ordinance. She added that they are an asset to the community and hopes that the request is granted.

Councilwoman Bowden stated that after the last meeting on March 10th, Mrs. Kathy Plant with the Accomack County Health Department who advised that people who have Pump and Haul Permits weren't turned down first by the Health Department. She stated that the Town violated the proper procedure according to the ordinance. She feels, based on this, that the White Raven's Nest deserves the Pump and Haul Permit. She wants to go through every word of the new ordinance and hopes it has some teeth to ensure all t's are crossed and i's are dotted.

Councilman Taylor stated that Mrs. Plant advised the Health Department didn't have a problem with this Pump and Haul Permit. He added that Mrs. Plant also advised Council that they can make the ordinance as strict as they want, and hopes the Town approves this.

Councilwoman Bowden stated that her issue was what the Town has done in the past by not following the procedure of it. She added that they need to a serious cleaning up of this. She stated that it blows her mind that people out there think they just don't want to issue the permit. This is not the case. It all came down to rules and regulations.

Vice Mayor Bott stated that Mrs. Plant was very informative. He feels this is a real cluster. He stated that it is unfortunate that the Town has been put on a pedestal of being the bad guy. He added that the Town isn't the bad guy. The ordinance states that if they can't put in a system, they can have a pump and haul system. The Health Department approved the exact ordinance the Town currently has. However, the Health Department is telling their customers to ask the

Town for a Pump and Haul Permit. The owners of White Raven's Nest aren't the first people they've told this to. There's more coming. He added that he feels it's a go for this situation.

Councilman McComb stated that the Town does have a current ordinance on the books. It's an ordinance that was sent to the Health Department at their request. He quoted from the ordinance and stated that he personally doesn't feel another wrong makes it right, regardless of what has been done in the past. He stated that he means no hardship to the owners of the White Raven's Nest or anyone else that comes before Council for a Pump and Haul permit. He supports it if they had a malfunctioning system or one that had to be replaced, that something had to be done in the meantime until it could be restored. According to the current ordinance, it clearly states that this doesn't qualify. He stated that they asked Mrs. Plant about the difference between gray and black water and was advised there was no difference. The Health Department is putting the Town in the position where they have to make the decision and they don't have the expertise or tools the Health Department has to make these decisions. He agreed with Vice Mayor Bott where the Town is put on a pedestal and made to be the bad guy.

Councilman Taylor motioned, seconded by Vice Mayor Bott to approve the Pump and Haul Permit for the White Raven's Nest. The motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: McComb

Mayor Leonard congratulated the White Raven's Nest.

Consider Pump and Haul Ordinance

Councilman Savage reported on the proposed Pump and Haul Ordinance that the Ordinance Committee reviewed on March 10th. He read the proposed ordinance. He stated that he appreciated Town Manager Tolbert and staff for their work on this.

Councilwoman Bowden referring to the current ordinance, asked if it says in the event if public sewer becomes available for use, they would have to hook up within 90 days.

Town Manager Tolbert stated it does not. He showed the current ordinance that was passed in 2005 and stated that other localities' ordinances do contain that verbiage. This new ordinance says in several places, one of the conditions for approval is the lack of a central sewage system. It does not state how available that sewage system can be. When it was originally collaborated, in 2005 a set of policies were created which governed how the contract was written and how to proceed. He added that the 500' was in that policy. Permitted or approved by Council, the policies govern how the contract would be written, directing how they would proceed from that point. He advised that he incorporated the policy into the ordinance giving more authority.

Councilwoman Bowden stated that in the current ordinance there is nothing giving preference to nonprofits. She asked if they should consider this in the new ordinance. She added that it seems that every permit they've issued have been for a government agency or nonprofit.

Town Manager Tolbert stated that his understanding of the current permit they have is the statement would be within the purview of Council as far as the Health Department is concerned.

He added they can put what stipulations they want as long as they don't violate their general permit. He stated that he can include this.

Councilman Savage advised that it has been referenced already and they have the authority to include that.

Vice Mayor Bott stated that the new ordinance has the policy and the ordinance, they were melded together. His problem is that they can pass ordinances all day, but the Health Department is sending all these people back to the Town. He wants the Town to be covered. He asked if they should table this and get a legal opinion.

Town Manager Tolbert stated that if Council denies someone for any reason they deem as appropriate, the Health Department has no recourse. The general permit gives the Town the general authority to add entities to that general permit. It leaves it up to Council as to the qualifications that they want to set for the inclusion in the permit. It could be challenged legally.

Vice Mayor Bott stated that these were done in the day they were all being denied septic solutions, but Mrs. Plant advised no one gets denied for septic now.

There was discussion of the history of septic, alternative solutions, and when requirements changed.

Councilwoman Bowden feels the current ordinance lacks meat. She stated that the White Raven's Nest falls in a unique category where they are leasing the land. There is a landowner who unwilling to install any kind of sewage for the renters. She doesn't want to fall into this same situation again.

Councilman McComb stated that if they were to submit this for a vote, they could add religious entities and not for profits. He asked what the verbiage would be.

Town Manager Tolbert showed them the verbiage.

Councilwoman Richardson explained how the Town's Pump and Haul Permit started. The Town wanted to help people that could not get sewage to open their business and keep it open. In 2005, there were businesses in the Town that were going to have to close because of the lack of sewage. She stated that Mr. Burbage is the one that extended a band aid to help these people by having the sewage go to his plant. That is why the places in the middle of Town are still operating, because of Sunset Bay. It was initially started to help those who could not get sewage. They didn't have the land, or the property wouldn't perk. She admitted that she has seen the ordinance but never studied it before. She added that it is sad what these people had to go through, and the Town has to get it right. She added that it was because people didn't have enough property for sewage, or it didn't perk. She also advised that the Curtis Merritt Harbor and the Library in Town couldn't get sewage on the properties which is where the pump and haul came in. Councilwoman Richardson stated that sewage is a big issue and moneywise the Town can't afford it. They have spent thousands of the Town's money to hire consultants that said

they would get a permit. That was wrong and a waste of money. She apologized to the owners of White Raven's Nest that they had to go through this.

Councilman Taylor asked to possibly add the term "or feasible" to get septic. He stated that in their case it's available but not feasible.

Councilwoman Bowden stated that you could get in a quandary. She wants to get it right. She added that there's a lot to it. The landowner is capable of putting sewage on the property, but it isn't feasible for the tenant to pay for it.

Vice Mayor Bott stated that the landowner is going to want to put it in now because it's cheaper to do it now rather than waiting until later, especially with the costs of central lines.

Councilwoman Bowden wants to have this wrapped up before another permit comes across the desk.

Councilman Taylor asked if they would be willing to add the word "feasible" in the ordinance.

Mayor Leonard asked who would determine feasibility.

Vice Mayor Bott stated that it would be null and void, because it already states if your nonprofit. He added that it would cancel it out. They have taken private and commercial out of the equation.

Town Manager Tolbert stated that during the Ordinance Committee meeting, the original sample ordinance contained language that was along that line and the Committee removed it for just that reason. He also stated that it was felt that allowing language like this was getting in the way of the relationship between the renter and the owner. The Town should never be in the middle of that relationship.

Councilman McComb advised that Mrs. Plant's comments were that they were opening a can of worms.

Councilman McComb motioned, seconded by Councilman Savage to adopt the proposed Pump and Haul Ordinance with the addition of, under the 1st Whereas paragraph, "to a recognized nonprofit organization or government entity", also in the 2nd Whereas paragraph where it states Accomack County Health Department to add "and is a recognized nonprofit organization or government entity". Unanimously approved.

**AN ORDINANCE
AUTHORIZING THE PUMPING & HAULING OF SEWAGE
FROM THE _____ PROPERTY**

WHEREAS, it is the intent of Town Council to provide relief to existing homes or businesses that have no option for sewage treatment as a result of the unavailability of an

approved central sewage system, the inability to obtain approval for a septic system or repair of an existing system through the Accomack County Health Department.

WHEREAS, the _____ located at _____, hereinafter referred to as the _____ property, is not able to obtain sewage disposal by septic system, by a central sewage system or by approval for repair of an existing system by the Accomack County Health Department; and

WHEREAS, the Town of Chincoteague, Inc., hereinafter referred to as the Town, is authorized by its Permanent Pump and Haul Agreement and General Permit issued by the State Health Commissioner to add individual facilities to that permit; and

WHEREAS, the Town is authorized by Section 15.2-1102 of the Code of Virginia to enact legislation it deems expedient to secure and promote the health, safety and general welfare of the inhabitants of the Town; and

WHEREAS, the Town Council finds that the regulated pumping and hauling of sewage from the _____ property, where central sewage treatment is unavailable and a sanitary septic system cannot lawfully be installed or existing system repaired, is conducive to the health, safety and general welfare of the Town.

NOW, THEREFORE, be it ordained and enacted by the Town Council:
That in response to the property owner's or his agent's written request, that describes the reason for the request and the proposed use of the building and/or site, the Town Council hereby authorizes the addition of the _____ property to its Permanent Pump and Haul Agreement and General Permit and,

That the owner/agent has provided professionally engineered designs of the proposed sewage system to the Accomack County Health Department in a form that is suitable to meet the department's storage facility construction permit requirements. The sewage storage facility shall be designed in accordance with the requirements found in the current edition of *Sewage Handling and Disposal Regulations* of the VDH and,

That the subject use on the _____ property has existed and operated legally within the Town limits for a minimum of 1 year prior to the submission of the application for a pump and haul permit and,

That the subject use on the _____ property has not in the past year or does not for the duration of this permit intend to add dwelling units, business space, mobile units or an expansion of any kind, including a change of use resulting in a higher occupancy limit of the existing facility, that has in the past year or would in the future, increase the amount of sewage generated and,

That the owner/agent of the property has remitted the appropriate one-time pump and haul application fee from the list of fees currently approved by the Council and,

That the Council directs the Town Manager to execute such contract with the owner/agent of the _____ property and that such contract shall describe the terms and conditions upon which such addition shall occur. No facility shall be added to the General permit until such contract is signed by the owner/agent and delivered to the Town Manager in recordable form for his signature on behalf of the Town Council. No such contract shall be deemed concluded or impose any obligation upon the Town unless and until the Accomack County Health Department has inspected and approved the system prior to operation. At a minimum, such contract shall provide:

1. - That the term of the contract and placement on the general permit shall not exceed two (2) years, but additional two (2) year terms may be authorized by the Town Council under such terms and conditions as it may direct.
2. - That the contract shall not be deemed concluded unless and until the Accomack County Health Department has inspected and approved the proposed system prior to operation. The owner/agent also agrees to maintain the pump and haul facility in accordance with the requirements of the current edition of the *Sewage Handling and Disposal Regulations* of the VDH.
3. - That a written agreement exists between the Town, the owner and his/her agent and a properly licensed hauler. This contract must describe the maintenance schedule for the facility and state that all costs incurred in the pump and haul operation shall be paid by the owner/agent. This contract must also require the hauler to notify the Town within thirty (30) days if the owner/agent does not fulfill the financial obligations of this agreement.
- 4.- That the contract shall become invalid upon the change of ownership or agent of the subject property or business, discontinuation of the subject business or change in its use as defined in the Town of Chincoteague's zoning code.
5. - That the owner/agent must notify the Town, in writing, immediately upon discovery of any material change in circumstances affecting the pump and haul operation, including but not limited to any information that he or she may receive that indicates or seems to indicate a violation of the General Permit or any applicable VDH regulations. The owner/agent shall also notify the Town at least sixty (60) days prior to any change of use or ownership or agent of the property.
6. - That the owner, agent and hauler must agree to fully indemnify, defend and hold the Town harmless against all costs and lawsuits, and to provide insurance – and proof thereof – in the minimum amount of \$100,000 for the owner and \$1,000,000 for the hauler or its equivalent as approved by the Town Attorney, naming the Town as an additional insured.
7. - That surety in the form of a bond in the amount of \$5,000 shall be provided by the property owner for the performance of the contract and is

necessary to remove or properly abandon the pump and haul system and or remediate the effects of any violation of Virginia Department of Health (VDH) regulations.

8. - That the owner/agent grants permission for the Town or its agents to enter the property for inspections as it deems necessary or to remove or properly abandon the system upon the failure of the owner/agent to do so.

9. - That, in the event a public sewer system should become available for use with a proper element of its collection system located within 500 feet of the subject facility, the owner/agent shall connect the facility to such line according to the requirements of the Town’s engineer within ninety (90) days, thereby terminating the contract and the inclusion of the facility on the General Permit.

10. - That the contract may be terminated and the facility removed from the General Permit with thirty (30) days notice at the discretion of the Town Council. This thirty (30) day notice shall not be necessary in circumstances where violations of VDH regulations exist, if the conditions of the contract between the Town and the owner/agent are not met, or if the Town’s General Permit is revoked.

11.- That all parties shall execute such contract which shall be notarized by a notary public duly licensed by the Commonwealth of Virginia.

The Town Manager is authorized to act on the Town’s behalf in concluding and executing such a contract and verifying the approval of the Accomack County or Virginia Department of Health.

Adopted _____
Date

Mayor

Attest _____
Town Manager

Vice Mayor Bott motioned, seconded by Councilman McComb to refer the suggested Pump and Haul Permit fee structure to the Budget and Personnel Committee. Unanimously approved.

Consider Resolution of Dissolution of CRCCA

Town Manager Tolbert read the memo regarding the dissolution of the Chincoteague Recreation and Convention Center Authority. “The CRCCA was formed by an act of the Town Council at its December 1991 meeting, for the purpose of overseeing the operations of the yet to be constructed Chincoteague Center. The CRCCA has been performing this duty since. To complete the dissolution of the CRCCA, the Code of Virginia requires the Authority to resolve to

dissolve and the controlling government entity to likewise resolve the dissolution. At its February 15, 2022, meeting, the CRCCA voted unanimously to dissolve the Authority. The accompanying Council resolution has been reviewed by the Town's attorney and found to be in compliance with State Code. As you can see, upon passage of this resolution, the CRCCA will officially dissolve on July 1, 2022. Daily operations, finance, and long-term planning for the Center will then be accomplished through the Town office." He then read the resolution.

Mayor Leonard advised that Councilman McComb is the Council's representative on the Authority.

Councilman McComb explained that they learned a lot during COVID where the only revenue sources were from the Town's taxes. He stated that it would behoove the Center to look into other ways to run the Center without having a separate entity and payroll, etc. He added that doing something like this with the Town would give a synergy to share personnel, technology and to properly man and run the Center.

Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the resolution of Dissolution of the CRCCA. Unanimously approved.

Resolution of Dissolution of the Chincoteague Recreation and Convention Center Authority

WHEREAS, The Chincoteague Recreation and Convention Center Authority (CRCCA) was formed by ordinance of the Chincoteague Town Council on the 2nd day of December 1991, pursuant to the provisions of the "Public Recreational Facilities Authorities Act" (Chapter 29 of Title 15.1 of the Code of Virginia of 1950) and has operated under this authority since its formation, and

WHEREAS, the CRCCA has substantially fulfilled the purpose for which it was formed by overseeing the design, construction and operation of the Chincoteague Center for these many years and that all obligations theretofore incurred by the authority have been fully paid or adequate provisions have been made for their payment, and

WHEREAS, The Town of Chincoteague was at the time of its formation and still is today, the only participating political subdivision in the formation of the CRCCA, and

WHEREAS, the Chincoteague Recreation and Convention Center Authority by a unanimous vote of its Board on February 15th, 2022 has resolved to dissolve the Authority pursuant to Title 15.2-5616 of the Code of Virginia and return operation of the Chincoteague Civic Center along with all other related responsibilities to the Town of Chincoteague and that such dissolution shall be effective at 12:01AM on July 1, 2022.

NOW THEREFORE, be it resolved that the Chincoteague Town Council recognizing the facts stated in the CRCCA's aforementioned resolution to be true, by majority vote has dissolved the Chincoteague Recreation and Convention Center Authority as of 12:01AM on July 1, 2022 and that the title to all funds and properties owned by the authority at the time of such dissolution

shall vest in the Town and that all operations and responsibilities related to the Chincoteague Civic Center shall become those of the Town of Chincoteague at that date and time.

ADOPTED this 7th day of March 2022

J. Arthur Leonard, Mayor

Ayes: _____

Nays: _____

Councilwoman Bowden stated that the Town takes this over July 1st and asked what the plans are to have someone in the position that will be able to talk to people that want to use it. She stated that the current Town office staff can't handle much more.

Mayor Leonard reported that they discussed hiring an additional staff member to add Town office duties along with the Center duties.

Town Manager Tolbert advised he has written a job description, and the Center will have its own fund, which is why he mentioned more budget work. It will be ready at the next meeting. He plans to hire someone with experience. He stated that they don't see this as a 40-hour per week job, and they will have duties in the Town office. He added that their office will be in the Town offices. They can assist with multiple tasks in the Town office.

Vice Mayor Bott asked for a Strategic Plan.

Councilman McComb stated that there will always be someone to answer the phones for the Center.

Councilman Taylor asked if they plan to change the duct system in the Center so they can play basketball and volleyball.

Consider Award of FY22 Spring Paving Contract

Mayor Leonard advised that the FY22 Spring Paving Contract of which will be funded by the VDOT Urban Maintenance Program. He listed the paving projects.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to approve the FY22 Spring Paving Contract. Unanimously approved.

Adoption of Trolley Title VI Policy

Mayor Leonard advised that this is the annual adoption of the Title VI of the Civil Rights Act of 1964 Plan and Procedures for 2022.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the Trolley Title VI Policy. Unanimously approved.

Consider Donation to the CHS After Prom Committee

Mayor Leonard advised that the CHS After Prom Committee has requested a donation for the upcoming after prom party. He explained that because of COVID they have been unable to hold fundraisers.

Vice Mayor Bott asked if they were doing anything for this from the Police fund. He then asked if this was in addition to their donation.

Chief Fisher advised it is separate and they usually donate.

Councilwoman Bowden stated their funds are way down. She listed the prizes they purchase adding that this is a party after prom to keep the kids off the street prom night and food. She stated you can't put a price tag on this. She stated that the Fire Company gave a donation as well.

Councilman McComb motioned, seconded by Councilman Savage to approve a donation in the amount of \$2,000. Unanimously approved.

Mayor and Council Comments

Councilman Taylor stated this was a good night and everything was worked out peacefully.

Vice Mayor Bott asked if the new Pump and Haul Ordinance could be communicated with the Health Department so they could get on board and not keep sending people that would violate our very ordinance for which they hold the Town to create.

Councilwoman Bowden advised spring training finally started. She added, "Go Yankees!"

Mayor Leonard congratulated the White Raven's Nest.

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE APRIL 4, 2022
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

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 Hearing – Proposed Conditional Use Permit

Town Manager Tolbert read the rules for the public hearing.

Planning Commission Chairman Rosenberger advised that the Planning Commission took into account some key issues subject to the request for the permit. He listed them: because it is adjacent to the Hallie Whealton Smith Nature Trail and impact it may have, the traffic issues on Main Street in that area, lighting concerns, 24/7 access, traffic access and exit from facility, no stormwater management plan since it would require a significant amount of fill, and the Comprehensive Plan itself. He stated that the Plan addresses the compatibility in mixed use residential area. He also advised that the Planning Commission conducted a public hearing at the March 8th, 2022, meeting for the Conditional Use Permit for Mr. Reginald Stubbs to build a storage facility on Lewis Street. The Commission voted unanimously and recommends to Council to deny Mr. Stubbs' application for the Conditional Use Permit.

Mayor Leonard opened the public hearing for the Conditional Use Permit.

- Mr. Ken Webb, 4495 Main Street, listed the concerns with the property development. He

objected the proposed construction of a massive storage facility. The project raises numerous concerns: The increase in traffic. Possible accidents. The location is near the school which would increase dangers as parents and children are leaving and going to school. The proposed entrance would be Daisey Street which is not sufficient for the amount of traffic and large vehicles. Stormwater runoff is a concern and adding 3' of fill, and a retention pond that causes mosquitoes. Fulltime lighting 24/7. Vermin attracted to storage units. Possible dumpsters to cause additional draw for vermin. Decrease in property value. Detraction of beauty of the nature trail. Visibility of stored campers, boats, and other vehicles.

- Mrs. Rosie Moot, 4492 Main Street, feels it will unfairly disrupt their lives. She feels Council has heard their pleas to uphold the Zoning Code to keep commercial out of residential areas. She mentioned the petition with 336 signatures of residents, owners, business owners, and citizens who are not in favor of this project. She wants to keep zoning as it is, residential. She implored Council to listen to the Planning Commission, residents, and voters who put their trust in them.

- Ms. Harriett Nettles, 7245 Oak Ridge Place, begged Council to do the right thing. She is against the project as it could affect the nature trails on Hallie Whealton Smith where she walks her dog and goes to the Dog Park. She asked Council to listen to the Planning Commission and not let the area be ruined. She advised that storage units are known hot beds drug exchanges and illegitimate uses, for example someone living in them or locking children in them. She added that they're not things that you put in a residential area. She asked Council to do the right thing.

- Mr. George Meekins, 4480 Main Street, mentioned the economic impact, the flooding issues and problems, and the effect on the nature trails. It is turning a residential area into an industrial area. He opposes the variance.

- Ms. Suzanne Carmody, 4485 Main Street, advised she has owned the residence for 28 years. She urged to protect the mixed residential character of the neighborhood. She asked Council to be cognitive of the safety concerns. She requested they accept the Planning Commission's decision.

- Town Manager Tolbert read a letter from Paula Nees, 6417 Canal Lane, advised she signed the petition of several hundred signatures in opposition to the Conditional Use Permit. She agreed with findings of the Planning Commission in their decision to deny such request. There were many reasons to deny the request such safety issues, traffic issues, and the concerns of the property values. She urged Council to follow the decision of the Planning Commission and deny this permit. She mentioned the owners offered sketchy drawings and plans at the meeting but were not there to explain anything. She advised that she and her husband choose to retire here, and they work with the DER and conservationists to ensure they did not endanger wildlife when they built their home. She is glad the Planning Commission took into consideration when they denied the request and hopes Council steps up. She added that it is a commercial building that should be located in a commercial area. She mentioned the effect on the wildlife on the nature trail. She added that children wouldn't be safe with overwhelming traffic. She asked if they would want this in their neighborhood. She urged Council to deny the permit.

Mayor Leonard closed the public hearing.

Councilwoman Bowden stated that it goes without saying the Mr. Stubbs is a well-respected businessman of the Island. She added that she didn't need to hear anything from anyone to know this was not a good idea, mainly because of where it is proposed. She feels it is not the place for it on the Island. It is not conducive to the neighborhood.

Councilwoman Bowden motioned, seconded by Councilman McComb to deny the Conditional Use Permit from Mr. Reginald Stubbs. Unanimously approved.

Public Comment

Mayor Leonard opened the floor for Public Comment.

- Mr. Ray Rosenberger complimented the Chincoteague Volunteer Fire Company, Emergency Management Services and the Chincoteague Police Department, the Mayor, and all those who took part in the exercise last week. It goes to show you what you can do and what the Town has done in the past for all of us. This was a classic example of man helping man. This was a Godsend to the families. He thanked everyone.

Agenda Adoption

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

Staff Reports

General Government

Town Manager Tolbert discussed the Civic Center, which is now a part of the Town Government for the first time in its existence. He reviewed the list of capital improvements. They identified that the Center and Municipal buildings rusting issues. He also reported on the monthly finances, Meals and Transient Occupancy Tax collections. He commented on Building and Zoning for the month of March. He stated that he experienced something new last Wednesday and witnessed the EMS, the Police Officers along with the local citizens do their thing. He commented on how smooth and calm it was. The EMS and Town Police did an excellent job taking control of a very unusual emergency. He complimented everyone on a fantastic job.

Police Department

Chief Fisher thanked everyone for their help last Wednesday night. He also thanked Mayor Leonard and his son, the officers, Emergency Management Coordinator Rush and his staff for working that night and establishing the command post. Everything ran smoothly. He thanked the officers that worked that night. He was glad to be a part of it. He reported that Pfc. Gladding had in-service at the Chesapeake Bay Bridge Tunnel. Pfc. Stevens taught the Standardized Field Sobriety Test. He took the instructor course and as an apprentice taught under the State Police. He thanked the Chincoteague Volunteer Fire Company for allowing them to hold the annual Senior Luncheon at the firehouse this year. They had over 130 people and 30-40 takeout deliveries. Chief Fisher advised he taught classes in Accomack on Speed Measurement. Sgt. Adams held a class for the 3 Cs for Fraud Awareness. He also advised that Sgt. Adams is a Crime Prevention Specialist and does very well.

Public Works Department

Public Works Director Spurlock reported that they have started mosquito control operations including larvaciding. They are mowing and conducting vegetation control. They installed 10 new water services in March and begin paving North Main Street (from Misty Meadows to the turn-around) operations tomorrow, depending on the weather. They will then do Ridge Road (south of Church Street to the Bunting Road intersection) and Division Street. He gave a detailed report along with pictures of the progress of the Brianna's Kindness Park. He commended the Town employees for their hard work. The soccer goals and bleachers are in place, the adult exercise yard is complete, and paving is also complete. He advised they are in the final phases of the restroom construction which has been done inhouse. The doors will be in this week and should be finished including electrical work in the next 4-6 weeks. He recapped the total expenditures. The remaining work is completing the restrooms and the trail around the perimeter along with the pavilion. He thanked the Chincoteague community for being very supportive.

Council commented on a great job.

Emergency Services

Emergency Management Coordinator Rush stated that he can't give enough thanks to the boaters involved last Wednesday who were key in helping accomplished what was needed. He stated that the coordination from everyone, the EMS, the Fire Department, the Police Department, the Navy, and USCG were key in the event and hopefully reducing the loss of life. He feels the situation would have been much worse without those involved. He reviewed the monthly report and advised that his staff assisted the Police annual Senior Luncheon. They delivered meals to the homebound. They have been working on planning and procedures which is in the packet to operate emergency management and EMS. They update them yearly. He reported that they advertised for part-time EMS positions and received 3 applications. He added that they need more men and women to fill the hours.

Emergency Management Coordinator Rush also advised he attended his first state EMS Advisory Board meeting. He recapped the meeting, house bills, policy updates, committee assignments, etc. He stated that they are now planning for the July 4th fireworks and Pony Penning. He reviewed the Covid, vaccinations, and booster information and statistics. He reminded everyone to be weather aware.

Committee Reports

Budget and Personnel Committee

Vice Mayor Bott advised he had no report as it would be addressed later in the meeting.

Ordinance Committee

Councilman Savage advised that on March 19th they met and voted on the Pump and Haul Permit at the Council workshop meeting on March 17th.

Public Safety

Councilwoman Bowden reported that they discussed Police Department promotions and funding.

Adoption of the Minutes of the Marcy 7th and 17th Council Meetings

Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the March 7th and 17th Council meetings. Unanimously approved.

Final Review of Proposed FY23 Budget

Town Manager Tolbert reviewed the recent changes to the FY23 budget since the last review. He reviewed the addition of the Center Fund to the budget. He then advised that in the near future he anticipates contributing to the Center fund as they have been. He briefly reviewed the changes from the last budget review. He stated that with anticipation of the approval of the budget, without too many additions or alterations, he presented an advertisement that will set the public hearing for May 2nd. He advised that after the advertisement they have to wait 7 days, conduct the public hearing and wait another 7 days before they vote on the budget.

Councilman McComb motioned, seconded by Vice Mayor Bott to approve the budget calendar. Unanimously approved.

Town Manager Tolbert asked if this also approved the budget advertisement.

Mayor Leonard advised it does.

Mayor and Council Comments

Mayor Leonard thanked everyone who worked and helped last Wednesday night. He stated that being in the middle of it, you could see how smooth everything went. The Chincoteague Volunteer Fire Company was fast acting, they all used their heads and adapted to the situation. He advised the water temperature was 47 degrees, and it was only a matter of minutes before the 2 were located. He reported that the pilot that was injured severely is doing well. His parents flew in from California and said he was improving. The Island came together supporting everyone. The folks from across the bay and the diver from Ocean City were a major part in recovery. He thanked the CVFC, EMS, and CPD adding that it was a wonder to see everything come together.

Councilman Savage agreed with Mayor Leonard and expressed what a great job the EMS, CPD, CVFC, and volunteers did during the event. He added that it shows the resiliency in people and workers on the Island.

Councilman Taylor commented on the Brianna's Park, that the community worked together, and this wasn't a small project. He thanked Council for voting for funding. He stated that it's amazing when you get together, you can do the big stuff. He also thanked the Public Works Department along with the community for fundraising and working together.

Councilman McComb echoed the sentiments and congratulated everyone and the departments on their part in the event.

Vice Mayor Bott agreed.

Councilwoman Bowden advised she was away at a memorial service during the event. She received a notification of a plane crash and didn't think she read it correctly. She stated that she received updates and text messages of what was going on. She also stated that we don't think things like this will happen here. She expressed that her heart was here the whole time. She stated that if you were listening to the scanner or the buzz, you heard and witnessed the best of the best. She proudly advised she would put our Company, volunteers, Police Department, and EMS providers up against anybody any day. She commended the local people who responded on their own and in their boats who know the area that helped out in a tragic accident. She couldn't be here but was proud to see these people do what they do.

Councilwoman Richardson stated that she listened to the scanner as it was going on. She knows the water and she knew where and what they were talking about. She knew by the correspondence back and forth that they were rescued. The news media wanted information right at that time, but it wasn't the time. This was a tragic scene. She advised that the CVFC Chief responded, "No, we're working" which caused the media to blow it out of proportion. She stated that they were there and acted professionally. The people in Ocean City needed a little help also. She added that thinking about the hunting accident along with this, it wasn't the best ending, but you learn from it, and you get better. She thanked all who helped.

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE APRIL 21, 2022
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, Chief of Police

Call to Order

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

Invocation

Councilman McComb offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Public Comment

There was no public comment.

Agenda Adoption

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

Review of FY23 Tax Rates

Town Manager Tolbert reviewed and explained the reassessment which showed an average increase of 19.2%. He advised that the Code of Virginia does not allow a locality to benefit from an increase in its total levy as a result of a reassessment requiring the locality instead to either lower the existing tax rate to maintain its levy to less than 1% increase or to proceed with the process of a formal increase in tax rates. He also advised that a lower tax rate of \$0.059 would produce a total levy with less than 1% increase over the previous year and would keep the Town within the boundaries set by the Code of Virginia. Accomack County recently reduced its tax rate from \$0.61 to \$0.595 which is an effective tax increase of \$0.03/\$100 and they have to go through a public hearing for the increase.

Town Manager Tolbert reported that the used vehicle values have increased by approximately 35%. This is not addressed by the State Code and Council is under no obligation to reduce personal property tax rates. He explained that the financial system is able to separate the classes to reduce specific personal property classes. He stated that the County has reduced their personal property tax rate from \$3.72 to \$2.99 (20%) to reduce the impact of the taxes on the increased values of these types of vehicles. He reminded that although the current higher values are unprecedented, this is expected to be a temporary situation with the used vehicle market eventually returning to an annual depreciation of unit values which would require an increase of personal property tax rates in the future.

There was discussion about being fair to all especially coming out of a pandemic, recession, and inflation.

Councilman McComb motioned, seconded by Councilwoman Bowden to lower the real estate tax rate to \$0.059/\$100 and reduce the personal property tax rate across the board to compensate the increase in value, to have less than a 1% increase in personal property taxes. Unanimously approved.

Consider Approval of Tennis, Basketball, and Pickleball Court Rehab Project

Town Manager Tolbert advised that Public Works Director Spurlock received pricing for the rehab of the Memorial Park tennis and basketball courts as well as the pickleball courts and

parking lot at the Amrien Recreational Center. The total cost is \$96,444. He stated that the RCEC recommended the project go to the ARPA Committee who tabled the request. He added that due to the nature of the materials used, this project must be done in moderately warm weather and the contractor is booking up. The RCEC would also like to get the project accomplished prior to the summer season when the facilities get their heaviest use. He suggested the immediate funding would come from the Beach/Recreation/Tourism reserve account which could be replaced with the excess of FY22 funds.

There was brief discussion and Council concurred and stated they want the excess funds of FY22 to be put back into the Beach/Recreation/Tourism reserve.

Councilwoman Bowden motioned, seconded by Councilman McComb to approve the funding of the Court Rehab Project from the Beach/Recreation/Tourism Reserve account, and replacing it with the excess of FY22 funds. Unanimously approved.

Discussion of 2 New CPD Positions

Town Manager Tolbert stated that at the Budget and Personnel Committee meeting on March 8th the Committee approved the positions and to fund the 1 position from the General Fund and the Public Safety Committee approved to fund the 2nd position from the Public Safety Reserve. He reviewed the initial cost and annual cost.

Councilwoman Bowden motioned, seconded by Councilman McComb to approve the 2 new police officer positions. Unanimously approved.

Discussion of Downtown Improvements

Mayor Leonard stated that there are buildings in the downtown area that need attention. He suggested giving property owners incentives to fix up the properties and buildings. There was brief discussion.

Mayor Leonard stated that he wants to make the downtown a destination worth visiting. He asked Council to think on this matter and they will discuss it again at a later time or at a Budget and Personnel Committee meeting.

There was further discussion regarding forming a committee. They also discussed obstacles.

Mayor and Council Comments

Councilwoman Richardson advised she spoke with a lady who expressed her gratitude to the EMS, Police Department, and the Fire Department, for what they did when her daughter lost her life in the Causeway accident nearly a year ago. She stated that she wanted to come to a meeting but couldn't drive across the Causeway. She wanted everyone to know that it meant a lot to her.

Councilman Savage stated that the Town lost a valuable citizen of the Island community, Miss Diane. He would like to pay homage to her memory.

Councilwoman Bowden stated she would love for this Council to have something or name something after her. She added that she touched more lives in this Town, more so than anyone

she's ever known. She also advised that she received a text to have, Mr. Donnie Thornton, plant a beautiful garden somewhere in the Town in her name as she made our children grow like flowers.

Mayor Leonard commented that it was amazing to see all those at her service who stood up that she taught throughout the years.

Councilman Taylor also thanked Council for approving the funding for the courts project. He stated that they should consider adding in the next year funding for the Amrien Center as well.

Closed Meeting in Accordance with §2.2-3711 (A) (1 & 5) of the Code of Virginia to discuss specific personnel issues and prospective business opportunities.

Councilwoman Bowden motioned, seconded by Councilman McComb 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 personnel matters. Unanimously approved.

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

Nays: None

Absent: None

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.

(1) 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. Unanimously approved.

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

Nays: None

Absent: None

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager