

MINUTES OF THE JUNE 16, 2022
CHINCOTEAGUE TOWN COUNCIL MEETING
Council Chambers

Council Members Present:

Christopher D. Bott, Vice Mayor
Denise P. Bowden, Councilwoman (remotely)
William T. McComb, Jr., Councilman
Ellen W. Richardson, Councilwoman
Gene W. Taylor, Councilman

Council Members Absent:

J. Arthur Leonard, Mayor
K. Jay Savage, Councilman

Staff Present:

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

Consider Remote Participation

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

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

Ayes: Bott, McComb, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

Call to Order

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

Invocation

Councilman Savage offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Public Comment

There was none.

Agenda Adoption

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

Ayes: Bott, Bowden, McComb, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

Resolutions of Respect and Admiration

Vice Mayor Bott read and presented Resolutions of Respect and Admiration to: Mr. James Carpenter, Mr. Bob Conklin, and Mr. Bill Speidel.



Resolution of Respect and Admiration

Whereas, Mr. James Carpenter has resided within the Town of Chincoteague for some 86 Years, and

Whereas, Mr. Carpenter has served his Country and the Island in the United States Coast Guard, and

Whereas, Mr. Carpenter has tirelessly served his community through volunteer service to various civic organizations, and

Whereas, Mr. Carpenter has worked diligently to document and record the Island's past demonstrating a lifelong commitment to preserving the history of his community, and

Whereas, Mr. Carpenter has compiled and published a number of historical volumes of various subjects of Island history including identifying and indexing Island cemeteries, documenting a history of all Island businesses and an autobiography of his life on Chincoteague,

Now therefore be it resolved that,

the Town Council bestows this resolution of respect and admiration to Mr. James Carpenter for his lifelong commitment to the preservation of Chincoteague Island and his diligence in the conservation of its history.

Presented this 16th day of June 2022

Mayor: John A. Leonard

Attest: Michael T. Tolbert, Town Manager



Resolution of Respect and Admiration

- Whereas Mr. Henry James “Bob” Conklin has resided within the Town of Chincoteague for some 91 Years, and
- Whereas Mr. Conklin has served his country and the Island in the United States Navy, and
- Whereas Mr. Conklin established multiple businesses on the Island some of which have remained in business for over 50 years and,
- Whereas, Mr. Conklin has worked diligently to document and record the history of the Island including the March 1962 storm, demonstrating a lifelong commitment to preserving the history of his community and,
- Whereas Mr. Conklin has lent his technical expertise and personal archives to several projects that help maintain the Island’s history for the benefit of future generations.

Now therefore be it resolved that

the Town Council for bestows this resolution of respect and admiration to Mr. Henry James “Bob” Conklin for his lifelong commitment to the preservation of Chincoteague Island and his diligence in the preservation of its history.

Presented this 16th day of June, 2022

Mayor: John A. Leonard

Attest: Michael T. Tolbert, Town Manager



Resolution of Respect and Admiration

Whereas, Mr. William Speidel has resided within the Town of Chincoteague for some 76 Years, and

Whereas, Mr. Speidel has demonstrated a commitment to the service of his fellow citizens, and

Whereas, Mr. Speidel has tirelessly served his community through volunteer service to various civic organizations, and

Whereas, Mr. Speidel has worked for decades to document and record the history of the Island exhibiting a lifelong commitment to preserving the history of his community through photographs film and video and,

Whereas, Mr. Speidel has lent his technical expertise and personal archives to several projects that help maintain the Island's history for future generations,

Now therefore be it resolved that,

the Town Council bestows this resolution of respect and admiration to Mr. William Speidel for his lifelong commitment to the preservation of Chincoteague Island and his diligence in the conservation of its history.

Presented this 16th day of June, 2022

Mayor: John A. Leonard

Attest: Michael T. Tolbert, Town Manager

Councilwoman Richardson commented that Mr. Carpenter was instrumental to the Town of Chincoteague in developing a Cemetery Preservation Plan. She showed the Island cemetery

book he wrote advising they're dogeared because she refers to them nearly every day. She stated that she also purchased one for the Town advising people would call the Town office asking about their relatives. Staff would look in the "Dead Book" and researched to find their relative. She advised it's an asset. She commented on Mr. Bob Conklin. Every time she needed a picture, she would ask him, and he would look in his archives. She showed a book with a lot of his photos in it, adding that it isn't out in print any longer. She thanked all of them for all they've done to preserve the history of the Town. She then commented on Mr. Bill Speidel. She stated that she didn't know she had the disc she was holding in her possession. She advised it is the Assateague Bridge Authority Ceremony which was done in April 2004 that she took to him on a video, and he put it on a disc. He has also done a disc of the 1908 celebration. She believes anyone who had a historic picture would take it to Mr. Speidel who would then scan it. He would also take the VHS movies and transfer it to a disc. She reported that the Museum is preparing to celebrate the 100th anniversary of the Causeway in October of this year. They are working on an exhibit. She was hoping that someone had pictures of the old wooden bridge in 1922. She showed a picture of the old bridge.

Councilwoman Richardson stated there is another historian in this room, and it's Mrs. Marlene Carpenter. She also stated that Mrs. Carpenter could tell you history and added that she was told it used to cost \$0.05 to go off the Island, but nothing to come back. She thanked and expressed her appreciation to all of them for their work in preserving the history of the Island. She stated that when she came to the Town Council in 2000 there were no historic pictures or books on record. She found that Mrs. Karen Hipple appreciated the history of the Island, and she would scan and archive pictures, books, and discs. She offered that if anyone has any historic pictures to bring them into the Town office to Finance Director Lewis and she would be happy to scan them in for the record.

Councilman Taylor thanked them and stated that these are great citizens. He encouraged them to keep doing and enjoy doing what they do.

Councilwoman Bowden stated that she is a history buff and lover of Chincoteague. She thanked people and especially those who were recognized that preserve and keep the history of the Island. It means a lot to her to keep for future generations to look back and see where they came from. She expressed kudos and thanked everyone that was recognized this evening.

Councilman McComb congratulated them. He expressed his appreciation for everything they've done, what they'll continue to do for everyone here, and making sure to preserve the history for all of us. He thanked them.

Vice Mayor Bott thanked Mr. Carpenter, Mr. Conklin, and Mr. Speidel as history is very important.

Mr. Carpenter thanked them for inviting him and for the award.

Adoption of State Vehicle Code

Town Manager Tolbert advised this is an annual readoption to ensure the Town Code aligns with any changes in the relevant portion of the Code of Virginia Chapter 58.

Councilman McComb motioned, seconded by Councilwoman Richardson to adopt the 2022 Virginia State Vehicle Code. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

**TRAFFIC AND VEHICLES
ARTICLE I. IN GENERAL**

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

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

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

(Code 1977, § 11-21)

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

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

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, in effect on July 1, 2022, except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the Town, are adopted and incorporated herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town. Such provisions and requirements hereby adopted, *mutatis mutandis*, are made a part of this section as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, which are adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia of 1950, as amended; (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the town.

(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-6-11, 6-4-12, 6-3-13, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 6-3-19, 7-16-20, 6-17-2022)

(b) The provisions of this section, as readopted, shall be effective as of 12:01 am July 1, 2022. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred, or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by pitot law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. Of 6-21-2001' Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 6-3-19, 7-16-20, 6-16-2022)

Review and Consider Employee Raises

Town Manager Tolbert explained the overall review scores and proposed increases. He advised that the part-time employees were also evaluated and resulted in merit increases. He reviewed the cost to the Town, advising they are under budget by \$21,000. He stated that he and the Budget and Personnel Committee recommend approval of the employee increases as presented.

Vice Mayor Bott motioned, seconded by Councilman McComb to approve to move forward with the merit increases for FY23 as presented. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

Review Annual Excise Tax Appropriations

Vice Mayor Bott stated that this is to address the issue of the Meals Tax contribution to the Center and the Chamber. He asked Town Manager Tolbert to explain further.

Town Manager Tolbert advised that this budget, FY22, \$110,000 was budgeted for the Meals Tax contribution to be split between the Center and the Chamber. The contribution is 5% per month of the Meals Tax collected for the previous month. The budget was met in March, and the payments stopped. He added that the Center is going to be operated by the Town. There were questions as to why the Chamber stopped receiving the funds. He then reported that in 2018 Council voted to cap the distributions to the Center and Chamber. However, in March 2019 the cap was rescinded. There is currently no cap, but the contributions stopped because the budgeted amount has been reached. He asked Council if they wanted to continue to make the back payments for April and May and make June's when it comes due. He advised that the April and May payments will cost \$7,707 and he reported that June of last year was \$7,151, which totals approximately \$15,000.

Vice Mayor Bott stated that in the Budget and Personnel Committee meeting they agreed to continue payment and to make the back payment. They also recommended that the ordinance go

back to the Ordinance Committee for further review. He feels with the Town taking over the Center, it should be revisited.

Vice Mayor Bott motioned, seconded by Councilman McComb to continue with the Meals Tax distributions to the Center and the Chamber and make payment of the back distributions. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

Approval of Modified Salary Schedule

Town Manager Tolbert advised he made modifications to the maximum salaries in the grade class for all positions. He asked Council for approval of the new salary schedules.

Vice Mayor Bott advised that the Budget and Personnel Committee was also in favor of the change in the salary scale.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the modified salary scale as presented. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, McComb, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

Mayor and Council Comments

Councilman Taylor thanked those for keeping and maintaining the history of the Island. He also thanked the EMS and Police for their daily operations. He stated that you don't know what it is, until you walk in those men and women's shoes. He feels they are blessed to live in a great place and the EMS and Police keep it safe for all. He thanked them for keeping everyone safe and urged them to keep staff trained.

Councilman McComb congratulated Major Greenley for completing the FBI school and representing the Town well. He extended prayers for Councilman Savage and his father.

Councilwoman Richardson thanked Town Manager Tolbert and Finance Director Lewis for the resolutions this evening. She also stated that it means a lot to get a thank you for what you've done.

Vice Mayor Bott stated that the Town spends a lot on the EMS Program in comparison to the neighboring communities. He advised that Memorial Day Sunday he was working at the pharmacy when he received a call from his wife that his youngest son was in a surfing accident at the beach. He added that they called the ambulance. He left the pharmacy enroute to the beach and the ambulance beat him there. He stated that it was impressive on a Memorial Day Sunday. He stated that this was a very reassuring feeling on the recipient end of the Emergency Medical Services. He feels it's something that needs to be recognized. He added that with everything they're putting into this department with staffing and equipment is definitely paying off for everyone.

Closed Meeting in Accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss prospective business opportunities and pending legal matters.

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

Ayes: Bott, Bowden, McComb, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia:
Councilman McComb motioned, seconded by Councilwoman Richardson and Councilwoman Bowden in accordance with §2.2-372 (D) of the Code of Virginia that the Council certify that to the best of each Council Member's knowledge.

(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, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

Adjourn

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

Ayes: Bott, Bowden, McComb, Richardson, Taylor

Nays: None

Absent: Leonard, Savage

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager