

(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.

ATTORNEYS AT LAW

HENRY P. CUSTIS, JR.

ACCAWMACKE OFFICE CENTER

Onley Office

THOMAS B. DIX, JR.

23345 COUNSEL DRIVE

25020 Shore Parkway

LYNWOOD W. LEWIS, JR.

P. O. Box 577

Suite 2A

JOHN P. CUSTIS

ACCOMAC, VIRGINIA 23301

Onley, VA 23418

757-787-2770

757-302-4131

RACHEL L. KELLAM

FAX 757-787-2348

Associate

E-Mail: john@custislawoffice.com

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

Council Members Absent:

William T. McComb, Jr., Councilman

Gene W. Taylor, 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	\$98.00
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 (Chinco)]		
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	
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 Daisy 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

**MINUTES OF THE MAY 02, 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

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.

Agenda Adoption

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

Presentation by Team Brianna

Ms. Donna Leonard advised Ms. Cindy Faith presented the Recreation and Community Enhancement Committee with a check in the amount of \$48,602.76 for the Brianna's Kindness Park. She advised there have been many donors and their fundraising efforts have come to an end. As the Brianna's Kindness Park is still in the process for completion, she asked that this donation be earmarked for projects that have already been discussed by the RCEC. She listed: the addition of shades, planning of the hangout section, and making a handicapped accessible area on the playground. She also stated that if the need comes up in the future, they will be happy to step

up to the plate. Ms. Leonard stated that the Town has done a tremendous job on this project as it is a tremendous asset to this community,

Public Comment

Town Manager Tolbert read the rules for public comment.

- Mrs. Pat Farley, 3243 Lisa's Lane, approached Council regarding murals. She explained that she has been involved in art for many years. She asked Council to think of ways to bureaucratize the process to review murals, where they go, what the content is, and what materials are used. She advised she sent a current list of the process of approving all public art from Pittsburg. She feels it is a blueprint for the process. She commented that the Island is full of artist but there isn't a lot of art in the public realm. She also stated that the mural in Watson Park wasn't preapproved and done by the CCA. She offered copies of the documents she discussed. She also offered her assistance.

Staff Reports

General Government

Town Manager Tolbert reported on the GAC Plant testing. He advised that NASA wants the Town to move the wells off of their property and have written legislation to give the Town a sum of money for this. The Town purchased property just south of Wallops for this purpose. The legislation is before Congress and is at a point they can make changes to the language. They plan to ask for more time as they were advised by a geologist that 5 years is not enough time to do what they need to do. They would also like to look into a R. O. Plan (reverse osmosis plan).

Councilwoman Bowden stated that they are in talks about the language of the bill for \$14 million for the relocation of the wells. She asked if that would be enough and stated that in 5 years it could be \$20 million.

Town Manager Tolbert briefly quoted the amounts for each component of the relocation of the wells. He also reviewed the marijuana legislation passed that had a recommit clause in it and at this time it does not allow a municipality to mirror or create ordinances for this. He continued with the financial report, meals and transient occupancy taxes, building permits, and business licenses. Town Manager Tolbert advised that Public Works Director, Mr. Harvey Spurlock has retired from the Town. He wished Mr. Spurlock well and advised he will continue his career at the Wallops Flight Facility. The Public Works Director and Civic Center positions have been advertised on the Town's website, VML, and newspaper, with a closing date of June 1st.

Vice Mayor Bott asked about the transient occupancy tax from VRBO and reporting issues.

Town Manager Tolbert advised there is a problem. They send the tax but are not obligated to send a report with information of who the tax is for. Everyone in the state is having the same problem. He understands that there is a proposed law in this term that corrects this to give the information on the owners. They have asked owners to print the report from VRBO and submit it to the Town. He hopes the new law will come into play by the fall and they will send a report with the payment.

Police Department

Chief Fisher gave a couple of corrections to the monthly report. He advised the full-time dispatchers completed training in crisis intervention. Major Greenly is attending the FBI National Academy which is for 10 weeks. They have a new patrolman, Mr. Todd Matthews. They assisted the NALL with their opening day parade. The full-time dispatchers completed Crisis Intervention training.

Councilwoman Bowden asked for the law regarding e-bikes.

Chief Fisher advised that the Virginia state law states that on a state highway, 14 years and under must have someone 18 years old accompany them as they are riding. He added that this is for e-bikes and electric scooters.

Councilwoman Bowden asked if helmets were required.

Chief Fisher advised they are not required to have helmets.

Councilwoman Bowden stated that she is hearing a lot of chatter about the kids that are riding them are zigzagging in and out of traffic.

Chief Fisher feels that's why it's in the Virginia state law.

Public Works Department

Town Manager Tolbert reported on the Brianna's Kindness Park, the sidewalks are completed, the restrooms are nearing completion, and the pad for the pavilion is completed. Paving operations are completed except for some striping. The stormwater grates have been adjusted to accommodate the additional asphalt, and prep work of the parking lot and pickleball courts at the Amrien Center has been done. Once this is completed the pickleball courts will be laid out and striped. He reported that the old firehouse now has a new stair chair, they will soon have all spaces rented in the firehouse, and installation of the new fuel system has been completed at the Harbor. He reported on the huge list of brush collection. He added that they should remind folks that the limit of brush collection is 1 pickup truck load per property. He continued that they have graded some of the Ocean Breeze roads, and routine equipment, park and office complex maintenance has been done, along with water supply and 14 new services. Larvaciding continues, resurfacing of the tennis and basketball courts will begin in a few weeks. Town Manager Tolbert stated that the Pickleball Association was informed that the Town did not plan to have the pickleball courts sealed and they are willing to donate the funds to have it sealed.

There was brief discussion about the utility charges included in the firehouse rent.

Emergency Services

Emergency Management Coordinator Rush updated the stats for April. He reviewed pictures of an accident on RT 13 that Chincoteague EMS responded to and were 1st on the scene coming back from another call. He reported that EMS Supervisor Barrs went through ICS400 in Chesapeake last week. EMS is busy and continuing weather and COVID monitoring, after action of the airplane crash, fireworks and pony penning planning, and the upcoming rocket launch August 15th. He stated that Chapter 13 of the Hazard Mitigation Plan is on the agenda for adoption later in the meeting. Also, this evening the recognition of Hurricane Preparedness Week, May 1st – 7th.

He stated that you need to know your risk, evacuation plan, plan for your pets, assembling disaster supplies; food and water for 3-5 days, medication, cash, battery operated radios, insurance review, strengthen your homes, secure outdoor items, help your neighbors, and have a written plan. He stated that a written plan should include a contact list with one contact outside the impact area. He stated that you should have all your family members contact that person. He reported on COVID numbers which is on the rise. He also encouraged everyone to get vaccinated.

Committee Reports

Harbor Committee

Mayor Leonard reported that they discussed the boat ramp at Memorial Park adding that they have preliminary drawings.

Town Manager Tolbert advised the engineer is working on the changes from the comments.

Mayor Leonard advised as soon as they get the drawings they will begin without delay. The Committee also discussed moving the wood pier for the floating dock. They're waiting for Raven's Marine to get them in. He stated that they should postpone the installation until fall as boating is getting busy. He advised that Memorial Park boat ramp is usable for smaller boats. The fuel systems have been replaced.

There was discussion about a temporary caution sign at the Memorial Park boat ramp.

Adoption of the Minutes of the April 4th and 21st Council Meetings

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the April 4th and April 21st Council meetings as. Unanimously approved.

FY23 Proposed Budget Presentation

Town Manager Tolbert conducted a full FY23 Budget presentation. He explained the individual departments, and services. He also reviewed and explained the funds of each department. He explained that each of the 5 funds have to balance independently. He advised of the budget process that begins in November. He advised of the advertising requirements and public hearing. He highlighted the FY23 Budget revenues, expenses, capital improvements, and he also summarized the budget by fund. He continued highlighting the revenues by fund. He compared the budgets and explained the budget amendment process. Town Manager Tolbert reviewed the long-term savings and reserve accounts. He listed the FY23 capital improvement projects, equipment, vehicles, bond payments, water filters, finger piers, the Center upgrades and maintenance.

There was brief discussion regarding changing local banks regularly, the Center's kitchen and possible upgrades.

Councilwoman Bowden thanked Town Manager Tolbert for the review which helped in understanding the whole picture of the Town's budget.

REVENUES
GENERAL FUND

EXPENDITURES
GENERAL FUND

GENERAL PROPERTY TAXES	\$ 897,307	GENERAL GOVERNMENT	
OTHER LOCAL TAXES	\$ 3,485,500	SALARIES & BENEFITS	\$ 600,198
PERMITS, FEES & LICENSES	\$ 316,392	EXPENSES	\$ 1,289,023
FINES	\$ 22,850	CAPITAL IMPROVEMENTS	\$ 14,183
INTEREST	\$ 12,000	EMERGENCY SERVICES	
LAND USE/RENT	\$ 33,973	SALARIES & BENEFITS	\$ 1,132,926
SERVICES	\$ 12,500	EXPENSES	\$ 65,300
MISCELLANEOUS	\$ 212,946	PUBLIC WORKS (INCL MOSQUITO CTRL)	
GRANTS	\$ 1,354,179	SALARIES & BENEFITS	\$ 566,369
SOLID WASTE	\$ 416,500	EXPENSES	\$ 678,750
FUND TRANSFERS	\$ 115,000	CAPITAL IMPROVEMENTS	\$ 255,000
		ROADS DIVISION	
		SALARIES & BENEFITS	\$ 173,722
		EXPENSES	\$ 569,000
		POLICE DEPARTMENT (INCL DISPATCH)	
		SALARIES & BENEFITS	\$ 1,289,876
		EXPENSES	\$ 185,300
		CAPITAL IMPROVEMENTS	\$ 59,500
TOTAL GENERAL FUND REVENUE	\$ 6,879,147	TOTAL GENERAL FUND EXPENSES	\$ 6,879,147
HARBOR FUND		HARBOR FUND	
HARBOR		HARBOR SALARIES & BENEFITS	\$ 63,349
RENT/SUBLEASE/STORAGE	\$ 162,500	EXPENSES	\$ 400,500
HARBOR INTEREST/MISC	\$ 800	CAPITAL IMPROVEMENTS	\$ 671,424
FUEL REVENUE	\$ 375,000		
VA PORT AUTHORITY GRANT	\$ 201,166		
TRANSFER FR GENERAL FUND	\$ 395,807		
TOTAL HARBOR REVENUE	\$ 1,135,273	TOTAL HARBOR EXPENSES	\$ 1,135,273
TROLLEY FUND		TROLLEY FUND	
TROLLEY GRANTS	\$ 233,233	TROLLEY SALARIES & BENEFITS	\$ 48,152
PROGRAM INCOME	\$ 4,000	EXPENSES	\$ 49,000
TRANSFER FROM GENERAL FUND	\$ 25,419	CAPITAL IMPROVEMENTS	\$ 165,500
TOTAL TROLLEY REVENUE	\$ 262,652	TOTAL TROLLEY EXPENSES	\$ 262,652
WATER FUND		WATER FUND	
WATER RENT/SERVICE	\$ 966,000	WATER SALARIES & BENEFITS	\$ 396,775
INTEREST ON WATER RESERVE	\$ 400	EXPENSES	\$ 439,328
AVAILABILITY FEES	\$ 50,000	CAPITAL IMPROVEMENTS	\$ 308,297
TRANSFER FROM ARPA	\$ 128,000		

TOTAL WATER FUND REVENUE	\$ 1,144,400	TOTAL WATER FUND EXPENSES	\$ 1,144,400
CENTER FUND		CENTER FUND	
RENTAL / SERVICES / MISC	\$ 45,200	CENTER SALARIES & BENEFITS	\$ 51,921
SPONSORED EVENTS	\$ 10,400	EXPENSES	\$ 83,450
TRANSFER FROM			
MEALS/TOT/RESV	\$ 382,594	CAPITAL IMPROVEMENTS	\$ 302,823
TOTAL CENTER FUND REVENUE	\$ 438,194	TOTAL CENTER FUND EXPENSES	\$ 438,194
TOTAL ALL REVENUES	\$ 9,859,666	TOTAL ALL EXPENDITURES	\$ 9,859,666

THE FOLLOWING RATES HAVE BEEN PROPOSED FOR THE CURRENT TAX YEAR WITHIN THIS BUDGET:

REAL ESTATE TAX LEVY

PERSONAL PROPERTY

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

FY23 Budget Public Hearing

Mayor Leonard opened the FY23 budget public hearing. There were no comments and Mayor Leonard closed the public hearing. He advised they will be voting on the budget at the next Council workshop meeting.

Proclamation for National Public Works Week

Town Manager Tolbert read the Proclamation.



National Public Works Week Proclamation

May 15 – 21, 2022

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of **Chincoteague Island**; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and

protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children on **Chincoteague Island** to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now

RESOLVED THAT , I, John A. Leonard, do hereby designate the week May 15 – 21, 2022 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand,

DONE at **Chincoteague Island, Virginia** this 2nd day of May, 2022.

Signed: _____

John A. Leonard,
Mayor

Attest: _____

Michael T. Tolbert,
Town Manager

Resolution for National EMS Appreciation Week



RESOLUTION

Emergency Medical Services Appreciation Week 2022

Whereas, Emergency Medical Services is a vital public service: and

Whereas, both career and volunteer emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow up care, and access to telemedicine; and

Whereas, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, it is appropriate to recognize the value and accomplishments of emergency medical services providers of the Town of Chincoteague Department of Emergency Services, Division of Emergency Medical Services and the Chincoteague Volunteer Fire Company by designating Emergency Medical Services Week.

Now, Therefore, Be It Resolved, that the Town Council' of the Town of Chincoteague, Virginia does hereby proclaim the week of May 15th – May 21st, 2022, as "Emergency Medical Services Appreciation Week: in the Town of Chincoteague, with this year's theme being "EMS: Rising to the Challenge".

Signed: _____

John A. Leonard,
Mayor

Attest: _____

Michael T. Tolbert,
Town Manager

Resolution for National Hurricane Preparedness Week



RESOLUTION

Hurricane Preparedness Week 2022

Whereas, The Town of Chincoteague hurricane season officially begins June 1st and ends November 30th of each year; and

Whereas, with the Town of Chincoteague being an Island, it is vulnerable to the devastating effects that a hurricane or tropical storm can cause. With the average land elevation of 3.5 feet above mean high tide it could face loss of life and property if such a disaster occurs; and

Whereas, both public and private entities should develop emergency response and recovery plans in accordance with the local jurisdiction and the local emergency management office. Such preventative action could save lives; and

Whereas, the Town of Chincoteague Emergency Management Division, the National Weather Service, and the Commonwealth of Virginia strongly suggest that all residents and visitors of the Town of Chincoteague be aware of the high winds, flooding and severe weather that may occur in conjunction with a tropical storm or hurricane.

Now, Therefore, Be It Resolved, that the Town Council' of the Town of Chincoteague, Virginia does hereby proclaim the week of May 1st – May 7th, 2022 as "Hurricane Preparedness Week: in the Town of Chincoteague.

Signed: _____

John A. Leonard,
Mayor

Attest: _____

Michael T. Tolbert,
Town Manager

Consider Adoption of Updated Hazard Mitigation Plan Chapter 13

Emergency Management Coordinator Rush advised this was nearly a 2-year project with the ANPDC taking the lead. They met with the ANPDC in April of last year who was made aware of the flooding at the base of the bridge. He hopes that some day this can be referenced, and changes can be made.

Councilwoman Bowden commented that it states several ambulances stored in the firehouse are owned by the Town of Chincoteague. She asked for a correction to be made that the ambulances are owned by the Fire Company.

Emergency Management Coordinator Rush advised this will be corrected. He asked if Council wanted the correction to be made before the adoption or the adoption could be made this evening noting the correction.

Councilwoman Bowden asked how often this has to be updated.

Emergency Management Coordinator Rush stated that an update is required every 4 years, it has to go to FEMA for their final approval as well.

Councilwoman Bowden advised she has read through most of it and compared Chincoteague to other towns. She commented on how amazing the number of hours that have been put into this. She thanked Emergency Management Coordinator Rush on a great job.

Emergency Management Coordinator Rush advised it was a team effort.

Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the Updated Chapter 13 Hazard Mitigation Plan with the correction of the ownership of the ambulances as the Fire Company. Unanimously approved.

Mayor and Council Comments

Councilman Savage commended Town Manager Tolbert on a great job with the budget. He stated it is a true relevance and definition of what is going on and how the funds are spent. He thanked staff for their assistance in the budget as well.

Councilman Taylor thanked Emergency Management Coordinator Rush for pointing out that Chincoteague EMS isn't just for challenges and calls on the Island. They are there and anywhere for people in need. He stated that it is great both ways, when Chincoteague needs help, they send ambulances here. He commented on people being able to stay in their homes because they know help is only a phone call away.

Councilwoman Bowden stated that she is always impressed with the Town employees, and there's times when she's extra impressed. She stated that she really liked the presentation Town Manager Tolbert gave. She expressed her appreciation. She also commended Chief Fisher, Emergency Management Coordinator Rush, and the Public Works staff. She stated that it takes everyone to make this Town work. She advised that there are a great number of people that approach her about a great job the employees do. She expressed her love for this Town adding that the people that make it run are top notch. She asked everyone to keep Mr. Edwin Taylor and his family in

their prayers as he just lost his father. She also asked everyone to keep Mrs. Kelly Lewis in their prayers as her family is going through a tremendous amount right now with sickness and they're going to need all the prayers and support everyone can give them. She concluded with, "Go Yankees!"

Mayor Leonard reminded that summer is coming, get ready.

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE MAY 19, 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.

Student Government Report

Mrs. Katie Farrell, Chincoteague Combined Schools Principal, thanked Council for providing the students with the great opportunity. She stated that the school is fortunate to have the Town's

support. She advised she can't express the gratitude and appreciation they have for the Chincoteague Police Department, the Chincoteague Volunteer Fire Department, and all of the Council members. She continued that everyone is so generous to the school and whenever they need something, someone always steps up. She and the students appreciate everything. She added that the students had a great time yesterday. She appreciated Council for tweaking schedules because of athletics. They enjoyed learning the Town government ins and outs.

Student Government Mayor Kerchner reported on the Student Government Day. She gave an account of the day which included a meeting with the U.S. Fish and Wildlife at the Wildlife Refuge where they discussed the current plans for beach due to damages from the storm. Some of the students went out into the community to identify things that needed improvements. They worked on plans for safety on the Causeway and for more teen-related activities on the Island. She thanked Council for the opportunity to understand the undertaking of the local government.

Agenda Adoption

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

FY22 Budget Compliance

Vice Mayor Bott informed Council of the FY22 surplus and highlighted the increases in revenues, which included the ARPA tranche and meals and transient occupancy taxes. He advised that Town Manager Tolbert identified transfers for the surplus to specified accounts. He briefly reviewed the proposed recommended allocations. He feels this is a way to replenish the accounts that have been drawn down over the last several years.

Account	Transfer Amount	New Account Balance
Transfer to Beach/Rec/Tourism	\$146,444	\$954,481
Transfer to Boat Ramp Reserve	\$100,000	\$329,235
Transfer to Property Acquisition Reserve	\$100,000	\$193,600
Transfer to Park Equipment Reserve	\$200,000	\$200,000
Unallocated Surplus		\$251,899

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to adopt the end of year allocations for the FY22 surplus. Unanimously approved.

FY22 Budget Amendment Public Hearing

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

Consider Approval of FY22 Budget Amendment

Town Manager Tolbert explained the FY22 Budget Amendment. He advised that it was posted in the newspaper 1 week ago and is set for public hearing and is eligible to be voted on this evening. He added that amendment includes the 2nd tranche from ARPA.

Councilwoman Bowden motioned, seconded by Councilman McComb to approve the proposed FY22 Budget Amendment as presented. Unanimously approved.

FY 2022	BUDGET AMENDMENT	Approved	Proposed	Variance
General Government				
Revenues	Source	Budget	Amendment	Variance
	TOTAL G/G Revenue	\$ 4,790,370.00	\$ 7,146,832.82	\$ 2,356,462.82
Expenses				
	TOTAL G/G Expenses	\$ 1,504,101.00	\$ 3,860,563.82	\$ (2,356,462.82)
Revenue	Harbor			
	TOTAL Harbor Revenue	\$ 403,624.00	\$ 534,517.00	\$ 130,893.00
Expenses	Harbor			
	TOTAL Harbor Expenses	\$ 353,862.00	\$ 484,755.00	\$ (130,893.00)
Revenue	Trolley			
	TOTAL Trolley Revenue	\$ 27,784.00	\$ 24,734.00	\$ (3,050.00)
Expenses	Trolley			
	TOTAL Trolley Expenses	\$ 6,550.00	\$ 3,500.00	\$ 3,050.00
Revenue	Water			
	TOTAL Water Revenue	\$ 64,000.00	\$ 79,332.00	\$ 15,332.00
Expenses	Water			
	TOTAL Water Expenses	\$ 306,686.00	\$ 322,018.00	\$ (15,332.00)
	TOTAL REVENUES	\$ 5,257,994.00	\$ 7,760,681.82	\$ 2,502,687.82
	TOTAL EXPENSES	\$ 2,164,649.00	\$ 4,667,336.82	\$ (2,502,687.82)

Consider Approval of FY23 Budget

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the proposed FY23 budget as presented and that the funds be appropriated for disbursement as such. Unanimously approved.

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	REVENUES	
	GENERAL FUND	
104001.0100	REAL ESTATE TAX LEVY	\$656,500
104001.0125	TANGIBLE PROP. TAX LEVY	\$225,000
104001.0130	DEL.TAX,INTEREST,PENALTY	\$15,807
104001.0500	MEALS TAX	\$1,200,000
104001.0600	BANK FRANCHISE TAX	\$92,000
104010.0100	SALES TAX	\$170,000
104010.0200	BUSINESS LICENSE	\$130,000
104010.0300	MOTOR VEHICLE LICENSE	\$82,000
104010.0500	UTILITIES TAX	\$217,000
104010.0600	TRANSIENT OCCUPANCY TAX	\$1,700,000
104015.0100	FINES	\$22,850
104020.0100	INTEREST ON SAVINGS	\$12,000
104041.0150	CEMETERY CLEANUP DONATIONS	\$200
104041.0170	PLAYGROUND EQUIP DONATIONS	\$0
104041-0180	ROBERT REED PARK	\$1,000
-190.0000	BRAINNA'S KINDNESS PARK DONATIONS.	\$0
104041.0200	USER FEES BOAT RAMPS	\$26,000
104041.0300	USER FEES DOG PARK	\$7,000
104041.0500	BUILDING PERMITS	\$70,000
104041.0600	ZONING ADVERTISEMENTS	\$1,000
104045.0100	GRANTS/LITTER	\$0
104049.0100	SALE OF ASSETS/ABANDONED PROP	\$5,000
104051.0200	HEALTH INSURANCE/RET.SPOUSE	\$15,000
104051.0300	VA FIRE PROGRAMS	\$15,000
104061.0100	PAYMENT IN LIEU OF TAX- USFWS	\$6,500
104061.0106	RENTAL INCOME TROLLEY	\$15,000
104061.0107	TOWER RENT	\$6,348
10-4061-0110	MATTHEWS PROPERTY	\$4,625
10-4061-0625	OLD FH/GARAGE	\$23,000
104071.0100	COMMUNICATIONS TAX	\$90,000
104071.0200	PERSONAL PROPERTY REL ACT	\$129,246
104071.0300	MOBILE HOME SALES TAX	\$6,500
104071-0400	CAR RENTAL DISTRIBUTION TAX	\$10,000
104091.0100	OVERAGE/SHORTAGE	\$0
104101.0200	RECOVERED COST FROM WATER	\$100,000
104201.0100	PUBLIC WORKS MISC. REV	\$3,000
104303.0100	MISCELLANEOUS INCOME	\$12,000
	SOLID WASTE COLLECTION FEE	\$416,500
104401.0100	LAW ENFORCEMENT FUNDS	\$116,940
104401.0125	POLICE MISCELLANEOUS	\$5,000
104401.0150	POLICE DONATIONS	\$35,000
104401.0160	POLICE GRANTS	\$46,077
104401.0200	DISPATCH REVENUE	\$12,500

104401.0201	USFWS - SARBANES GRANT	\$0
104401.0350	911 TAX TO ES 911 COMMISSION	\$0
104501.0100	VDOT MAINTENANCE FUNDS	\$727,662
104501.0101	ROAD PERMIT FEES	\$300
104501.0110	LAND USE SURETY	\$1,092
10.4545.0100	ACCOMACK COUNTY CARES ACT	\$0
104545.0140	VA COMM FOR ARTS GRANT	\$4,500
104545.0150	VDEM GRANT	\$0
	EDA GRANT - CHAMBER RR	\$100,000
10.4601.0150	ARPA LOCAL FUNDING	\$344,000
104601.0300	VA PORT AUTHORITY GRANT	\$0
104701.0400	TRF. FROM RAMP REPAIR FND	\$0
104701.0600	TRF. FROM DRAINAGE SAVINGS	\$0
104701.1000	TRF.FROM GEN.FUND SAVINGS	
104701.1100	TRF. FROM M.C. SAVINGS	\$0
104940.8900	TRF. FROM M.C. SAVINGS DRAINAGE	\$0
	TRF FROM PLAYGROUND EQUIP. FUND	\$0
	TRF FROM BEACH/REC/TOUR FUND	\$0
	TOTAL	\$6,879,147
	CURTIS MERRITT HARBOR	
304031.0100	INTEREST ON HARBOR SAVINGS	\$300
304031.1000	HARBOR RENT	\$110,000
304031.1002	SUBLEASES	\$45,000
304031.1003	DRY/WINTER STORAGE	\$7,500
304031.1050	VA PORT AUTHORITY GRANT	\$161,869
304031.1055	DEPT. OF HEALTH B.I.G.	\$39,297
304031.1058	FUEL REVENUE	\$375,000
304031.1060	HARBOR MISC	\$500
304910.8700	TRF.FROM BOAT RAMP FUND	\$229,000
304910.8800	TRF. FROM GENERAL FUND	\$77,710
304910.8900	TRF.FROM LT REPLACEMENT - UNION BANK	\$89,097
	TOTAL	\$1,135,273
	TROLLEY	
704501.0100	TROLLEY GRANTS	\$67,733
704501.0110	PROGRAM INCOME	\$4,000
704501.0200	RTAP REIMBURSEMENTS	\$0
704501.0300	MISC. NONPROGRAM INCOME	\$0
704501.8900	TRANSFER FROM GEN. FUND	\$25,419
	FED GRANT TROLLEY - NEW TROLLEY	\$132,400
	STATE GRANT TROLLEY - NEW TROLLEY	\$26,480
	TR FR TROLLEY CAP ACCT/NEW TROLLEY	\$6,620
	TOTAL	\$262,652
	WATER	
804101.0100	WATER RENT	\$950,000

80-4101-2200	WATER ADJUSTMENTS	\$0
804131.0100	WATERLINE EXTENSIONS	\$1,000
804131.0200	SERVICE CONNECTIONS	\$15,000
804131.0300	INTEREST ON WATER SAVINGS	\$400
804131.0400	MISCELLANEOUS	\$0
804131.0500	AVAILABILITY FEES	\$50,000
804701.0100	TRANSFER FR WATER RESERVE	\$0
804701-0700	TRANSFER FR GENERAL FUND	\$0
	TRANSFER FROM ARPA	\$128,000
	TOTAL	\$1,144,400
	CENTER	
	FACILITY RENTAL	\$38,200
	BAR SERVICES	\$2,650
	EQUIPMENT RENTAL	\$450
	KITCHEN USAGE	\$3,050
	SPONSORED EVENTS	\$10,400
	MISCELLANEOUS	\$850
	TR FROM GEN FUND MEALS	\$55,000
	TR FROM GEN FUND TOT	\$92,594
	TR FROM LONG TERM RESERVE	\$235,000
	TOTAL	\$438,194
	REVENUE TOTALS:	\$9,421,588

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	GENERAL GOVERNMENT	
	SALARIES	
105010.0101	MAYOR	\$4,800
105010.0102	COUNCIL	\$23,040
105010.1001	TOWN OFFICE STAFF	\$426,914
105010.1003	OVERTIME	\$2,700
	TOTAL	\$457,454
	BENEFITS	
105010.2001	SOCIAL SECURITY	\$32,866
105010.2101	HOSPITALIZATION	\$43,953
105010.2201	RETIREMENT	\$60,536
105010.2202	VSRS/LIFE INSURANCE	\$3,089
105020.2103	UNEMPLOYMENT/TOWN	\$2,300
	TOTAL	\$142,744
	OPERATIONS EXPENSES	
105030.3100	BANK CHARGES	\$22,000
105030.3101	BUILDING ADMIN EXPENSE	\$100

105030.3102	CLEANING	\$19,000
105030.3103	PLANNING COMMISSION	\$100
105030.3104	BOARD OF ZONING APPEALS	\$100
105030.3105	BUILDING PERMIT SURCHARGE	\$1,000
105030.3106	BOARD OF BLDG CODE APPEAL	\$100
	PERMIT CLOUD SERVICE	\$6,000
105030.3401	INSURANCE	\$165,000
105030.3501	AUDITING	\$30,000
105030.3601	DONATIONS	\$15,000
105030.3701	TRF.TO CIVIC CENTER FUND	\$92,594
105030.3705	MEALS TAX - TOURISM 10%	\$110,000
105030.4030	ANPDC MEMBERSHIP	\$7,000
105030.4301	SCHOLARSHIP	\$2,000
105030.4401	OFFICE SUP./PUBLICATIONS	\$11,000
105030.4402	OFF.EQUIP/SOFTWARE MAINT.	\$64,500
105030.4403	POSTAGE	\$11,000
105030.4404	TAX CONVERSION	\$2,400
105030.4701	GASOLINE	\$1,800
105030.4702	VEHICLE MAINTENANCE	\$500
105030.4801	TRAVEL & TRAINING	\$1,200
105030.4901	MAYORS EXPENSE	\$300
105030.4902	COUNCILS EXPENSE	\$1,000
105030.4903	TOWN MANAGERS EXPENSE	\$500
105030.5101	ATTORNEY/LEG.CONULTANTS	\$35,000
105030.5201	DRUG/ALCOHOL TESTING	\$2,000
105030.5501	CHRISTMAS DINNER	\$2,500
105030.6101	DUES	\$3,000
105030.7101	ADVERTISING & WEBSITE	\$12,000
105030.7301	BUILDING MAINTENANCE	\$12,000
105030.7401	ELECTRICITY	\$14,000
105030.7402	HEATING OIL	\$7,500
105030.7701	SPECIAL PROJECTS	\$4,000
105030.7702	PONY PENNING EXPENSE	\$13,500
105030.7703	DEER DE-POP PROGRAM	\$500
105030.8001	LEONARD ASSISTANCE FUND	\$0
105030.8202	TELEPHONE BILLS	\$29,500
	RETIREE LEAVE PAYOUT	\$0
105030.8401	HEALTH INSURANCE - RETIREES	\$40,000
105030.8402	INSUR-RET SPOUSES & OTHER	\$25,000
105030.8403	TRANSFER TO MEDICARE RESERVE	\$0
105030.8404	RETIREE PERSCRIPTION DRUG ASSIST.	\$3,500
105030.8501	MISCELLANEOUS	\$4,000
105030.8505	911 ADDRESSING	\$500
105030.8600	CEMETERY CLEANUP	\$200
105030.8625	OLD FIREHOUSE/GARAGE MAINT	\$10,000
105030.8650	APRP PROJECTS	\$344,000
105030.8700	VA COMM FOR THE ARTS	\$9,000
105030.8710	CARES ACT ASSISSTANCE	\$0
105030.8900	TRANSFER TO TROLLEY FUND	\$25,419

105030.8910	TRANSFER TO GENERAL FUND RESERVE	\$0
105030.8913	TRF TO RECREATION/TOURISM RESERVE	\$50,000
105030.8914	REC./TOURISM EXPENSE 1% OF TOTAX	\$0
105030.9000	TRANSFER TO HARBOR	\$77,710
	TOTAL	\$1,289,023
	CAPITAL IMPROVEMENTS	
105090.9704	PROPERTY ACQUISITION RESERVE	\$0
105090.9705	PROPERTY ACQUISITION	\$0
105090.9709	OFFICE EQUIP	\$5,000
105090.9710	COUNCIL ROOM EQUIPMENT/FURNITURE	\$9,183
105090.9715	NEW BOILER-MUN BLDG	\$0
105090.9725	REHAB TOWN OFFICE RESTROOMS	\$0
	TOTAL	\$14,183
	GEN GOV TOTALS:	\$1,903,404

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	EMS	
	SALARIES	
105110.1002	EMERGENCY MED. STAFF	\$820,373
105110.1003	OVERTIME	\$71,674
	TOTAL	\$892,047
	BENEFITS	
105110.2001	SOCIAL SECURITY	\$68,243
105110.2101	HOSPITALIZATION	\$76,440
105110.2201	RETIREMENT	\$91,787
105110.2202	VSRS/LIFE INSURANCE	\$4,409
	TOTAL	\$240,879
	OPERATIONS EXPENSES	
105130.3107	EMERGENCY MED. CLOTHING	\$4,500
105130.3108	EMS CELL ALLOWANCE	\$3,000
105130.3602	FIRE DEPARTMENT DONATION	\$31,500
105130.4401	OFFICE SUP./PUBLICATIONS	\$300
105130.4402	OFF.EQUIP/SOFTWARE MAINT.	\$1,000
105130.4801	TRAVEL & TRAINING	\$2,000
105130.6101	DUES	\$500
105130.7601	VA FIRE PROG/CVFC	\$15,000
105130.7602	EOC OPERATIONS/TRAINING	\$3,000
105130.8501	MISCELLANEOUS	\$0
105130.8912	VOLSAP FOR VOLUNTEER FIREFIGHTERS	\$4,500
	TOTAL	\$65,300

	CAPITAL IMPROVEMENTS	
105190-9100	EMPLOYEE LOCKERS	\$0
105190-9150	TRAINING EQUIPMENT	\$0
	TOTAL	\$0
	<i>EMERG SERVICES DEPT TOTALS:</i>	<i>\$1,198,226</i>

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	PUBLIC WORKS	
	SALARIES	
106010.1001	SALARIES*	\$369,320
106010.1003	OVERTIME	\$5,500
	TOTAL	\$374,820
	BENEFITS	
106010.2001	SOCIAL SECURITY	\$28,673
106010.2101	HOSPITALIZATION	\$66,503
106010.2201	RETIREMENT	\$52,369
106010.2202	VSRS/LIFE INSURANCE	\$2,516
	TOTAL	\$150,061
	OPERATIONS EXPENSES	
106030.4100	SEASONAL DECO & BANNERS	\$2,000
106030.4401	OFFICE SUPPLIES & EQUIP.	\$400
106030.4501	STREET MAINTENANCE	\$1,000
106030.4502	STREET SIGNS / 911	\$150
106030.4503	STREET LIGHTS	\$23,000
106030.4701	GASOLINE/DIESEL	\$30,000
106030.4703	OIL/GREASE	\$1,100
106030.4704	TOOLS/SHOP	\$2,500
106030.4801	TRAVEL & TRAINING	\$500
106030.5202	CLOTHING/UNIFORMS	\$5,500
106030.7301	BLDG. MAINTENANCE	\$3,000
106030.7302	EQUIPMENT REPAIRS	\$15,000
106030.7303	SAFETY	\$500
106030.7304	VEHICLE P/M'S	\$500
106030.7305	TIRES	\$2,000
106030.7306	GARAGE SUPPLIES	\$4,000
106030.7307	VEHICLE REPAIRS	\$6,000
106030.7401	ELECTRICITY	\$13,000
106030.7402	LP GAS	\$2,250
106030.7501	TIPPING FEES	\$1,000
106030.7502	SANITATION CONTRACT	\$420,000
106030.8501	MISC.	\$1,500
106030.8510	ROBERT REED PARK DONATIONS	\$0
106030.8590	PARKS & REC EXPENSE	\$30,000
106030.8600	VANDALISM REPAIRS	\$500

106030.8700	BOAT RAMP EXPENSE	\$1,000
106030.8701	BOAT RAMP RESERVE	\$20,000
	TOTAL	\$586,400
	CAPITAL IMPROVEMENTS	
106090.9101	VEHICLE/EQUIPMENT	\$0
106090.9103	CONSULTANT	\$0
106090.9104	MEM PARK PIER AND RAMP REP	\$0
106090.9105	DJA CENTER EXT REPAIRS	\$25,000
	RESURFACE TENNIS AND BBALL CTS.	\$0
106090.9107	RR LANDSCAPING AND FURNITURE	\$0
106090.9108	SIDEWALK REPAIRS - MUN CENTER	\$0
106090.9110	FLOATING DOCK - RR PARK	\$0
106090.9120	REHAB EAST SIDE BOAT RAMP	\$0
106090.9200	PLAYGROUND EQUIPMENT (Brianna's Park)	\$0
106090.9300	BRIDGE TENDER HOUSE RESTORATION	\$5,000
106090.9301	PED TRAIL - SARBANES	\$0
106090.9305	REPLACE PUBLIC WORKS FUEL PUMPS	\$15,000
106090.9307	SPIN BALANCER - GARAGE	\$0
106090.9310	PARK KIOSKS AND INFO BOARDS	\$0
106090.9450	VIDEO UPGRADES MEMORIAL PARK	\$0
106090.9466	SEPTIC SYSTEM - CHAMBER PARCEL	\$45,000
	CHAMBER SITE PUBLIC RESTROOMS	\$55,000
106090.9475	DOG PARK	\$0
106090.9500	SMITH ST PARK PROJECT (Brianna's)	\$0
106090.9700	OCEAN BREEZE ROAD PROJECT	\$0
106090.9601	PAVE MEMORIAL PARK DRIVE AND LOTS	\$0
	BRIANNA'S PARK LIGHTING	\$20,000
	REPARIS TO DJA CENTER - Interior & RR	\$0
	REPLACEMENT BACKHOE	\$90,000
-	-	-
	TOTAL	\$255,000
	PW TOTALS:	\$1,366,281

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	MOSQUITO CTRL	
	SALARIES	
106110-1001	SALARIES	\$36,543
106110-1003	OVERTIME	\$2,000
	TOTAL	\$38,543
	BENEFITS	
106110.2001	SOCIAL SECURITY	\$2,945

	TOTAL	\$2,945
	OPERATION EXPENSES	
106130.3401	INSURANCE	\$8,000
106130.4401	OFFICE SUPPLIES	\$50
106130.4701	GASOLINE	\$6,000
106130.4704	TOOLS & SMALL EQUIPMENT	\$500
106130.4705	CHEMICALS	\$50,000
106130.4706	CONTRACT SPRAYING	\$26,000
106130.4801	TRAVEL, TRAINING, CONFERENC	\$100
106130.5202	UNIFORMS	\$0
106130.6101	SUNDRY	\$100
106130.7302	EQUIPMENT REPAIRS/MAINT.	\$500
106130.7303	SAFETY EQUIPMENT	\$100
106130.7304	VEHICLE MAINTENANCE	\$1,000
	TOTAL	\$92,350
	CAPITAL IMPROVEMENTS	
106190.9124	EQUIPMENT/VEHICLES	\$0
106190.9125	DRAINAGE	\$0
	TOTAL	\$0
	MOSQUITO CTRL TOTALS:	\$133,838

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	ROADS	
	SALARIES	
106510.1001	SALARIES	\$124,822
106510.1003	OVERTIME	\$2,500
	TOTAL	\$127,322
	BENEFITS	
106510.2001	SOCIAL SECURITY	\$9,740
106510.2101	HOSPITALIZATION	\$18,110
106510.2201	RETIREMENT	\$17,700
106510.2202	VSRS/LIFE INSURANCE	\$850
	TOTAL	\$46,400
	OPERATIONS EXPENSES	
106530.4102	SNOW REMOVAL	\$22,000
106530.4150	PAVEMENT MAINTENANCE.	\$405,000
106530.4201	SIDEWALKS	\$20,000
106530.4202	TRAFFIC CONTROL OPERATIONS	\$2,000
106530.4250	ROADSIDE STRUCTURES	\$0

106530.6250	DRAINAGE MAINTENANCE	\$5,000
106530.7202	TRAFFIC CONTROL DEVICES	\$3,000
106530.7450	ELECTRICITY	\$62,000
106530.8600	ENGINEERING	\$0
106530.9855	VEHICLES/EQUIPMENT*	\$50,000
	TOTAL	\$569,000
	ROADS TOTALS:	\$742,722

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	POLICE	
	SALARIES	
107010.1001	SALARIES/OFFICERS	\$742,152
107010.1003	OVERTIME	\$9,800
	TOTAL	\$751,952
	BENEFITS	
107010.2001	SOCIAL SECURITY	\$57,524
107010.2101	HOSPITALIZATION	\$107,016
107010.2201	RETIREMENT	\$106,140
107010.2202	VSRS/LIFE INSURANCE	\$4,776
	TOTAL	\$275,456
	OPERATIONS EXPENSES	
107030.4701	GASOLINE	\$27,000
107030.4801	TRAVEL & TRAINING	\$19,000
107030.5201	UNIFORM ALLOWANCE (OFF.)	\$8,100
107030.5202	UNIFORMS (TOWN)	\$3,000
107030.7300	OFFICE SUPPLIES/EQUIPMENT	\$5,000
107030.7302	EQUIP. MAINT. AGREEMENTS/software	\$7,500
107030.7304	VEHICLE MAINTENANCE	\$6,500
107030.7901	DRUG ENFORCEMENT	\$5,000
107030.7903	ACADEMY DUES	\$8,000
107030.7904	BICYCLE PATROL	\$500
107030.7905	COMMUNITY/YOUTH PROGRAMS	\$30,000
107030.7906	GRANT FUNDED EXPENDITURES	\$25,000
107030.7907	AMMUNITION	\$3,000
107030.8203	CELL PHONE ALLOWANCE	\$3,200
107030.8205	POLICE ACCREDITATION	\$2,000
107030.8501	SUNDRY	\$1,500
	TOTAL	\$154,300
	CAPITAL IMPROVEMENTS	
107090.9650	PATROL VEHICLE	\$40,000
107090.9655	LSV (for use by seasonal and SRO)	\$0

107090.9660	KEVLAR VESTS	\$0
107090.9663	Stancil Recorder	\$0
107090.9565	RADIO REPEATER	\$0
107090.9670	IN-CAR COMPUTERS	\$0
107090.9690	Intoxilyzers, vehicle 3 ea	\$0
107090.9695	FINGERPRINT SCANNER	\$0
107090.9696	COMPUTERS/SOFTWARE	\$3,000
107090.9697	KITCHENETTE	\$0
107090.9698	Camera system-interrogation room	\$0
107090.9700	Radar Units x 5	\$0
107090.9710	internal surveillance PD	\$0
107090.9715	Patrol Vehicle Rifles	\$0
107090.9720	Patrol Vehicle Bailout Bags	\$0
	Equip new Officers	\$10,000
107090.9750	Magistrate Com	\$0
107090.9760	Software Maintenance-cameras	\$6,500
107090.9762	CELLBRIGHT CELL PHONE TOOL	\$0
107090.9675	SURVEILLANCE EQUIPMENT	\$0
107090.9685	SRTS Program Projects	\$0
	TOTAL	\$59,500
	<i>POLICE TOTALS</i>	<i>\$1,241,208</i>

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	DISPATCH	
	SALARIES	
107510.1001	SALARIES/DISPATCHERS	\$192,389
107510.1003	OVERTIME	\$2,700
	TOTAL	\$195,089
	BENEFITS	
107510.2001	SOCIAL SECURITY	\$14,924
107510.2101	HOSPITALIZATION	\$30,576
107510.2201	RETIREMENT	\$20,876
107510.2202	VSRS/LIFE INSURANCE	\$1,003
	TOTAL	\$67,379
	OPERATIONS EXPENSES	
107530.4801	TRAVEL & TRAINING-DISP.	\$2,500
107530.5201	UNIFORM ALLOWANCE (DISP	\$1,200
107530.5202	UNIFORM (TOWN-FOR DISP)	\$650
107530.7300	EQUIP MAINT AGREEMENTS	\$14,500
	DISPATCH SERVICE AGREEMENT	\$12,000
107530.8501	SUNDRY	\$150

	TOTAL	\$31,000
	CAPITAL IMPROVEMENTS	
-	-	-
	TOTAL	\$0
	DISPATCH TOTALS:	\$293,468

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	WATER	
	SALARIES	
806210.1001	SALARIES	\$275,134
806210.1003	OVERTIME	\$5,000
806210.1004	PUMP DUTY	\$19,000
	TOTAL	\$299,134
	BENEFITS	
806210.2001	SOCIAL SECURITY	\$22,884
806210.2101	HOSPITALIZATION	\$33,869
806210.2201	RETIREMENT	\$39,014
806210.2202	VRS LIFE INSURANCE	\$1,874
	TOTAL	\$97,641
	OPERATION EXPENSES	
806230.4401	OFFICE SUPP/EQUIP MAINT	\$1,200
806230.4403	POSTAGE	\$5,000
806230.4701	GASOLINE & DIESEL	\$9,750
806230.4704	TOOLS	\$1,000
806230.4705	CHEMICALS	\$12,000
806230.4801	TRAVEL & TRAINING	\$1,000
806230.5202	UNIFORMS	\$1,100
806230.6101	DUES/LICENSES	\$800
806230.7301	BUILDING MAINT/REHAB	\$2,100
806230.7303	SAFETY	\$500
806230.7304	VEHICLE MAINTENANCE	\$1,000
806230.7400	RAW WATER PURCHASE (NASA)	\$0
806230.7401	ELECTRICITY	\$40,000
806230.7402	LP GAS	\$528
806230.8101	DISTRIBUTION & REPAIRS	\$45,000
806230.8103	SUPPLY REPAIRS	\$10,000
806230.8202	CELL PHONE ALLOWANCE	\$900
806230.8204	MISS UTILITY	\$800
806230.8209	SUBSCRIPTION-NEPTUNE 360	\$8,000
806230.8501	SUNDRY	\$500
806230.8601	REIMBURSEMENT TO FUND 10	\$100,000

	WATER RATE STUDY	\$0
806230.8750	REGULATION COMPLIANCE	\$6,000
806230.8770	STATE GROUNDWATER PERMITS	\$10,000
	TOWER RENT FOR GATEWAY	\$2,700
806230.8900	TRANSFER TO WATER RESERVES	\$171,450
806230.9100	ENGINEERING	\$8,000
	TOTAL	\$439,328
	CAPITAL IMPROVEMENTS	
806290.9101	WATER MAIN EXTENSIONS	\$5,000
806290.9200	2017 EXPL WELL	\$0
806290.9205	NASA WELL REIMBURSEMENT	\$0
806290.9206	GENERATOR WATER PLANT	\$0
80620.9207	METERED DISTRIBUTION	\$10,000
806290.9506	WATER BONDS	\$0
806290.9507	INTEREST ON WATER BONDS	\$0
806290.9508	AMI BOND	\$86,564
806290.9509	AMI BOND Interest	\$16,464
806290.9600	WATER LINE REPLACE	\$128,000
806290.9630	WIRELESS METERS	\$0
806290.9635	WIRELESS METERS - GATEWAYS	\$0
806290.9700	LAND ACQUISITION	\$0
806290.9701	HIGH RISE TANK PAINT	\$0
806290.9703	GWST Tank Paint	\$0
806290.9704	High Rise lift pumps W/ VFD's	\$22,269
	VFD for well # 6	\$0
806290.9848	8" CHANNEL CROSSING	\$0
806290.9850	VEHICLE	\$0
	REPLACE FILTER MEDIA - WILLOW ST.	\$40,000
806290.9851	DESALINATION FEASIBILITY STUDY	\$0
806290.9855	EQUIPMENT	\$0
806290.9856	SOFTWARE, COMPUTERS	\$0
	TOTAL	\$308,297
	WATER TOTALS:	\$1,144,400

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	HARBOR	
	SALARIES	
308010.1001	SALARIES	\$51,704
308010.1003	OVERTIME	\$0
	TOTAL	\$51,704
	BENEFITS	
308010.2001	SOCIAL SECURITY	\$3,960
308010.2101	HOSPITALIZATION	\$0

308010.2201	RETIREMENT	\$7,332
308010.2202	VRS LIFE INSURANCE	\$353
	TOTAL	\$11,645
	OPERATIONS EXPENSES	
308030.7300	OPERATIONS, MAINT.,ST. LIGHTS, ETC.	\$40,000
308030.7315	FUEL PURCHASE	\$360,000
308030.8501	SUNDRY	\$500
	TOTAL	\$400,500
	CAPITAL IMPROVEMENTS	
308090.9124	LONG TERM REPLACEMENT RES	\$54,000
308090.9200	INFRASTRUCTURE REPAIRS/UPGRADES	\$28,548
308090.9130	NEW FUEL SYSTEM	\$0
308090.9210	WEST SIDE RESTROOMS	\$0
308090.9300	FLOATING DOCK FINGER PIER	\$215,826
	MEM PARK RAMP IMPROVEMENTS	\$310,000
	FENCE NE SIDE	\$0
	B.I.G. UPGRADES HARBOR, RR PARK	\$63,050
	TOTAL	\$671,424
	<i>HARBOR TOTALS:</i>	<i>\$1,135,273</i>

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	EXPENDITURES	
	TROLLEY	
	SALARIES	
703010.0100	SALARIES	\$44,730
	TOTAL	\$44,730
	BENEFITS	
703010.2001	SOCIAL SECURITY	\$3,422
	TOTAL	\$3,422
	OPERATIONS EXPENSES	
703030.3401	INSURANCE & BONDING	\$3,400
703030.4400	COMMUNICATION SERVICES	\$800
703030.4401	PRINTING & REPRODUCTION	\$2,600
703030.4402	ADVERTISING	\$1,000
703030.4403	EDUCATION & TRAINING	\$800
703030.4404	CLEANING SUPPLIES	\$400
703030.4406	SUPPLIES, MATERIALS	\$500
703030.4407	MEMBERSHIPS & DUES	\$250
703030.4408	TRAVEL & MEALS	\$500
703030.4701	FUEL & LUBRICANTS	\$12,500
703030.4702	TIRES & TUBES	\$1,200
703030.4703	UNIFORMS	\$1,400

703030.4704	PARTS	\$750
703030.5201	DRUG TESTING	\$1,400
703030.6100	RTAP EXPENSES	\$0
703030.7302	REPAIRS/MAINT	\$6,500
703030.8505	RENT TO GENERAL FUND	\$15,000
	TOTAL	\$49,000
	CAPITAL IMPROVEMENTS	
703090.9001	TROLLEY & VAN PURCHASE	\$165,500
703090.9100	CAPITAL EXPENDITURES	
	TOTAL	\$165,500
	TROLLEY TOTALS:	\$262,652

ACCOUNT	DESCRIPTION	FY23 PROPOSED BUDGET
	CENTER	
	EXPENDITURES	
	SALARIES	
	SALARIES	\$37,702
	TOTAL SALARIES	\$37,702
	BENEFITS	
	SOCIAL SECURITY	\$2,869
	HOSPITALIZATION	\$5,733
	RETIREMENT	\$5,346
	VRSR/LIFE INSURANCE	\$271
	TOTAL BENEFITS	\$14,219
	OPERATIONS EXPENSES	
	INSURANCE & BONDING	\$7,200
	PRINTING & REPRODUCTION	
	ADVERTISING & PROMOTION	\$8,000
	MARKETING	\$3,000
	CONTRACT SERV. MARKETING	\$10,000
	EDUCATION & TRAINING	\$300
	CLEANING SUPPLIES	\$2,500
	SUPPLIES, MATERIALS	\$3,400
	OFFICE EQUIPMENT	\$1,700
	OFFICE SUPPLIES	\$2,900
	CONTRACTUAL SERVICES	\$8,800
	ELECTRIC UTILITY	\$18,000
	PROPANE	\$6,500
	TELEPHONE	\$1,500
	INTERNET	\$1,500
	ACCOUNTING FEES	\$0
	LEGAL FEES	\$0
	BANK FEES	\$750
	MEMBERSHIPS & DUES	\$500
	TRAVEL & MEALS	\$500

	EVENTS EXPENSE	\$6,400
	RENT TO GENERAL FUND	\$0
	TRANSFER TO CENTER LT RESERVE	\$0
	TOTAL EXPENSES	\$83,450
	CAPITAL IMPROVEMENTS	
	HVAC OVERHAUL	\$213,000
	INTERIOR PAINTING	\$5,000
	AUDIO VISUAL SYSTEM O/H	\$53,800
	KITCHEN RENOVATION	\$31,023
	TOTAL CAPITAL IMPROVEMENTS	\$302,823
	CENTER TOTALS	\$438,194

Summary

EXPENDITURE TOTALS	-	
		FY23
GENERAL GOVERNMENT		\$1,903,404
EMERGENCY SERVICES		\$1,198,226
PUBLIC WORKS		\$1,366,281
MOSQUITO CONTROL		\$133,838
ROADS		\$742,722
POLICE		\$1,241,208
DISPATCH		\$293,468
TOTAL GENERAL FUND		\$6,879,147
TOTAL HARBOR FUND		\$1,135,273
TOTAL TROLLEY FUND		\$262,652
TOTAL WATER FUND		\$1,144,400
TOTAL CENTER FUND		\$438,194
TOTAL EXPENDITURES		\$9,859,666

REVENUE TOTALS		
TOTAL GENERAL FUND		\$6,879,147
TOTAL HARBOR FUND		\$1,135,273
TOTAL TROLLEY FUND		\$262,652
TOTAL WATER FUND		\$1,144,400
TOTAL CENTER FUND		\$438,194
TOTAL REVENUES		\$9,859,666

Mayor and Council Comments

Councilman Taylor commented that it's great to have conservative staff that doesn't waste. He feels they're doing a good job. They are blessed to have the visitors still coming to the Island with the gas prices and asked everyone to be extra kind to them.

Councilman McComb congratulated the Lady Ponies Softball Team for winning the district title. He looks forward to the playoffs.

Vice Mayor Bott congratulated the students that participated in the Student Government Day. He would like them to stay involved. He added that getting involved at an early age is important, not just for themselves, but for the community.

Councilwoman Bowden agreed. She stated that you learn a lot and can take it with you for the rest of your lives. She is also proud of the Lady Ponies Softball Team. She advised how great they are to have all the girls' teams win the district championships this year. She commented that Town Manager Tolbert and staff did a great job with the budget. She doesn't know what to do about the e-scooters. She advised that every day she is getting complaints about them as they aren't following the rules of the road. She suggested having the officers to stop the kids to remind them of the rules. She fears that someone will be hurt with the influx of the people coming. She concluded with "Go Yankees!".

Councilwoman Richardson also commented on the e-bikes that are whipping in and out of traffic on and off the sidewalks and not following the rules of the road. She saw one almost cut out a parent pushing her child in a stroller. She feels they don't mean harm, but someone will be injured. She commented further. She also reviewed the rules to ride the e-bikes. She is also very proud of the schools and students. She stated that when they come back, after college and we see what they've done with their lives, it means a lot. She apologized that she was unable to attend the Student Government Day due to work responsibilities. She also thanked Mrs. Farrell for allowing them to participate.

Mayor Leonard feels the e-scooters will be trouble because they're easy for the parents to turn them loose. He added that they can preach the rules, and nothing will happen until there is an accident. He also stated that it's because it is a new technology, the ramifications and rules haven't caught up to it yet. He also commented that he enjoyed the students yesterday. He commented that it's their island and they should make it what they can. He stated that they want to break out the different parks. Brianna's Park for smaller children and Memorial Park for teens. He added that they also didn't want bicycles to be allowed on the Causeway.

Town Manager Tolbert advised he had a request from a student to increase the speed limit on the Island to 40mph.

Mayor Leonard added that the softball state tournament will be here next week, and he encouraged everyone to show their support. He concluded with "Roll Tide".

Closed Meeting in Accordance with §2.2-3711 (A) (5,7) of the Code of Virginia to discuss prospective business opportunities and pending legal matters.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (1 & 5) of the Code of Virginia to discuss perspective business opportunities and 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 Councilwoman Richardson in accordance with §2.2-372 (D) of the Code of Virginia that the Council certify that to the best of each Council Member's knowledge.

(1) only public business matters lawfully exempted from opening meeting requirements under this chapter and 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 Councilwoman Richardson to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE JUNE 6, 2022 CHINCOTEAGUE TOWN COUNCIL MEETING Council Chambers

Council Members Present:

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

Council Members Absent:

Christopher D. Bott, Vice Mayor

Staff Present:

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

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

Town Manager Tolbert read the Public Speaking Rules.

Mayor Leonard opened the floor for public comment.

- Ms. Paula Nees, 6417 Canal Lane, thanked Council for stepping up and having a proclamation against gun violence. She asked that they recognize the 1st Friday of June each year as Gun Violence Awareness Day, and everyone should wear orange that day. She read a poem.
- Mrs. Nancy Cunningham, 6319 Clark Street, on behalf of the Island Library congratulated the Lady Ponies and added that the Chincoteague Island Library Family is very proud of them. She reported on the upcoming events and fundraisers that the Island Library has planned for the year. She announced they have 4,596 Facebook friends. She also thanked the Town, the local businesses, local patrons, and visitors for their continued support.

Agenda Adoption

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

Ayes: Bowden, McComb, Richardson, Savage, Taylor

Nays: None

Absent: Bott

Recognition of CHS Ladies Champions

Mayor Leonard stated that he believes that this is the first time ever that they have had a clean sweep in the Ladies' District Championships in all 3 sports. He stated that the Town felt they needed recognition. He read and presented CHS Principal Farrell with a plaque in recognition for the Ladies winning the district championships this year, for display at the school. Each member of the CHS Lady Ponies Teams introduced themselves and listed the sports they participated in.

Council congratulated them on a wonderful year and wished the Lady Ponies Softball Team luck in their state tournament Tuesday.

District 1 Supervisor Report

Supervisor Billy Joe Tarr reviewed the personal property and real estate tax rates, increases and decreases. He reported on a cigarette tax the County plans to impose which is \$1 per carton. He advised that if the Town chooses to impose the cigarette tax of \$1 per carton, the County will not collect from the Town. However, if the Town chooses not to collect the tax the County will. He then talked about the ARPA Tourism Fund. The County received \$260,000 designated for tourism activities of which \$80,000 goes to Chincoteague. This could be used for a new kiosk, marketing, new initiatives, and redesigning the website.

Supervisor Tarr reported on the state budget funding where they have passed significant increases in deputy salaries to start at \$42,000. COLA is 5% and there is a compressing salary adjustment of \$100 per year times years of service. He announced the local match for the Inlet Study has been approved and included in the budget. He talked about the Maryland gas tax holiday and advised that Virginia gas tax holiday hasn't been approved. He advised of the grocery sales tax reduction. He explained they couldn't do a complete grocery sales tax holiday because 1% of

grocery sales tax goes to building schools. He reported that the state has also approved a 5% raise for teachers this year. He stated they had a strategic planning conference at the Chincoteague Firehouse 2 weeks ago that resulted in a list of the top 3 priorities: 1) Broadband connection for the remaining people who have no internet. 2) The housing shortage. The study shows they are about 1,000 homes short. 3) Hampton Roads Sanitation District is coming up the Shore.

Councilwoman Bowden asked about the cost to have Broadband. There was brief discussion.

Mayor Leonard asked how citizens could find out how close they are to Broadband.

Town Manager Tolbert advised they had a representative from Broadband at a Council meeting about a year and a half ago and he offered to invite him to come back.

Mayor Leonard advised that he saw where the Lt. Governor talked about hardening schools.

Supervisor Tarr advised he didn't know about it. He added that the reason they have the Lt. Governor they currently have is because of the schools. He is confident he will do something. He feels it's a serious issue. He agreed they should hire the retired police.

Councilman McComb asked about the remaining ARPA tourism money.

Supervisor Tarr continued that it will remain open as ARPA has to be used by December 31st, 2024, and the plans have to be submitted by December 31st, 2023.

Council thanked Supervisor Tarr for giving an update.

Resolution for Gun Violence

Mayor Leonard read the Resolution for Gun Violence



PROCLAMATION

IN RECOGNITION OF DECLARING FRIDAY JUNE 3, 2022, TO BE LOCAL GUN VIOLENCE AWARENESS DAY

This proclamation recognizes that Friday June 3, 2022, will be proclaimed Local Gun Violence Awareness Day in the Town of Chincoteague to honor and remember all victims and survivors of gun violence and to declare that we as a community, we must do more to reduce gun violence.

WHEREAS, every day, more than 100 Americans are killed by gun violence, alongside more than 200 who are shot and wounded, and on average there are more than 13,000-gun homicides every year; and

WHEREAS, protecting public safety in the community we serve is the public official's highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people that shouldn't have them; and

WHEREAS, the vast majority of legal gun owners abhor gun violence and love and respect the peace and liberty that this Country stands for, and

WHEREAS, on June 3, 2022, people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to victims of gun violence; and the loved ones of those victims; and

WHEREAS, The color orange symbolizes the value of all human life; and

WHEREAS, anyone can join this campaign by pledging to wear orange on June 3rd, 2022 to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 3rd, 2022, citizens will raise awareness about gun violence, the value of human life and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED that the Town of Chincoteague declares June 3, 2022, to be Local Gun Violence Awareness Day. I encourage all citizens to support their local community's efforts to prevent the tragic effects of gun violence and to honor and value of all human life.

Signed: _____

John Arthur Leonard, Mayor

Attested: _____

Michael T. Tolbert, Town Manager

Staff Reports

General Government

Town Manager Tolbert reported on the Harbor floating piers. He gave a brief report on Student Government Day along with the seasonal change of the Maddox Boulevard Traffic Signals. He then reviewed the May 2022 Financial Report. He also advised that Senator Lewis confirmed that the required local match for \$1.5 million for the Inlet Study was in the recently passed State budget. He reported on the Meals and Transient Occupancy Tax collections. He advised they are preparing for Pony Penning, and he briefly reviewed the Building and Zoning monthly report. He added that Building and Zoning Administrator Bowden has also been reviewing the cloud-based permit software. He announced that Mr. Jeff Fitchett, the Roads Supervisor, will retire effective June 17th. He wished him well in his retirement.

Councilwoman Bowden stated that each time they hear the report from Building and Zoning, it seems the Administrator keeps getting busier and busier. She asked if it was time for this department to have an assistant of some kind.

Town Manager Tolbert feels he needs help, which is why they are trying to obtain the software system. He would like to get this ordered and see how it works out first.

Police Department

Chief Fisher gave an update to the report in the packet. He stated they picked up with the calls for service in May. They had some Zoom training. Investigator Barnes is currently in 1st line supervisor training. They provided overnight security for the Chincoteague Chamber of Commerce Seafood Festival and attended the festival for crowd and traffic control. They also assisted the Chincoteague EMS with a mock traffic accident for prom attendees. Sgt. Adams attended the first part of a Law Enforcement Leadership Institute at Christopher Newport College. He will go back for 4 more days in August for the 2nd part. He recommended that other officers attend this class. They participated in the Student Government Day. He also attended a meeting at the USCG base with the USCG Chief, CVFC Chief, Emergency Management Coordinator Rush, EMS Supervisor Barrs, USF&W and Marine Police for Pony Penning preparation. They presented Police Department Scholarships to: Ms. Lindsey Bailey, Ms. Emma Jackson, and Ms. Megan Horner at the CHS Senior Awards Program. Investigator Barnes attended online training for Train the Trainer in Narcan. He plans to have all of the officers trained and there will be 2 instructors in-house. He also signed an MOU with the Health Department of Virginia to be able to get the Narcan.

Councilman Taylor commented about the Texas school shooting and having sufficient protection for the officers.

There were comments.

Mayor Leonard thanked Chief Fisher for going to the elementary school. He hopes the state will step up so they will have another SRO.

There was further discussion of the funding for additional SROs.

Public Works Department

Town Manager Tolbert reported on the progress at the Brianna's Kindness Park, paving and striping the outdoor pickleball courts, tennis courts, and basketball courts, along with fencing replacement. The plants have been completed at the Brianna's Kindness Park. The spring paving is completed. There was an incident where a company was boring across Maddox Boulevard who drilled through the water main. The Town repaired the leak and Branscome, who was still on the Island paving, was able to professionally patch the road. The Town plans to bill Spectrum and their contractor for the repairs. He added that the Public Works staff continue with routine maintenance, water, weed control, and a lot of grass cutting.

Emergency Services

Emergency Management Coordinator Rush advised that Paramedic Drewer conducted CPR class for the 3 new hires in Public Works. They conducted a mock car crash at the Chincoteague High

School to remind the students of the dangers of drinking and driving prior to prom and graduation. They also conducted spring training which included water rescue. He thanked Mrs. Wilder at the Refuge Motor Inn for allowing staff to train using their pool. He reminded everyone that lifeguards are scarce this summer on Assateague and other non-lifeguarded pools which is why they focused on water safety and water rescue. He reported on the EMS Advisory Board meeting, explained some of the changes and advised of the upcoming grant.

Emergency Management Coordinator Rush stated they are monitoring current conditions for weather focusing on the tropics. They completed the After-Action Report for the aircraft crash. He advised they continue planning for fireworks and Pony Penning. He has met with the USCG and outside agents to work out details. The Antares launch has been moved to September 15th and Hurricane Season is predicted to be a busy one with 14-21 named storms. He also reported on the COVID statistics and reminded everyone to get their boosters, inoculations, pay attention to the new monkey pox, and be weather aware.

Committee Reports

Public Works Committee

Councilwoman Richardson reported they met May 3rd and everything they discussed has already been reported on.

ARPA Committee

Mayor Leonard advised they met May 4th and received a presentation from the ESCADV.

Budget and Personnel Committee

Mayor Leonard reported they met May 10th to review and approve the FY22 Budget Compliance and the FY22 Budget Amendment. They also changed the Playground Equipment Fund to the Park Fund.

RCEC

Councilman Taylor reported they discussed the shading for the Dog Park and Brianna's Kindness Park. They also discussed surveillance cameras. He thanked Council for their approval and help with the Brianna's Kindness Park.

Adoption of the Minutes of the May 2nd, and 19th Council Meetings

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the May 2nd, and 19th Council meetings as presented. All present were in favor and the motion was carried.

Ayes: Bowden, McComb, Richardson, Savage, Taylor

Nays: None

Absent: Bott

Review of Employee Medical Options

Town Manager Tolbert explained the increase of 12% this year and added that they budgeted for a 5% increase which makes the total increase \$29,575. He stated that he has talked with USI, and they requested a quote from the lead contenders who refused to submit a quote as they couldn't compete with Anthem's rates and coverage. USI gave alternative plans with Anthem which would reduce the annual increase but would increase the out-of-pocket cost to the employee. This is the first significant increase the Town has had in 4 years. He stated that it is difficult to budget

the increase in healthcare because they're unable to report the new rates by the end of the calendar year as we are a small entity. He suggested continuing to put an increase of 5% in each budget, allowing the overage to be placed in a reserve account to help cover a larger increase in the future. He asked Council to approve the existing health plan at the stated rates.

Councilman McComb asked about the HSA option with the higher deductible.

Town Manager Tolbert advised that those who chose the HSA option receives the difference in premium into their HSA.

Councilwoman Bowden stated that she does not want the employees burdened financially any further.

Councilman Taylor motioned, seconded by Councilwoman Bowden to approve the current healthcare plan for the Town employees with the same coverage they currently have. All present were in favor and the motion was carried.

Ayes: Bowden, McComb, Richardson, Savage, Taylor

Nays: None

Absent: Bott

Mayor and Council Comments

Councilwoman Bowden stated that she appreciated that Council and Mayor Leonard were willing to express willingness to approve the Proclamation Against Gun Violence. She advised she is a legal gun owner with a concealed carry permit and believes in the 2nd Amendment. She doesn't know the resolution. She knows the country is divided and there has to be room in this country at the federal and state level to come to a compromise. She stated that they have to get away from the party differences. She continued that the people of this country have more in common than not. She added that they are in bad times and hopes something will start in DC to figure out what to do to keep our children safe as there has to be a resolution.

Councilwoman Bowden also advised that a couple of years ago the CVFC held a fundraiser for the Brianna's Kindness Park called the "Front Seat Perk" where they offered 2 seats at the Fire Company's dock to view the swim and a ride in the Pony Parade. The ticket sales were from a site called Better Unite. Because they didn't have Pony Penning last year, they rolled it over. On behalf of the CVFC, she presented the Town with a check in the amount of \$11,416.57 for the Brianna's Kindness Park. The Better Unite also pulled the winner. She advised that the winner was Ms. Cindy Macklin who brainstormed to do something to honor Brianna. She concluded with "Go Yankees".

Councilman McComb stated he assumed the Town would want to collect the cigarette tax as opposed to allowing the County to collect our share.

Town Manager Tolbert stated it is much simpler to go through the Board. He is unsure how much this will net the Town but will look into it.

Councilman McComb wants the Town to collect this and Council agreed. He echoed Councilwoman's sentiments and congratulated the Lady Ponies and wished them well in tomorrow's game.

Councilman Taylor thanked the CVFC for the donation to the Brianna's Kindness Park. He also expressed his appreciation to the contractors and people that gave time and money. He also stated that it's an impressive place.

Councilwoman Bowden stated that all they had to do was say they would be able to get up close to a pony and the money started dropping.

Councilman Savage congratulated the Lady Ponies on a great job. He stated that it was amazing they swept the team sports. He commended Town Manager Tolbert for taking on the Public Works Director position in the interim and for going above and beyond. He stated he appreciates Chief Fisher for their response in protecting our children and for looking for grants. He stated that the Town is very blessed on the Island as it only takes 1 person to shake loose somewhere.

Mayor Leonard reminded everyone that summer is here, and the people are here. He urged everyone to have patience and be friendly. He thanked Council for being pro-active in providing the SRO for the schools a couple of years ago. He also congratulated all of the Lady Ponies Teams. He concluded with he hopes everyone paid their county taxes today.

Closed Meeting in Accordance with §2.2-3711 (A) (5 & 7) of the Code of Virginia to discuss specific prospective business opportunities and pending legal matters.

Councilwoman Bowden motioned, seconded by Councilman Savage to go into a closed meeting in accordance with §2.2-3711 (A) (5 & 7) of the Code of Virginia to discuss perspective business opportunities and personnel matters. All present were in favor and the motion was carried.

Ayes: Bowden, McComb, Richardson, Savage, Taylor

Nays: None

Absent: Bott

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

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

(2) 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: Bowden, McComb, Richardson, Savage, Taylor

Nays: None

Absent: Bott

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

**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

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

Invocation

Councilman Taylor offered the invocation.

Pledge of Allegiance

Vice Mayor Bott 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

Christopher D. Bott, Vice Mayor

Michael T. Tolbert, Town Manager

**MINUTES OF THE JULY 5, 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

Council Members Absent:

Ellen W. Richardson, Councilwoman
K. Jay Savage, Councilman
Gene W. Taylor, Councilman

Staff Present:

Mr. Michael T. Tolbert, Town Manager
Mr. Robby Fisher, Police Chief
Mr. E. Bryan Rush, Director of Emergency Services

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. Pat Farley, 3243 Lisa's Lane, advised Council that she has a neighbor who has a house that was abandoned. He began demolishing his home in January. She added that he is doing the demolition himself and without a dumpster. He has also removed 4 large trees. Although the neighbors are glad the property is being cleaned up it is causing problems. He is burning piles of debris. Nearby rentals had to leave and was reimbursed because of the burning, and hazard. She asked Council to consider new ordinances for burning laws and demolitions.

Agenda Adoption

Mayor Leonard asked to add EMS Personnel Citations to the agenda.

Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the agenda adding EMS Personnel Citations. Unanimously approved.

EMS Personnel Citations

Director of Emergency Services read; on Sunday, May 15th, 2022, at 6:46 a.m. Chincoteague EMS providers, Paramedic Jamie Wheatley, EMT Madison Savage, and EMT Seth Jonczak were dispatched for breathing difficulties at Jellystone Campground. While enroute the 911 Dispatcher advised the EMS crew the patient was unconscious. EMS crews arrived on the scene in 5 minutes after dispatch. They found a 66-year-old man in cardiac arrest. The EMS crew immediately began CPR and advanced life support care. After approximately 20 minutes of CPR and several rounds of medications, the patient regained a heartbeat and began breathing on his own. The patient was transported to Tidal Health emergency room for further treatment. Mr. Don Lukens was later discharged home and here with us this evening. He stated that Mr. Lukens is here with his family. He read the citations: and presented them to Mr. James Wheatley and Ms. Madison Savage. Mr. Seth Jonczak was unable to attend this evening.

Director of Emergency Services also advised that this patient was unable to be in attendance this evening. He read; on Saturday, June 19th, 2021, at 4:20 a.m. Chincoteague EMS providers, Paramedic Patty Drewer, and Paramedic Tom Copenhaver were dispatched for a pregnancy childbirth on Fleming Road in Atlantic. Upon arrival at the scene, the Chincoteague EMS met with the Accomack County Department of Public Safety Paramedic, who advised that the baby has been delivered and was in cardiac arrest. Once in the residence crews immediately began life saving efforts to include CPR and utilizing a bag valve mask to breathe for the patient. It was learned that the baby was delivered prematurely at approximately 6 months gestation and weighing approximately 2 pounds. Shortly after the EMS crew began transporting the infant to Tidal Health emergency room, the infant began to breathe on her own and gained a heartbeat. The EMS providers continued providing oxygen to the baby and chest compressions until the infant's heartrate increased to a viable rate. Mucus secretions were noted in the baby's airway that would require immediate suction. Once the airway was clear of mucus secretions the baby began to breathe better and began to cry spontaneously. The patient was delivered to the emergency room where she received further treatment and now baby Arura is living a healthy life at home with her family. He read the citations and presented them to Paramedic Patty Drewer and Paramedic Tom Copenhaver.

Council thanked them for all they do.

Staff Reports

General Government

Town Manager Tolbert reported on the floating dock will be installed in the fall. He also advised of the new kayak floating platform will be placed at Memorial Park. They received the permit last week. He advised they didn't have a Financial Report and would have it at the Budget and Personnel Committee meeting next week. He reported that he spoke with Mr. Jeremy Acres with Goddard to discuss the well legislation. They have included in the language that the Town will receive \$14 million to move all 10" wells off of NASA property. There were 2 changes necessary: 1) Extension from 5 years to 10 years as it will take some time for permitting and moving. 2) Generalize language to include desalination as source as well as ground water. They're working on these changes and the bill is in Conference Committee. He reported that Meals Tax is down 11.7% from the same month last year and Transient Occupancy Tax is down 18.5% from the same month last year.

Town Manager Tolbert advised that the Building Department is busy and getting closer to deciding on the online permit service that Council approved. He reported that the tennis courts are done and beautiful along with the basketball and pickleball courts. They have finished the roof decking on the pavilion at Brianna's Kindness Park and the metal roof should be done within the next few weeks. The kayak launch platform has been installed. They're working on the gangway and should be completed in the next few weeks as well. They have ordered the materials for the FY23 Project Virginia Port Authority Grant material to replace the final wood pier at the Harbor. They have created no parking zones and participated in the 4th fireworks celebration. He congratulated Director of Emergency Services Rush and Chief Fisher for getting this going and doing a great job. He added that the mosquito count has dropped since the flight on the 30th.

Police Department

Chief Fisher gave an update to the report in the packet. He stated that June was busy. They assisted in traffic control for the final CVFC clam fritter fundraiser. They also held safety classes at the Chincoteague Elementary and Middle Schools for e-bikes and e-scooters. He added that Captain Greenley completed the FBI Academy 10-week training. They were approved for the SRO Grant with no Town match. Captain Greenley has applied for another SRO Grant for an officer at each school.

Councilwoman Bowden asked how long it would be to know if they are approved for the grant for the SRO in the elementary school.

Chief Fisher hopes this month.

Mayor Leonard asked if the elementary school was the only school in Accomack County that doesn't have an SRO.

Chief Fisher advised that none of the elementary schools have an SRO.

Emergency Services

Director of Emergency Services Rush advised that they finished June with 110 calls which is up 15 from last year. He stated that July 4th was a successful event because of everyone's engagement. Everyone knew their role and executed it well. This was the quickest year clearing traffic after the fireworks. They will begin the After-Action Report to plan with fireworks scheduled for July 30th. They had some community engagement with the 3C's about medications, emergency management and preparing for storms. They had CPR, ACLS, and PALS recertification. He added that those kinds of trainings pay off. He added that the training pays off because of the engagement of Council. COVID statistics are up with the 7-day average of 21.6% compared to last year's average of 5.6%. He advised of the new CDC approval of vaccines for 6 months and up.

Councilwoman Bowden asked about if the Health Department had any changes regarding quarantine.

Director of Emergency Services Rush advised that quarantine is 5 days once symptoms begin. They should be masked and considered cleared when they are 24 hours without fever. Those who are in close contact should be quarantined. He stressed the importance of recognizing the symptoms and protect those who are immunocompromised.

Budget and Personnel Committee

Vice Mayor Bott advised that everything was discussed at the June 16th Council meeting.

Adoption of the Minutes of the June 6th, and 16th Council Meetings

Mayor Leonard read a memo from Finance Director Lewis regarding changes in the minutes. 1) Mayor Leonard was absent and didn't lead in the Pledge of Allegiance. 2) Councilman Savage was also absent and didn't offer the invocation.

Vice Mayor Bott motioned, seconded by Councilman McComb to adopt the minutes of the June 6th, and 16th Council meetings as corrected. Unanimously approved.

Mayor and Council Comments

Councilwoman Bowden stated that she can't say enough about Director of Emergency Services Rush and Chief Fisher along with all other agencies for the 4th of July traffic control. She feels everyone was in a good mood and happy. She stated that this was very well appreciated by the Fire Company, and all other agencies and who came to help get it done. She asked that the Town consider planning for a ribbon cutting ceremony in November for the 100th anniversary of the bridge to Chincoteague. She stated that it brought us to the world and the world to us. She asked Director of Emergency Services Rush to possibly recognize the 2 who saved the hunters in the winter boating accident. She concluded that she hopes everyone had a good July 4th and thanked the Fire Department, EMS, and Police.

Councilman Savage reiterated what Councilwoman Bowden stated and added that he appreciates the effort of the EMS, Fire Company, and Town employees. He appreciates their dedication and service.

Councilwoman Bowden added that the Town employees did well.

Closed Meeting in Accordance with §2.2-3711 (A) (1 & 8) of the Code of Virginia to discuss evaluation of senior staff, discussion of specific personnel and cost estimates for potential sale of real property.

Councilman McComb motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711 (A) (1 & 8) of the Code of Virginia to discuss evaluation of senior staff, discussion of specific personnel and cost estimates for potential sale of real property.

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

(3) 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, Savage, Taylor

Nays: None

Absent: None

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE AUGUST 1ST, 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, Director of Emergency Services

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. Julie Brommer, Chincoteague Island Community Cats, gave an update on the neutering, spaying, and vaccinations of the local community cats. She thanked Council for the use of the Firehouse and the Donald J. Amrien Recreation Center for the clinic.

- Chincoteague Chamber Executive Director Shotwell gave a huge shoutout to the Police Department, the EMS, the Town staff and Council, Saltwater Cowboys, and everyone for all they do. She didn't hear any complaints about the swim. She announced that as of 3:00 p.m. today the video she shared on the Chamber's Facebook page reached 5 million views and 11,758 reaches. She reported that they have received several calls for bookings next year. She again thanked everyone.

Agenda Adoption

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

Staff Reports

General Government

Town Manager Tolbert reported on the failure of the bulkhead at Memorial Park adding that a temporary fence was immediately erected. He advised he contacted the Army Corps of Engineers and the local Wetlands Board as to the need of emergency repair. A marine contractor was also contacted, and a price was obtained. Materials will be available within the next 2 weeks. He reported on the Inlet Study advising there will be a site visit on August 19th. He invited NASA and USF&W to have a representative at the meeting along with Council to make sure this goes through the budget next year. He reviewed the Cigarette Tax information and stated it should be in place by January 1st. He reviewed the Financial Report adding that they received the 2nd tranche of the ARPA funds. He advised of the annual audit report stating there was no detection of fraud, malfeasance, or incompetence. He continued with the Meals and Transient Occupancy Tax revenue for June activity reported in July. He also reported on the Building and Zoning Department with 39 building permits for July. He informed Council that he signed a contract Friday with I-worQ Systems, Inc. to provide a cloud-based building and zoning permit service for the Town. He added that I-worQ can use the County GIS system within the software with no additional fees. It will take approximately 60 days to implement.

There were brief questions and comments about the cigarette tax.

Police Department

Chief Fisher gave an update to the July report in the packet. He reported that in July they assisted the Chincoteague Volunteer Fire Company with the carnival, fireworks, and swim. They supplied an officer at the carnival each night with no major problems. They conducted a department meeting on July 20th about the swim. Sgt. Adams and Cpl. Butler recertified in the breathalyzer operations. He commented that Town Manager Tolbert, Emergency Management Coordinator Rush, and the State Police were a big help. He advised they met with the troopers about their duties during the swim. He stated that the Governor's Protection Unit was here so the Governor and his wife could attend the Pony Swim. He stated that regarding the swim everyone in the Town, volunteers, bus drivers, and all did a great job with only a few glitches.

Mayor Leonard commented that he saw Chief Fisher in the YouTube videos of old pony swims and auctions. He also stated that the State Police were thorough.

Emergency Services

Director of Emergency Services Rush updated the numbers for July. They went from 90 to 133 calls. He advised that Pony Swim Day didn't start out well with calls but settled down later in the afternoon. They had 8 more calls than last July. He reported that out of the 133 calls, the average response time to get an ambulance at the emergency was 4.83 minutes. This is very good. He stated that this is due to the elected officials who put stock in the system, and the system working the way that it does. He advised that EMT Jonczak was presented with his Citation as he was unable to attend the last Council meeting. He thanked Parksley, Greenbackville, and Oak Hall for helping during the swim, and Oak Hall for helping during the auction and fireworks night. He also thanked the Atlantic Fire Company who did the fire watch during the fireworks on the 30th.

Director of Emergency Services Rush also reported they are continuing to monitor COVID and the weather. He announced an After-Action meeting for the fireworks and Pony Swim tomorrow. ANTARES is scheduled for a mid-October launch. He reported the COVID numbers for Virginia. He will have the After-Action Report completed by mid-August. He added that the Department of Homeland Security is looking for a Special Events Assessment by September 2nd, 2023. He also stated that 6 months and under can get vaccinated and for everyone to be weather aware.

Committee Reports:

Budget and Personnel Committee

Vice Mayor Bott advised they met on July 12th and discussed the surplus. They will discuss further in September to make recommendations to Council for allocation.

Adoption of the Minutes of the July 5th Council Meetings

Councilman Savage motioned, seconded by Councilwoman Bowden to adopt the minutes of the July 5th Council meetings as presented. Unanimously approved.

Eastern Shore Broadband Update

Mr. Bridgham with the Eastern Shore Broadband gave some history of the ESVBA. He advised of the speed, connection fees, programs for low income, and monthly costs.

Councilwoman Bowden asked how many Chincoteague customers have ESVBA and what the cost was.

Mr. Bridgham advised 7 and the service fee is \$150.00.

Councilwoman Bowden asked if they would bring it directly to the house and bury the line.

Mr. Bridgham stated they would and can bury it or bring it in overhead.

Councilwoman Bowden stated that they could go to ESVBA.com and sign up or call.

Mayor Leonard advised his motel has it and it is phenomenal. The schools, Town, and Fire Company also have it.

Councilwoman Richardson asked if the High School was the end of the line on North Main Street.

Mr. Bridgham advised it goes from the Harbor (South Main Street) all the way to the turn circle (North Main Street) and some side streets. They can install on any side street.

Councilwoman Richardson asked how much it would be to run service into Misty Meadows just off of North Main Street.

Mr. Bridgham advised they set the service connection fee for Chincoteague at \$150.

Community Center Capital Improvements

Town Manager Tolbert reported that the Center's HVAC needs replacing. He stated that Trane of Chesapeake looked at the system. He explained the age of the current system, the problems, and

advised of the new system that would be more efficient. He added that they can bridge the gap between the cloud ceiling so as not to change the appearance, but to make it more efficient. The cost for the new system would be \$167,000. He showed the schematics and explained that some of the preparation can be done in-house. He also stated that this could be paid for with the Center's Investment Account which has \$282,893.

Councilman McComb motioned, seconded by Councilwoman Bowden to approve the expenditure for the purchase of a new HVAC system for the Center. Unanimously approved.

There was further discussion.

Mayor and Council Comments

Councilwoman Bowden stated they weren't sure what to expect after 2 years of no carnival. She feels this was the best carnival season she's ever seen. She thanked every single person involved including the Chincoteague Volunteer Fire Company, the Town of Chincoteague staff, Public Works, the bus drivers, the Chincoteague Police Department, Sheriff's Office, and everyone for everything they did. She stated that it was a tremendous success. She also stated that the proceeds go back into the Town one way or another. She can't thank everyone enough for all their help and support. She concluded with "Go Yankees".

Councilman Taylor asked God to continue to bless them.

Councilman Savage stated that this is resiliency at its finest when we have the group of people that we have. He extended kudos to everyone.

Mayor Leonard stated it is something to see all the preparation work that goes into planning that everyone doesn't see at Pony Penning. He added that they can't have a successful Pony Penning without all of them. He thanked everyone. He advised he didn't get to see much of the carnival because he stayed in the back of the auxiliary stand. He commented that the lines on July 4th were nearly 2 hours long. He stated that it was amazing and thanked the citizens for their continued patience through July and throughout this month.

Closed Meeting in Accordance with §2.2-3711 (A) (1 & 5) of the Code of Virginia to discuss evaluation of senior staff, discussion of specific personnel and potential sale of real property. 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 evaluation of senior staff, discussion of specific personnel and potential business opportunities.

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.

(4) 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, 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

MINUTES OF THE AUGUST 18, 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. Robby Fisher, Chief of Police

Call to Order

Vice Mayor Bott 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

Mrs. Pat Farley, 3243 Lisa's Lane, stated she has had a number of people ask for an update on ARPA. They have not heard anything in several weeks. She knows this is a whole lot of money that the Town is spending. She commented further and asked for an update.

Agenda Adoption

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

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Consider Cigarette Tax Ordinance

Councilman Savage reported that the Ordinance Committee met on August 11th. They voted to recommend the imposition of \$0.40 per pack cigarette tax which is the maximum allowed by the state. There is a membership in the Chesapeake Region Cigarette Tax Board to allow the Board to collect the imposed tax in accordance with the retailers within the Town limits and submit the tax to the Town less a 5% administration fee. He stated that in order to impose a tax the Town must adopt an ordinance modifying Chapter 54 adding Article 7, Cigarette Tax, and to allow the membership in the Chesapeake Region Cigarette Tax Board. This has been reviewed and recommended by the Ordinance Committee and they ask Council to vote to proceed to public hearing on the proposed Cigarette Tax Ordinance, and the Ordinance to join the Chesapeake Bay Region Cigarette Tax Board, and schedule a public hearing for the September 6th, 2022, regular Council meeting on the tax and Board membership.

Councilwoman motioned, seconded by Vice Mayor Bott to proceed to public hearing. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Consider Meals Tax Ordinance Modification

Councilman Savage stated that the Ordinance Committee recommended changes to Section 54-306 of the Town Code for a disposition of the Meals Tax. The Committee recommended that Section 54-306 be revised to eliminate the Meals Tax Committee and its annual review of Meals Tax distribution and the 10% tourism mandate be met by distributing 5% to the Chamber of Commerce and another 5% to the Town's Center fund which contributes to the operation of the Chincoteague Center. The new ordinance would read as follows:

Sec. 54-306.

- a. A minimum of ten percent of the tax levied under the article shall be used to promote tourism. ~~The mayor will create a committee composed of island residents, one each from a restaurant, Chincoteague Chamber of Commerce and town council to recommend disposition of revenues collected to the town council.~~ *Five % of the tax collected shall be distributed to the Chincoteague Chamber of Commerce and 5% retained by the Town for the operation of the Chincoteague Center. Distributions will be made monthly based on the tax collected for that month. The Chamber of Commerce Executive Director will prepare an annual report to the Council in February outlining the specific use of the distributed funds for the previous fiscal year.*

- ~~b. A minimum of 5% shall be used for drainage or park and recreation related projects determined by the council each year.~~

Councilman Savage stated that Council is asked to act on the proposed Ordinance.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the changes to Section 54-306 of the Meals Tax Ordinance as presented. The motion was carried.

Ayes: Bowden, Richardson, Savage, Taylor

Nays: None

Abstain: Bott

Absent: McComb

Consider Personal Property Tax Rate

Town Manager Tolbert advised that back in April they addressed the real estate tax and reduced the tax as per the State Code to stay within 1% of the Town's collections from the previous year. There was a motion to recuse the personal property tax due to the perceived increase in value for this coming year. He advised he spoke with the County Administrator and Finance Director who have assisted him in narrowing down the value of personal property on Chincoteague which is difficult to do because the values change and the inventory of personal property changes. He reported that the best they can do is take an educated guess of what it would be. He stated that the motion made by Councilman McComb was at that time to reduce the property tax to collect less than a 1% increase from the personal property taxes from last year. Because this will be difficult to narrow down, they could do it after the fact and issue a rebate which would be cumbersome and costly on the Town's part. The other option would be to take an educated guess and reduce the tax to what they recommend it to be. He suggested reducing the tax by 15%. Car values, which are the major portion of personal property taxes seem to be rising. He feels 15% puts the Town in the neighborhood of the value of the cars. He recommended a 15% reduction.

Vice Mayor Bott asked how this works.

Town Manager Tolbert stated that values are reassessed for personal property in the spring. Taxes are collected based on the value of the personal property as of January 1st. He gave a further explanation. He continued that the next years assessment will catch up to the collections of Spring. What the Town collects in the fall is based on the value of the property of the previous January. When the assessment of the new evaluation comes in March that will not be assessed until the following January.

Vice Mayor Bott stated that they are still expected to see the increase January 1st from 2021. The increase of March 2022 will not be assessed until next year.

Town Manager Tolbert stated that the increase of March 2022 won't be assessed until after the 1st collection after January 1st.

Vice Mayor Bott asked if this would be applied for just this year or permanent.

Town Manager Tolbert stated that they expect at some point in time that personal property will start devaluing again. He added that at that time, they may want to take another look at this. He recommended they look at this again in another year.

Councilman Taylor motioned, seconded by Councilwoman Bowden to approve the 15% reduction for one year at which time they will review this matter again. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Mayor and Council Comments

There was none.

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.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (1 & 5) of the Code of Virginia to discuss perspective business opportunities and personnel matters. All present were in favor and the motion was carried.

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 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.

(5) 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, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Adjourn

Councilwoman Bowden motioned, seconded by Councilwoman Richardson 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 SEPTEMBER 6TH, 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. Tyler Greenley, Major
Mr. E. Bryan Rush, Director of Emergency Services

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

There was none.

Agenda Adoption

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

Staff Reports

General Government

Town Manager Tolbert reported on the meeting from Friday, August 19th with the Army Corps of Engineers regarding the Inlet Study. The purpose of the meeting was to start strategizing on how to get the Inlet Study advanced in priority when they submit it into their budget for FY24. The study is a \$3 million study with a 50% match which has been approved in the state budget last year.

Town Manager Tolbert also advised they discussed well relocation at the quarterly meeting with the Wallops Flight Facility. They were informed that the well relocation was dropped from the current funding this year. He has had contact with representatives with Congresswoman Luria's office and staff members from Senator Warner's office who are trying to get it included this year.

They advised it was a stretch to have it happen this year but were confident it would happen next year. He advised the Town was interested in extending the time frame from 5 years to 10 years and making the language to include desalination as well. He updated Council on the ARPA funds. The total ARPA funds are \$2,982,869. Council has approved 3 projects: 1) CVFC SCBA compressor purchase totaling \$53,750. 2) CVFC new ambulance grant match in the amount of \$90,000. 3) Cropper Street water line replacement which will cost \$128,000. This totals \$272,750 in expenditures leaving a balance of \$2,710,110. He added that the ARPA Committee, which was formed by Council to review and recommended projects for funding by ARPA funds had discussed at length using the remaining funds for acquisition of a limited capacity sewage plant and design and construction of a collection and conveyance system for that plant. This is an extremely expensive undertaking that would quickly spend the remaining funds. He advised that all ARPA funds must be obligated by December 2024, with a period of performance lasting until December 31, 2026.

Town Manager Tolbert reported that the rental spaces in the old firehouse was profitable in FY22. As of June 30, 2022, the Town has received \$32,085 in rental income and provided a total of \$20,302 in operations and maintenance costs over the same period. He anticipates some maintenance and upgrades in the building in the coming years. He reviewed the financial report. He also advised of the Meals and Transient Occupancy Tax revenues. He gave an update on the Building and Zoning report. He also reported that Public Works installed waterlines in Inlet View. There is demolition going on at Captain Bob's. The pavilion at Brianna's Park is almost complete and they are currently working on the restrooms. They have also been doing routine street sweeping, and the cemeteries were all cut in August. Town Manager Tolbert reported that they received the approved shop drawings for the VPA Grant. They are on the production schedule and waiting for a date the new materials will be shipped. He advised that one of the mosquito sprayers is down and there isn't an available replacement. They conducted 2 aerial mosquito spraying last month. They are installing a new boiler for the municipal building in-house later this week. The Memorial Park boat ramp is closed. The Army Corps of Engineers did a site visit and the engineers have been instructed to finalize the construction documents. Once the permit and documents are in-hand they will put it out for bids.

Councilwoman Bowden asked if they were going to try to pave Ocean Breeze in this cycle.

Town Manager Tolbert stated that VDOT advised they will give single lanes in Ocean Breeze, which is about 16'. The plan was not to do all the roads there at one time, but to do a little at a time. If VDOT approves the single-lane width, the plan is to do a road in there this year.

Vice Mayor Bott referenced the Captain Bob's property and asked Town Manager Tolbert if he made any headway conversing with the contractors about sidewalks, bulkheads, and such.

Town Manager Tolbert stated they made suggestions as to what they would like to see and were receptive to the requests. He advised he will touch base with them again to make sure they understand it's something they are serious about.

Councilwoman Richardson commented on the depth of the new water service for Inlet View.

Councilman Savage asked if there are any reports on the A/C unit at the Center.

Town Manager Tolbert reported that a serviceman was onsite today about the chiller. He was hoping to get the chiller through to November as they have a new chiller on order. The new equipment will be here in the winter. The serviceman advised that circuit #2 was completely depleted of freon. A leak was found, they pressurized the system, and drew a vacuum on it. When they come back tomorrow, if the vacuum holds, they will recharge the system. He hopes it will last to the end of the season.

Police Department

Major Greenley reported that on August 8th, Sgt. Adams completed a leadership institute at Christopher Newport University. He advised that on August 9th, the Church by the Beach reached out to the Police Department requesting active shooter training. He contacted DCJS who put on a webinar of Civilian Response and Casualty Care training. He stated they want to do this more often and include the other churches. He continued that also on August 8th, Pfc. Carmody completed the SRO training in Chesapeake and was back in the school this morning. On August 17th, Sgt. Adams attended a grant distribution workshop in Norfolk for the DMV Grant. He attended a Training Coordinators' meeting on August 23rd at the Criminal Justice Training Academy. Major Greenley also reminded everyone they are preparing for the Annual Poker Run this Saturday.

Councilwoman Bowden asked when the Poker Run starts.

Major Greenley advised the bikes leave at 9:00 a.m. from Harley Davidson in Salisbury. The last bike in is at 2:00 p.m., the auction starts at 3:00 p.m., and the band starts at 5:00 p.m.

Councilman McComb asked about this year's route.

Major Greenley advised that it starts in Salisbury at the Harley Davidson traveling down to Oak 110 in Snow Hill, Bucks Bar and Grill in the Pocomoke Forest, then back to Don's Seafood on Chincoteague.

Councilwoman Bowden asked if there were many registered.

Major Greenley reported that they had 33 pre-registered.

Councilwoman Richardson asked if they were going to close Main Street off.

Major Greenley advised they were.

Emergency Services

Director of Emergency Services Rush advised that in August they had 100 calls, which is 19 less than last year. He attended the EMS Advisory meeting on August 4th and 5th. He stated that the big topic was getting EMS as an essential service codified. They're working on language and bills but have to find a patron for the bill once it's ready. He explained that this was brought up because there were a lot of monies due to COVID that the EMS missed out on because nowhere in the Code lists EMS as an essential service. COVID proved that EMS is an essential service. Another topic was approving a new scope for the EMT advanced provider at the recommendation

of the Operational Medical Director Committee. This helps rural areas as not all rural areas can have a staff of paramedics like the Town does. They also decided to draft a letter to send to the National Registry of Emergency Medical Technicians opposing their accreditation resolution that they put forth. It would turn the Emergency Medical Service training accreditation backwards. Virginia is very robust in their training and accreditation programs. On August 17th, they voted to rescind that resolution. Director of Emergency Services Rush advised he had the opportunity to meet the state Health Commissioner, Dr. Cullen Green who was in the Army and is a rural doctor and understands the problems in rural Virginia. The Legislative and Planning Committee will meet off-cycle on September 23rd to work on the EMS Essential Bill and the state EMS Plan. They will meet again on November 17th and 18th.

Director of Emergency Services Rush reported on Emergency Management. They are still talking about COVID, weather monitoring and focusing on the tropics. They are also finishing the After-Action Reports. He reviewed the current tropical activity. He reported on the history of local storms. He reminded everyone that now is the time to prepare. The 7-day positivity rate for COVID is 17.6% which has fallen from last month and a little higher compared to last year.

Committee Reports: **Ordinance Committee**

Councilman Savage reported that the Ordinance Committee met on August 11th. They considered a modification to the Burning Ordinance. They made recommended changes which were incorporated to be presented to the Committee in September. They also discussed the Cigarette Tax Ordinance. The Committee recommended to join the Chesapeake Bay Region Cigarette Tax Board and recommended a tax rate of \$0.40 per pack which was voted on at the Council workshop meeting on August 18th to go to public hearing. They also discussed a modification to the Meals Tax Ordinance and the Committee agreed to forward the Town Manager's recommended revisions to Council. The Committee also reviewed the Noise Ordinance, and the Committee reserved the review of the ordinance.

Adoption of the Minutes of the August 1st and August 18th Council Meetings

Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the August 1st and August 18th Council meetings as presented. Unanimously approved.

Consider Property Line Vacation

Mayor Leonard advised they have a request for a lot line vacation for Mrs. Bonnie Jones on Ocean Blvd.

Councilwoman Bowden asked if this would make it one big log.

Mrs. Jones advised it would. She added that presently she is limited by the line

Councilwoman Bowden motioned, seconded by Councilman McComb to approve the property line vacation between lot 16 and lot 17 on Ocean Boulevard to create 1 parcel of land as requested. Unanimously approved.

Public Hearing on Adoption of the Town of Chincoteague Cigarette Tax Ordinance

Mayor Leonard opened the public hearing for the Cigarette Tax Ordinance. There were no comments.

Town Manager Tolbert reviewed the Ordinance. He advised that the Ordinance Committee met and considered a tax on all cigarettes sold on the Island District. There was recent action legislation which allows a locality to now tax cigarettes. The County is taxing its citizens a cigarette tax including the incorporated towns unless the incorporated towns impose the tax itself. The Ordinance Committee is recommending to Council \$0.40 per pack sold within the Town of Chincoteague and to go into effect January 1, 2023. In order to facilitate collections of the tax, it was recommended that the Town join the Chesapeake Bay Region Cigarette Tax Board. Their duty is to impose the tax for the Town, to collect the tax, and enforce it with an administrative fee of 5% of the tax. He feels this is very effective for the Town. He has not received an estimated total of the volume of cigarette packs sold on the Island. He also stated that if the Town joins the Tax Board there will be 11 members and of the current 10 members, 9 of them collect the maximum of \$0.40 per pack. The exception is the County of Accomack who is collecting \$0.10 per pack. The Ordinance Committee recommended \$0.40 per pack.

Councilwoman Bowden motioned, seconded by Vice Mayor Bott to add Article VII entitled the Town of Chincoteague Cigarette Tax Ordinance as presented to adopt the draft Ordinance approving the Town of Chincoteague membership in the Chesapeake Bay Region Cigarette Tax Board also as presented. Unanimously approved.

AN ORDINANCE AMENDING CHAPTER 54 OF THE TOWN OF CHINCOTEAGUE CODE, ADDING ARTICLE VII THERETO, IMPOSING A “CIGARETTE TAX”

WHEREAS, Virginia Code §58.1-3830 authorizes localities to levy taxes upon the sale or use of cigarettes (“cigarette tax”); and

WHEREAS, a public hearing on the proposed cigarette tax was held by the Town of Chincoteague Town Council (“Town Council”) on September 6, 2022, said public hearing having been duly advertised as required by law; and

WHEREAS, upon consideration of the proposed cigarette tax, the Town Council finds that the imposition of such tax would serve the interests of the citizens of the Town of Chincoteague by increasing public revenues for the enhancement of public services; and

WHEREAS, the Town Council further finds that joining the Chesapeake Bay Region Cigarette Tax Board (“CBRCTB”) will assist the Town of Chincoteague in the efficient administration and enforcement of the cigarette tax.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Town Council that the Town of Chincoteague hereby imposes a tax on the sale or use of cigarettes in the Town of Chincoteague as hereby set forth and under the terms and conditions herein, and that Chapter 54 of the Town of Chincoteague Code be, and it is hereby amended by adding Article VII, as follows:

Sec. 54-351. Short Title.

This article shall be known and cited as the Town of Chincoteague Cigarette Tax Ordinance.

Sec. 54-352. Definitions.

For the purposes of this article, the following words and phrases have the meanings respectively ascribed to them by this section, except in those instances where the context clearly indicates a different meaning:

“Administrator” means the individual employed by the CBRCTB to administer and enforce this ordinance, or his designated agents or appointees, including without limitation its Tobacco Revenue Agents.

“Board” or “CBRCTB” means the Chesapeake Bay Region Cigarette Tax Board.

“Carton” means any container, regardless of material used in its construction, in which packages of cigarettes are placed.

“Cigarette” means and includes any roll of any size or shape for smoking, whether filtered or unfiltered, with or without a mouthpiece, made wholly or partly of cut, shredded or crimped tobacco or other plant or substitute for tobacco, whether the same is flavored, adulterated or mixed with another ingredient, if the wrapper or cover is made of any material other than leaf tobacco or homogenized leaf tobacco, regardless of whether the roll is labeled or sold as a cigarette or by any other name.

“Cigarette Machine Operator” means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

“Dealer” means and includes every manufacturer's representative, wholesaler, retailer, cigarette machine operator, public warehouseman, or other person who shall sell, receive, store, possess, distribute, or transport cigarettes within or into the Town.

“Package” means and includes any container, regardless of the material used in its construction, in which separate cigarettes are placed without such cigarettes being placed into any container within the package. “Packages” are those containers of cigarettes from which they are consumed by their ultimate user. Ordinarily, a package contains twenty cigarettes; however, “package” includes those containers in which fewer or more than twenty cigarettes are placed.

“Person” means and includes any individual, firm, unincorporated association, company, corporation, joint stock company, limited liability company, group, agency, syndicate, trust or trustee, receiver, fiduciary, partnership, and conservator. The word “person” as applied to a partnership, unincorporated association, or other joint venture means the partners or members thereof, and as applied to a corporation or company, includes all the officers and directors thereof. The word “person” as applied to a limited liability company shall include all members and managers thereof.

“Place of business” means and includes any place where cigarettes are sold, placed, stored, offered for sale, or displayed for sale, or where cigarettes are brought or kept for the purpose of sale, consumption or distribution, including vending machines, by a dealer within the Town.

“Registered agent” means and includes every dealer in the Town who is issued a permit by the CBRCTB pursuant to section 54-535 below.

“Retail dealer” means and includes every person who, in the usual course of business, purchases or receives cigarettes from any source whatsoever for the purpose of sale within the Town to the ultimate consumer; or any person who, in the usual course of business, owns, leases or otherwise operates within his own place of business, one or more cigarette vending machines for the purpose of sale of cigarettes to the ultimate consumer within the Town; or any person who, in any manner, buys, sells, stores, transfers, or deals in cigarettes for the purpose of sale within the Town to the ultimate consumer, who is not licensed as a wholesaler or vending machine operator.

“Sale” or “sell” means and includes every act or transaction, regardless of the method or means employed, including barter, exchange or the use of vending machines or other mechanical devices or a criminal or tortious act whereby either ownership or possession, or both, of any cigarettes shall be transferred within the Town from a dealer as herein defined to any other person for a consideration.

“Stamp” means a small, gummed piece of paper or decal used to evidence provision for payment of the tax as authorized by the Chesapeake Bay Region Cigarette Tax Board, required to be affixed to every package of cigarettes sold, distributed, or used within the Town.

“Store” or “storage” means and includes the keeping or retention of cigarettes in this Town for any purpose except sale in the regular course of business.

“Tobacco Revenue Agent” means a person authorized by CBRCTB to act on its behalf in enforcement of this ordinance.

“Town” means Town of Chincoteague, Virginia.

“Use” means and includes the exercise of any right or power over any cigarettes or packages of cigarettes incident to the ownership or possession of those cigarettes or packages of cigarettes including any transaction where possession is given or received or otherwise transferred, other than a sale.

” User” means any person who exercises any right or power over any cigarettes or packages of cigarettes subject to the provisions of this article incident to the ownership or possession of those cigarettes or packages of cigarettes or any transaction where possession is given or received or otherwise transferred, other than a sale.

“Wholesale Dealer” means any individual, partnership, limited liability company, or corporation engaged in the sale of packages of cigarettes for resale into or within the Town.

Sec. 54-353. Levy and rate.

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby levied and imposed by the Town upon every person who sells or uses cigarettes within the Town an excise tax at a rate of \$0.40 for each package containing twenty cigarettes and \$0.02 for each cigarette contained in packages of fewer or more than twenty cigarettes sold or used within the Town. The tax shall be paid and collected in the manner and at the time hereinafter prescribed; provided, that the tax payable for each cigarette or cigarette package sold or used within the Town shall be paid but once.

Sec. 54-534. Administration and collection.

(a) The tax imposed by this article shall be evidenced by the use of a tax stamp and shall be paid by each dealer or other person liable for the tax under a reporting method

determined by the CBRCTB. Except as provided in Virginia Code Section 58.1-3830(D), the tax stamps shall be affixed in such a manner that their removal will require continued application of water or steam. Each dealer or other person liable for the tax is hereby required, and it shall be his duty, to collect, pay the tax, and report on a monthly basis all packages of cigarettes on forms prescribed for this purpose by the CBRCTB, including the following:

(1) The quantity of CBRCTB-stamped cigarettes sold or delivered to: (i) each registered agent appointed by the CBRCTB for which no tax was collected; (ii) each manufacturer's representative; and (iii) each separate person and place of business during the preceding calendar or fiscal month; and

(2) The quantity of CBRCTB stamps on hand, both affixed and unaffixed on the first and the last day of the preceding calendar month and the quantity of CBRCTB stamps or CBRCTB-stamped cigarettes received during the preceding calendar month; and

(3) The quantity of cigarettes on hand to which the CBRCTB stamp had not been affixed on the first and last day of the preceding calendar or fiscal month and the quantity of cigarettes received during the preceding calendar or fiscal month to which the CBRCTB stamp had not been affixed; and

(4) Such further information as the administrator for the CBRCTB may require for the proper administration and enforcement of this article for the determination of the exact number of cigarettes in the possession of each dealer or user.

(b) Each dealer or other person liable for the tax shall file such reports with the CBRCTB and pay to the CBRCTB the tax due prior to the monthly due date to be established by the Board and shall furnish copies of all cigarette tax reports submitted to the Virginia Department of Taxation.

(c) All money collected as cigarette taxes under this ordinance shall be deemed to be held in trust by the person collecting the same until remitted to the CBRCTB.

(d) When, upon examination and audit of any invoices, records, books, cancelled checks or other memoranda touching on the purchase, sale, receipt, storage or possession of tobacco products taxed herein, any dealer or other person liable for the tax is unable to furnish evidence to the CBRCTB of sufficient tax payments and stamp purchases to cover cigarettes which were sold, used, stored, received, purchased or possessed by such person, the prima facie presumption shall arise that such cigarettes were received, sold, used, stored, purchased or possessed by such person without the proper tax having been paid. The CBRCTB shall, from the results of such examination and audit based upon such direct or indirect information available, assess the tax due, impose a penalty of ten per cent (10%) of the gross tax due and may impose interest of three-quarters per cent ($\frac{3}{4}$ of 1%) per month of the gross tax due.

(e) When any dealer or other person liable for the tax files a false or fraudulent report or fails to perform any act or performs any act to evade payment of the tax, the CBRCTB shall administratively assess the tax due and impose a penalty not to exceed fifty per cent (50%) of

the gross tax due and interest of three-quarters per cent ($\frac{3}{4}$ of 1%) per month of the gross tax due.

(f) The dealer or other person liable for the tax shall be notified by certified mail of such deficiency and such tax, penalty and interest assessed shall be due and payable within ten (10) days after notice of such deficiency has been issued. Every dealer or other person liable for the tax shall examine each package of cigarettes to ensure that the CBRCTB stamp has been affixed thereto prior to offering them for sale.

(g) Any dealer or other person liable for the tax who shall receive cigarettes not bearing the CBRCTB stamp shall, upon receipt of such cigarettes, commence and with all reasonable diligence continue, to affix the CBRCTB stamp to each and every package of cigarettes until all unstamped packages of cigarettes have been stamped and before offering such cigarettes for sale.

(h) Any dealer or other person liable for the tax who has notified the CBRCTB that he is engaged in interstate or intrastate business shall be permitted to set aside such part of his stock as may be legally kept for the conduct of such interstate or intrastate business (that is, cigarettes held for sale outside the jurisdiction of the CBRCTB) without affixing the stamps required by this article. Any such interstate or intrastate stock shall be kept entirely separate and apart from the CBRCTB-stamped stock, in such a manner as to prevent the commingling of the interstate or intrastate stock with the CBRCTB stock.

(i) Any dealer or other person liable for the tax found to have had untaxed cigarettes which have been lost, whether by negligence, theft or any other unaccountable loss, shall be liable for and shall pay the tax due thereon.

(j) It shall also be the duty of each dealer or other person liable for the tax to maintain and keep for a period of three (3) years, not including the current calendar year, records of all cigarettes received, sold, stored, possessed, transferred, or handled by such person in any manner whatsoever, whether the same were stamped or unstamped, to make all such records available for audit, inspection, and examination at all reasonable times, as well as the means, facilities and opportunity for making such audit, inspection or examination upon demand of the board.

(k) Any penalty or interest assessed on a dealer, registered agent, or other person liable for the tax imposed under this article shall become part of the tax.

Sec. 54-535. Registered agents.

(a) Any dealer or other person liable for the tax who shall sell, use, store, possess, distribute or transport cigarettes within or into the Town shall first make application to the CBRCTB to qualify as a registered agent. The application form shall require such information as the CBRCTB deems necessary for the administration and enforcement of this article. Applications shall be subject to yearly registration fees for all wholesale dealers and all cigarette machine operators. Applicants shall provide a surety bond to the CBRCTB in the

amount of one hundred and fifty (150) percent of the applicant's average monthly tax liability. Such bonds shall be issued by a surety company authorized to do business in the Commonwealth of Virginia. Such bond shall be so written that, on timely payment of the premium thereon, it shall continue in force from year to year. In the event a surety bond expires or lapses, the registered agent shall promptly replace same. Any applicant whose place of business is outside the area subject to enforcement by the CBRCTB shall automatically, by filing virtue of filing of the application, be deemed to submit to the CBRCTB's legal jurisdiction and to appoint the administrator for the board as agent for any service of lawful process, unless the applicant designates an attorney with offices within the Town upon which lawful process is to be served.

(b) Upon receipt of a properly completed application and the required surety bond, the CBRCTB shall determine whether the applicant qualifies to be a registered agent. The CBRCTB will issue to qualified applicants a yearly registered agent permit to enable such agent to purchase, sell, use, store, possess, distribute or transport within or into the Town, CBRCTB-stamped cigarettes.

(c) By submitting an application, registered agents obligate themselves to the reporting and payment requirements placed upon them by this article and the rules and regulations as from time to time may be promulgated by the CBRCTB.

(d) When any registered agent's monthly report and payment of the tax is not received within the dates prescribed, the CBRCTB shall impose a late reporting penalty of ten per cent (10%) of the gross tax due or \$10.00, whichever is greater; provided that no penalty and interest shall be assessed if an extension is granted by the board under section 54-544 of this ordinance and the report is filed and tax paid within the extended time period.

(e) The CBRCTB also may require such registered agent to provide proof that the agent has complied with all applicable laws of the Commonwealth of Virginia to legally conduct such business and to file financial statements showing all assets and liabilities.

(f) The CBRCTB may revoke or suspend any registered agent's permit due to failure to file tax reports in a timely manner, non-payment of taxes due, or if the cigarette tax surety bond should lapse or become impaired for any reason.

(g) Registered agents must account for all CBRCTB authorized tax stamps purchased. Periodic audits may be conducted to determine any unaccounted variance between the number of stamps purchased and the number of stamps reported, and an assessment will be made for all unaccounted stamps. Any assessment of registered agents located outside the jurisdictions of the CBRCTB will be based upon the average sales of packages of cigarettes by jurisdiction during the audit period. For registered agents located within the jurisdictions of the CBRCTB, any assessment will be based upon the tax rate of the jurisdiction in which they are located ("jurisdictional tax"). In addition, there will be a penalty for non-reporting of ten (10) percent of the gross tax due.

Sec. 54-536. Requirements for retail dealers.

(a) Retail dealers who shall sell, offer for sale, store, possess, distribute, purchase, receive or transport cigarettes for the purpose of sale within the Town to ultimate consumers shall purchase cigarettes only from registered agents. Retail dealers shall provide the registered agent with the business trade name and physical address where the cigarettes will be placed for sale to the public. Cigarettes purchased for personal use cannot be brought into a business for resale. Only properly registered and licensed retail stores may sell cigarettes to the public. To be properly registered and licensed, a retail store must first have a valid Virginia state sale and use tax certificate and valid retail business license issued by the Town. Cigarettes must be purchased and stored separately for each business location.

(b) All copies of cigarette purchase invoices/receipts must be retained by the retailer for a period of three years and shall be made available to the CBRCTB upon request for use in conducting audits and investigations. All copies of cigarette purchase invoices/receipts must be stored at the business retail location for a period of one year from date of purchase. Failure to provide cigarette invoices/receipts may result in confiscation of cigarettes until such invoices/receipts are produced and can be reviewed by the Board to verify the proper tax has been paid.

(c) The retail dealer shall ensure that all cigarettes placed for sale or stored at each location are properly taxed and stamped. Cigarettes found without the CBRCTB stamp or the proper jurisdictional tax paid will be seized by the tobacco revenue agents of the board.

(d) Retail dealers must make their places of business available for inspection by CBRCTB tobacco revenue agents to ensure that all cigarettes are properly tax-stamped, and all cigarette taxes are properly paid.

Sec. 54-537. Presumption of illegality; seizure of contraband goods, sealing/seizing of machines.

(a) If any dealer, cigarette machine operator or other person liable for the tax imposed by this article is found to possess any cigarettes without the tax imposed by this article paid or the proper tax stamp affixed, there shall be a rebuttable presumption that any such dealer, cigarette machine operator or other person shall be in possession of untaxed cigarettes in violation of this article.

(b) If any cigarettes are placed in any vending machines within the Town, then there shall be a rebuttable presumption that such cigarettes were placed in that machine for sale within the Town. If any vending machine located within the Town contains cigarettes upon which the CBRCTB tax stamp has not been affixed or on which the tax imposed by this article has not been paid or containing cigarettes placed so as to not allow visual inspection of the CBRCTB tax stamp through the viewing area as provided for by the vending machine manufacturer, then there shall be a rebuttable presumption that the machine contains untaxed cigarettes in violation of this article.

(c) Any cigarettes, vending machines, cigarette tax stamps or other property found in violation of this article shall be declared contraband goods and may be seized by the CBRCTB. In addition to any tax due, including penalty and interest thereon, the dealer or other person liable for the tax possessing such untaxed cigarettes or tax stamps shall be subject to criminal penalties herein provided.

(d) In lieu of seizure, the CBRCTB may seal such vending machines to prevent continued illegal sale or removal of such cigarettes. The removal of such seal from a vending machine by any unauthorized person shall be a violation of this article. Nothing in this article shall prevent the seizure of any vending machine at any time after it is sealed.

(e) All cigarette vending machines shall be plainly marked with the name, address and telephone number of the owner of said machine.

Sec. 54-538. Illegal acts.

(a) It shall be unlawful and a violation of the article for any dealer, registered agent, or other person liable for the tax:

(1) To perform any act or fail to perform any act for the purpose of evading the payment of any tax imposed by this article or of any part thereof, or to fail or refuse to perform any of the duties imposed upon such person under the provisions of this article or to fail or refuse to obey any lawful order which may be issued under this article; or

(2) To falsely or fraudulently make, or cause to be made, any invoices or reports, or to falsely or fraudulently forge, alter or counterfeit any stamp, or to procure or cause to be made, forged, altered or counterfeited any such stamp, or knowingly and willfully to alter, publish, pass or tender as true any false, altered, forged or counterfeited stamp or stamps; or

(3) To sell, offer for sale, or distribute any cigarettes upon which the CBRCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid; or

(4) To possess, store, or use, or to authorize or approve the possession, storage or use of, any cigarette packages upon which the CBRCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid, provided that mere possession of untaxed cigarettes of not more than six cartons (sixty packages) shall not be a violation of this ordinance; or

(5) To transport, or to authorize or approve the transportation of, any cigarette packages in quantities of more than six (6) cartons (sixty packages) into or within the Town upon which the CBRCTB tax stamp has not been affixed or upon which the jurisdictional tax has not been paid, if they are: (A) not accompanied by a receipt/bill of lading or other document indicating the true name and address of the consignor or seller and the consignee or purchaser and the brands and quantity of cigarettes transported; or (B) accompanied by a receipt/bill of lading or other document which is false or fraudulent in whole or part; or (C) accompanied by a receipt/bill of lading or other document indicating: (i) a consignee or purchaser in another state or the District of Columbia who is not authorized by the law of such other jurisdiction to receive or possess such tobacco products on which the taxes imposed by such other jurisdiction have not been paid unless the tax on the jurisdiction of destination has been paid and said cigarettes bear

the tax stamps of that jurisdiction; or (ii) a consignee or purchaser in the Commonwealth of Virginia but outside the taxing jurisdiction who does not possess a Virginia Sales and Use Tax Certificate and, where applicable, any licenses issued by the Commonwealth or local jurisdiction of destination; or

(6) To reuse or refill with cigarettes any package from which cigarettes have been removed, for which the tax imposed has been theretofore paid; or

(7) To remove from any package any stamp with intent to use or cause the same to be used after same has already been used or to buy, sell, or offer for sale or give away any used, removed, altered or restored stamps to any person, or to reuse any stamp which had theretofore been used for evidence of the payment of any tax prescribed by this article or to sell, or offer to sell, any stamp provided for herein; or

(8) To sell, offer for sale or distribute any loose or single cigarettes; or

(9) To perform any act that violates the regulations and resolutions promulgated by the Board.

(b) Cigarettes found in quantities of more than six cartons (60 packages) within the Town shall be conclusively presumed to be for sale or use within the Town and may be seized and confiscated if they are in transit and fall within subsection (5) above or they are not in transit and the tax imposed under this article has not been paid, nor have arrangements for payment been made and approved. This subsection shall not apply to cigarettes in the possession of distributors or public warehouses that have filed notice and appropriate proof with the CBRCTB that those cigarettes are temporarily within the Town and will be sent to consignees or purchasers outside of the Town in the normal course of business.

Sec. 54--539. Membership in the Chesapeake Bay Region Cigarette Tax Board.

(a) This ordinance adopted by the Town, pertaining to the Town's membership in the Chesapeake Bay Region Cigarette Tax Board is hereby made a part of this article by reference.

(b) Any direct conflict between the powers granted to the CBRCTB in the ordinance pertaining to the Town's membership in the Chesapeake Bay Region Cigarette Tax Board, and herein incorporated by reference and the powers granted to the CBRCTB in this article shall be resolved in favor of this article, however, the powers granted herein and in said ordinance shall be read cumulatively.

(c) The CBRCTB's fiscal year shall be from July 1 through June 30.

Sec. 54-540. Powers of the Chesapeake Bay Region Cigarette Tax Board.

The CBRCTB may delegate any of its powers to its administrator or employees and may adopt regulations regarding the administration and enforcement of the provisions of this article.

(a) In addition to those duties specified in Virginia Code §58.1-3832.1 and the powers of administration and enforcement enumerated in this ordinance, the CBRCTB shall be granted the following additional powers:

(1) To sue and be sued in its own name;

(2) To prescribe the design of a stamp(s) and to issue and sell said stamps to authorized dealers;

(3) To establish different classes of taxpayers;

(4) To promulgate resolutions for the assessment and collection of cigarette taxes and the enforcement of this ordinance;

(5) To conduct inspections of any place of business in order to enforce the provisions of this ordinance and all resolutions of the CBRCTB;

(b) The board may employ legal counsel, bring appropriate court action in its own name to enforce payment of the cigarette tax or penalties and interest owed and file tax liens against property of dealers and other persons responsible for collection and payment of the tax imposed by this article.

(c) The CBRCTB is authorized to enter into an agreement with the Virginia Department of Taxation under which a registered agent who is also qualified to purchase Virginia Revenue Stamps, may qualify to purchase Dual Virginia - CBRCTB stamps from the Virginia Department of Taxation. Authority to purchase dual Virginia - CBRCTB stamps is granted solely by the CBRCTB and may be revoked or suspended for violations of this ordinance or resolutions adopted by the Board.

(d) The CBRCTB may appoint certain employees as tobacco revenue agents, who shall be required to carry proper identification while performing their duties. Tobacco revenue agents are further authorized to conduct inspections of any place of business and shall have the power to seize or seal any vending machines, seize any cigarettes, counterfeit stamps, or other property found in violation of this article and shall have the power of arrest upon reasonable and probable cause that a violation of this article has been committed. The CBRCTB is authorized to provide its tobacco revenue agents with (1) firearms for their protection; (2) emergency equipped vehicles while on duty; and (3) other equipment deemed necessary and proper.

(e) The CBRCTB may exchange information relative to the sale, use, transportation, or shipment of cigarettes with an official of any other jurisdiction entrusted with the enforcement of the cigarette tax laws of said other jurisdiction.

Sec. 54-541. Jeopardy assessment.

If the administrator of the CBRCTB determines that the collection of any tax or any amount of tax required to be collected and paid under this article will be jeopardized by delay, the administrator shall make an assessment of the tax or amount of tax required to be collected and shall mail or issue a notice of such assessment to the taxpayer together with a demand for immediate payment of the tax or of the deficiency in tax declared to be in jeopardy, including penalties and interest. In the case of a current period for which the tax is in jeopardy, the administrator may declare the taxable period immediately terminated and shall cause notice of such finding and declaration to be mailed or issued to the person owing the tax, together with a demand for immediate payment of the tax based on the period declared terminated, and such tax shall be immediately due and payable, whether or not the terms otherwise allowed by this article for filing a return and paying the tax has expired.

Sec. 54-542. Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.

(a) Any person assessed by the CBRCTB with a cigarettes tax, penalties and interest, or any person whose cigarettes, vending machines and other property have been sealed or seized under processes of this article, who has been aggrieved by such assessment, seizure or sealing may file a request for a hearing before the administrator for the CBRCTB for a correction of such assessment and the return of such property seized or sealed.

(b) Where holders of property interest in cigarettes, vending machines, or other property are known at time of seizure or sealing, the CBRCTB shall send notice of seizure or sealing to the holders of such property interests by certified mail within twenty-four hours of the seizure or sealing. Where holders of property interests are unknown at time of seizure or sealing, CBRCTB shall have been deemed to give sufficient notice to such unknown interest holders by posting such notice to a door or wall of the room or building that contained such seized or sealed property. Any such notice of seizure or sealing, and any notice of assessment of tax, penalty and interest, shall include procedures for an administrative hearing for correction of the assessment and return of such property seized or sealed and an opportunity to assert affirmative defenses.

(c) A hearing shall be requested in writing within ten (10) days of the notice of the contested assessment, seizure or sealing, and the request shall set forth the reasons why said tax, penalties and interest, cigarettes, vending machines or other property should be returned or released. Within five (5) days after receipt of such hearing request, the administrator shall notify the petitioner by certified mail of a date and time for the informal presentation of evidence at a hearing to be held within fifteen (15) days of the date the administrator's notice is mailed. Any such request for a hearing shall be denied if the assessed tax, penalties and interest has not been paid as required or if the request is received more than ten (10) days from the first notice to the petitioner of such assessment, seizure or sealing. Within five (5) days after the hearing, the administrator shall notify the petitioner, by registered mail, whether the request for a correction of the assessment and the release of seized or sealed property has been granted or refused.

(d) Appropriate relief shall be given by the administrator if the preponderance of the evidence shows that the tax was erroneously assessed because (i) the cigarettes, vending machines or other property were in the possession of a person other than the petitioner without the petitioner's consent at the time said cigarettes, vending machines, or other property were seized or sealed; or (ii) petitioner was authorized to possess the untaxed cigarettes. If the administrator is satisfied that the tax was erroneously assessed, the administrator shall refund the amount erroneously assessed together with any interest and penalties paid thereon and shall return any cigarettes, vending machines or other property seized or sealed to the petitioner. Any petitioner who is dissatisfied with the written decision of the administrator may within thirty (30) days of the date of such decision, appeal such decision to the appropriate court in the jurisdiction where the seizure or sealing occurred.

Sec. 54-543. Disposal of seized property.

Any seized and confiscated cigarettes, vending machines or other property used in the furtherance of any illegal evasion of the tax may be disposed of by sale or other method deemed appropriate by the CBRCTB after any petitioner has exhausted all administrative appeal procedures. No credit from any sale of cigarettes, vending machines, or other property seized shall be allowed toward any tax and penalties assessed.

Sec. 54-544. Extensions.

The administrator, upon a finding of good cause, may grant an extension of time to file a tax report upon written application for a period not exceeding thirty (30) days. Except as hereinafter provided, no interest or penalty shall be charged, assessed or collected by reason of the granting of such an extension.

Sec. 54-545. Penalty for violation of article.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00) or imprisonment for not more than twelve (12) months or by both such fine and imprisonment. Such fine and/or imprisonment shall not relieve any such person from the payment of any tax, penalty or interest imposed by this article.

Sec. 54-546. Each Violation a separate offense.

The sale of any quantity, the use, possession, storage or transportation of more than six (6) cartons (sixty (60) packages) of cigarettes upon which the CBRCTB tax stamp has not been affixed or the proper jurisdictional tax has not been paid shall be and constitute a separate violation. Each continuing day of violation shall be deemed to constitute a separate offense.

Sec. 54-547. Severability.

If any section, phrase, or part of this article should for any reason be held invalid by a court of competent jurisdiction, such decision shall not affect the remainder of the article; and every remaining section, clause, phrase or part thereof shall continue in full force and effect.

This Ordinance shall become effective on January 1, 2023.

J. Arthur Leonard, Mayor

Attest:

Michael T. Tolbert, Town Manager

**AN ORDINANCE APPROVING TOWN OF CHINCOTEAGUE MEMBERSHIP IN A
JOINT ENTITY KNOWN AS THE CHESAPEAKE BAY REGION CIGARETTE TAX
BOARD**

WHEREAS, pursuant to the authority granted to localities under § 15.2-1300 of the Code of Virginia, as amended, the Town Council of the Town of Chincoteague, Virginia has determined that membership in the Chesapeake Bay Region Cigarette Tax Board (the "CBRCTB") would serve the public interest in promoting the efficient administration, collection, accounting, disbursement, compliance monitoring and enforcement of cigarette taxes assessed by the Town and the other localities desiring to join the Board; and,

WHEREAS a public hearing on this proposed Ordinance was held by the Town Council of the Town of Chincoteague, Virginia on September 6, 2022, duly advertised as required by law and considered for adoption; and,

WHEREAS, the Town Council has reviewed an agreement establishing the Board and defining its powers, duties, and other procedures, the text of which is attached hereto and incorporated herein as "Exhibit A," and agrees with the terms as set forth therein; and,

WHEREAS, the Town Council of Town of Chincoteague, Virginia has been notified that the requisite number of localities have approved the formation of the Board and the aforementioned agreement, and the Town Council wishes to authorize the Town's membership therein and authorize the execution of said agreement on the Town's behalf.

NOW WHEREFORE, the Town Council of Town of Chincoteague hereby **ORDAINS AS FOLLOWS**:

1. Under authority of 15.2-1300, the Town's membership in the Chesapeake Bay Region Cigarette Tax Board, is hereby approved;

2. The agreement, attached hereto as Exhibit A, is hereby APPROVED and the Town Manager is authorized to execute the same on behalf of the governing body; and,

3. The powers and authority of the CBRCTB, as set forth in the agreement are hereby **APPROVED**.

This Ordinance shall be effective January 1, 2023.

J. Arthur Leonard, Mayor

Consider Amendment to Meals Tax

Councilman Savage explained that the Ordinance Committee agreed to recommend to Council the Town Manager's recommended revisions to the Meals Tax Ordinance, Section 54-306.

Councilman McComb motioned, seconded by Councilwoman Bowden that Section 54-306 of the Town Code be amended to eliminate the existence of a Meals Tax Committee and that the required distribution of tourism funds be allocated as defined in the Ordinance. Unanimously approved.

Section 54-306 of the Town Code requires a minimum of 10% of all meals tax collections to be dedicated to tourism as recommended by the mayor's meals tax committee annually. For the last several years, the 10% requirement has been satisfied by distributing 5% to the Chincoteague Center and 5% to the Chamber of Commerce. During the FY22 budget year, distributions to the Chamber were halted in March due to revenues exceeding the budgeted amount for this line item.

It is proposed that Section 54-306 be revised to eliminate the meals tax committee and its annual review of meals tax distributions and that the 10% tourism mandate be met by distributing 5% to the Chamber of Commerce and another 5% to the Town's Center fund which contributes to the operation of the Chincoteague Center. The new ordinance would read as follows.

Sec. 54-306.

- c. A minimum of ten percent of the tax levied under the article shall be used to promote tourism. ~~The mayor will create a committee composed of island residents, one each from a restaurant, Chincoteague Chamber of Commerce and town council to recommend disposition of revenues collected to the town council.~~ *Five % of the tax collected shall be distributed to the Chincoteague Chamber of Commerce and 5% retained by the Town for the operation of the Chincoteague Center. Distributions will be made monthly based on the tax collected for that month. The Chamber of Commerce*

Executive Director will prepare an annual report to the Council in February outlining the specific use of the distributed funds for the previous fiscal year.

- ~~d. A minimum of 5% shall be used for drainage or park and recreation related projects determined by the council each year.~~

Mayor and Council Comments

Vice Mayor Bott suggested that during the winter months they look into possible revisions of the mosquito control process such as targeted spraying and hitting larva. He feels they can look into doing something more efficient and better than what they're doing.

Councilman McComb agreed.

Councilman Taylor stated that it is nice to have the carnival back, people enjoyed it and things are going back to normal. He added that they do the best they can with what they have.

Mayor Leonard closed with "Roll Tide".

Closed Meeting in Accordance with §2.2-3711 (A) (3 & 7) of the Code of Virginia for discussion and consideration of the acquisition of real property for a public purpose and consultation with staff pertaining to probable litigation.

Councilman Savage motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711 (A) (3 & 7) for discussion and consideration of the acquisition of real property for a public purpose and consultation with staff pertaining to probable litigation.

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

(6) 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, Savage, Taylor

Nays: None

Absent: None

Adjourn

Councilman Savage motioned, seconded by Councilwoman Bowden to adjourn.

Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

**MINUTES OF THE SEPTEMBER 15, 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 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 Bowden to adopt the agenda as presented. Unanimously approved.

Special Presentation

Mayor Leonard read and presented Certificates of Recognition to Mr. Leonard Jester, Mrs. Nora Walker, and Mrs. Winnie Rose Barrett in recognition of their 90th birthdays.



CERTIFICATE OF RECOGNITION

PRESENTED TO

Mr. Leonard Jester

WHEREAS, Mr. Leonard Jester will be honored by relatives and friends on the occasion of his 90th birthday; and

WHEREAS, Mr. Jester was born on August 12, 1932, and has been a lifelong and valued member of this Chincoteague community; and

WHEREAS, Mr. Jester married Mary Grace Mears and raised 2 children and 3 grandchildren; and

WHEREAS, during a long and productive lifetime, he has owned and operated several businesses critical to the Town's growth and development; and

WHEREAS, Mr. Jester served his community as a member of the Chincoteague Town Council, Chincoteague Volunteer Fire Department and Union Baptist Church, is dedicated to the welfare of others and has earned the respect and affection of people from all walks of life and all ages;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mr. Leonard Jester on the occasion of his 90th birthday, with sincere congratulations and best wishes for many more happy and productive years.

DATED this 15th day of September 2022.

Mayor John A. Leonard

Attest:

Michael T. Tolbert, Town Manager



CERTIFICATE OF RECOGNITION

PRESENTED TO

Mrs. Winnie Rose Barrett

WHEREAS, Mrs. Winnie Rose Barrett will be honored by relatives and friends on the occasion of her 90th birthday; and

WHEREAS, Mrs. Barrett was born on August 16, 1932, and has been a long-time member of this Chincoteague community; and

WHEREAS, Mrs. Barrett married Mr. Winfred Barrett and raised three children, 5 grandchildren, 7 great grandchildren; and

WHEREAS, during a long and productive lifetime, she has operated a long-term rental business and enjoyed being a member of Union Baptist Church where she taught children's Sunday School for 55 years; and

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

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mrs. Winnie Rose Barrett on the occasion of her 90th birthday, with sincere congratulations and best wishes for many more happy and productive years.

DATED this 15th day of September 2022.

Mayor John A. Leonard

Attest:

Michael T. Tolbert, Town Manager



CERTIFICATE OF RECOGNITION

PRESENTED TO

Mrs. Nora Adams Walker

WHEREAS, Mrs. Nora Walker will be honored by relatives and friends on the occasion of her 90th birthday; and

WHEREAS, Mrs. Walker was born on August 28, 1932, and has been a long-time member of this Chincoteague community; and

WHEREAS, Mrs. Walker married Mr. Ray Walker Jr. and this union produced four children, 5 grandchildren and 3 great grandchildren; and

WHEREAS, during a long and productive lifetime, she has operated several business ventures including a farm, decoys sales and tourist homes and enjoyed being a member of Union Baptist Church; and

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

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mrs. Nora Walker on the occasion of her 90th birthday, with

sincere congratulations and best wishes for many more happy and productive years.

DATED this 15th day of September 2022.

Mayor John A. Leonard

Attest:

Michael T. Tolbert, Town Manager

Mr. Jester expressed his appreciation.

Councilwoman Richardson advised Mr. Jester was one of the carpenters that worked on the 2nd part of the firehouse in 1957. She added that it was Mr. Jester along with Mr. Frank Tolbert

Mrs. Barrett stated she has enjoyed having the Mayor's children in Sunday School. She also expressed her appreciation.

Mrs. Walker also appreciated the award. She too stated she enjoyed the children in Sunday School. She thanked Council.

Consider Recommendations of Budget and Personnel Committee

Vice Mayor Bott advised they met Tuesday night. They discussed the surplus left from the FY22 fiscal year. They previously decided to allocate funds to the reserves. This meeting was to tackle the remaining funds of the surplus. The conclusion of the Committee's discussion was broken down into two separate paths. The first was that the Committee voted to allocate funds for a one-time employee bonus.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the recommendation of the Budget and Personnel Committee to allocate and distribute \$30,000 as a one-time employee bonus. Unanimously approved.

Vice Mayor Bott continued that the 2nd part of the discussion was for the remaining balance.

Town Manager Tolbert gave a list of select projects to prioritize the rest of the funding of \$401,522. He reported there are 8 projects: 1st priority is to replace the sidewalks on Cropper Street. 2nd priority is for phase 2 of the Center's HVAC. 3rd priority is a unified Town surveillance system to provide surveillance in all of the parks, Municipal Center, Public Works, and the Center. 4th priority is upgraded audiovisual system at the Center. 5th priority is lighting at the Brianna's Park. 6th priority will be to install a new gym floor at the Amrien Center. 7th prior to overlay the parking lot at Memorial Park. 8th priority Memorial Park spinner.

Councilwoman Bowden stated that the first 3 priorities come to \$451,000.

There was discussion as to the projects and possibly paying out of different funds.

Mayor Leonard feels they should do projects: 1) Cropper Street sidewalks, 2) 2nd phase of Center's HVAC, 4) upgrade the audiovisual system at the Center, and 6) installation of a new gym floor at the Amrien Center.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden, and Councilman McComb to complete, and pay for: Projects 1) Cropper Street sidewalks, 2) 2nd phase of Center's HVAC, 4) upgrade the audiovisual system at the Center, and 6) installation of a new gym floor at the Amrien Center and allow Town Manager Tolbert to move forward with the expenditures. Unanimously approved.

Mayor and Council Comments

Councilman Savage stated that the 3 recipients were well worthy of the honor.

Councilman Taylor hopes and prays to see each of the recipients again.

Councilman McComb congratulated them as well.

Vice Mayor Bott also congratulated them.

Councilwoman Bowden stated she was looking back at Mrs. Walker and Mrs. Barrett as Sunday School teachers. She also stated that the 3 of them, who went down different paths, have no idea what impact they've had on future generations. She stated that when you hear the names, Mr. Leonard Jester, Mrs. Nora Walker, and Mrs. Winnie Rose Barrett, there aren't many people that wouldn't have a smile on their face when they hear their names. She expressed her appreciation for every single thing they have contributed to this community and to the young people that have grown up in their presence.

Councilwoman Richardson agreed. She stated that being teachers not only in the Sunday School class but school, you never know what impact you have on a child's life, it means a lot. She thanked them and hoped they have many more years.

Mayor Leonard thanked them adding they don't know the impact they all have had throughout the generations. They made Chincoteague what it is.

Closed Meeting in Accordance with §2.2-3711 (A) (3,7) of the Code of Virginia to discuss prospective business opportunities and pending legal matters.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (3 & 7) 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, 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 Councilwoman Richardson in accordance with §2.2-372 (D) of the Code of Virginia that the Council certify that to the best of each Council Member's knowledge.

(1) only public business matters lawfully exempted from opening meeting requirements under this chapter and 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, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

OCTOBER 3, 2022 MEETING WAS CANCELLED

**MINUTES OF THE OCTOBER 20, 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:

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 Savage 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. Kay Brasure Loving, 6343 Cleveland Street, addressed Council regarding drainage issues due to over-filling of an adjacent property. She explained that the contractor filled the property level with the adjacent properties and then brought in 17 more loads causing neighboring properties to flood and hold water. She further expressed her concerns and asked Council to review the current Fill Ordinance and make it more efficient. She showed pictures as well.

There was discussion and comments. Town Manager Tolbert explained that the Ordinance doesn't specifically say they can't fill higher than neighboring properties, but it does say that you cannot fill in such a way that runoff would run onto the neighbor. He stated that the contractor was asked to stop because they didn't do what was permitted. They were then asked to have an engineer create a drainage plan for the lot and the plan was shared with Mrs. Loving. The Contractors went to great extents, the drainage plan was approved, and the permit was issued. The engineer is going back after the foundation is in place to recheck the grading to ensure they are in conformance with the plan. He added that the system will drain toward the street. The basin on the lot came from surrounding lots. He felt they would lose if the lot had to be maintained as a drain pond. Town Manager Tolbert added that the best thing to do is make sure all water is transported to the street and doesn't run out to the neighboring properties. Council commented further. There was a suggestion to install a sump pump on Cleveland Street to help with the drainage issues. They also asked what the recourse would be if this isn't done correctly and as agreed. It was decided that the C.O. would be held up until it was in compliance.

Consider Remote Participation

Mayor Leonard advised that Councilman McComb is attending the meeting by phone.

Councilwoman Richardson motioned, seconded by Councilwoman Bowden to allow remote participation by Councilman McComb. Unanimously approved.

Agenda Adoption

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

Proclamation – Cemetery Cleanup Week

Councilwoman Richardson read the proclamation for Cemetery Cleanup Week for the week of October 6th – October 12th.



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 November 6th through 12TH, 2022, 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 20st day of October, 2022.

John A. Leonard, Mayor

ATTEST:

Michael T. Tolbert, Town Manager

Consider Open Burning Ordinance

Councilman Savage advised that at the September 8th Ordinance Committee meeting they approved minor changes. He explained the changes.

Councilwoman Bowden feels this Ordinance covers everything they want it to do and still allows fire pits.

Councilman Savage motioned, seconded by Councilwoman Bowden to approve the proposed Open Burning Ordinance amending Chapter 26 of the Code of Chincoteague by adding Article IV on Open Burning. Unanimously approved.

AN ORDINANCE AMENDING CHAPTER 26 OF THE TOWN OF CHINCOTEAGUE CODE, ADDITION ARTICLE IV THERETO, IMPOSING REGULATIONS ON OPEN BURNING

WHEREAS, the code of Virginia authorizes localities to adopt ordinances regulating open burning within their jurisdiction; and

WHEREAS, the Town of Chincoteague Ordinance Committee has met, reviewed and recommended the proposed ordinance to the full Council; and

Whereas, upon consideration of the proposed ordinance, the Town Council finds that the proposed limitations would assist residents and visitors by providing for and increasing the margin of safety with respect to fire; and

Whereas, upon review, the Virginia Pollution Control Board has reviewed and determined it to be in compliance with its mandated model ordinance.

NOW THEREFORE, BE IT HERBY ORDAINED by the Town Council that the Town of Chincoteague herby adopts this ordinance regulating the practice of open burning as hereby set forth and under the terms and conditions herein, and that chapter 26 of the Town of Chincoteague Code be, and it is hereby amended by adding Article IV, as follows:

ARITCLE IV OPEN BURNING

Sec. 26-60. Title.

This article shall be known as the Town of Chincoteague ordinance for the regulation of open burning.

Sec. 26.61. Purpose.

The purpose of this article is to protect public health, safety, and welfare by regulating open burning within the Town to achieve and maintain, to the greatest extent practicable, a level of air quality and public safety that will provide comfort and convenience while promoting economic and social development as well as public safety. This article is intended to supplement the applicable regulations promulgated by the state air pollution control board and other applicable regulations and laws.

Sec. 26.62. Scope of article.

This article shall apply to all areas within the incorporated limits of the Town of Chincoteague

Sec 26.63. Application of article.

Except as provided in sections on “Notification of burning activities” and “Precautions required to prevent spread of fire”, the provisions of this article apply to any person who permits or engages in open burning or who permits or engages in burning using open pit incinerators, conical burners (teepee burners), and such other devices or methods specifically designed to provide good combustion performance.

Sec 26.64. Definitions.

For the purpose of this article and subsequent amendments or any orders issued by the Town of Chincoteague, the words or phrases shall have the meaning given them in this section. The following is a list of definitions used in the Town of Chincoteague local ordinance.

Automobile graveyard means any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

Built-up area means any area with a substantial portion covered by industrial, commercial or residential buildings.

Clean burning waste means waste which is not prohibited to be burned under this article and which consists only of (i) 100 percent wood waste, (ii) 100 percent clean lumber or clean wood, (iii) 100 percent yard waste, or (iv) 100 percent mixture of only any combination of wood waste, clean lumber, clean wood or yard waste.

Clean wood means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, by-products of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders or resins; or painted, stained or coated.

Commercial waste means all solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Construction waste means solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials shall be in accordance with the regulations of the Virginia Waste Management Board.

Debris waste means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.

Demolition waste means that solid waste which is produced by the destruction of structures, their foundations, or both and includes the same materials as construction waste.

Garbage means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste means a "hazardous waste" as described in 9 VAC 20 Chapter 60 (9 VAC 20-60) (Hazardous Waste Management Regulations).

Household waste means any waste material, including garbage, trash and refuse derived from households. For purposes of this regulation, households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by other state agencies.

Industrial waste means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by products; inorganic chemicals; iron and steel manufacturing; leather

and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Junkyard means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.

Open burning means the combustion of solid waste without:

- a. Control of combustion air to maintain adequate temperature for efficient combustion;
- b. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- c. Control of the combustion products' emission.

Open pit incinerator means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion by-products emitted into the atmosphere. The term also includes trench burners, air curtain incinerators and overdraft incinerators.

Refuse means all solid waste products having the characteristics of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination or other discarded materials.

Salvage operation means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.

Sanitary landfill means an engineered land burial facility for the disposal of household waste which is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, non-hazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction, demolition, or debris waste, and non-hazardous industrial solid waste. See Part I (9 VAC 20-80-10 et seq.) of 9 VAC 20 Chapter 80 (Solid Waste Management Regulations) for further definitions of these terms.

Smoke means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

Special incineration device means an open pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.

Yard waste means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.

Sec. 26.65. Prohibitions on open burning.

- (a) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of refuse or waste except as provided in this article.
- (b) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum-based materials except when conducting bona fide firefighting instruction at firefighting training schools having permanent facilities.
- (c) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of hazardous waste or containers for such materials.
- (d) No owner or other person shall cause or permit open burning or the use of a special incineration device for the purpose of the destruction of commercial/industrial or construction waste except in an agricultural district. In such cases all other requirements of this article shall apply.

Sec. 26.66. Permissible open burning.

Open burning is permissible only in accordance with the following specifications:

- (1) Open burning for training and instruction of governmental, volunteer or industrial firefighters under the supervision of the designated official and industrial in-house firefighting personnel; Whenever a building or structure is used by one or more fire companies for bona fide firefighting instruction, the owner or his agent shall be exempted from the requirements, provided a fire company is in attendance at all times fires are conducted;
- (2) Open burning conducted by Town Public Works department personnel for the sole purpose of reducing brush and or storm debris consisting of 100% clean burning waste as defined herein. Such waste is to be transported and burned in the Town's approved pit located at Curtis Merritt Harbor and shall be conducted only with the assistance of the Chincoteague Volunteer Fire Department who shall provide appropriate fire apparatus to control and/or extinguish the fire.
- (3) Open burning for campfires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food; however, applicable materials specified in this article shall not be burned, and such fires shall be attended at all times. Notice of open fires specified in this section shall not be required;
- (4) Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack;
- (5) Open burning for the destruction of classified military documents;
- (6) Open burning is permitted for the disposal of leaves and tree, yard waste and garden trimmings located on the premises of private property regardless of the availability of collection service for such trimmings. The location of the burning shall not be less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; and provided that prevailing winds are away from any town or built-up area;
- (7) Open burning is permitted on site for the destruction of household waste by homeowners or tenants, provided that the following conditions are met:
 - a. The burning takes place on the premises of the dwelling;
 - b. Animal carcasses or animal wastes are not burned;
 - c. Garbage is not burned;

- d. The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; and
 - e. No regularly scheduled public or private collection service for such refuse is available at the adjacent street or public road; and
- (8) Open burning is permitted for the disposal of debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations which may be approved by (designated local official), provided the following conditions are met:
- a. All reasonable efforts shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by (designated local official);
 - b. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
 - c. The burning shall be at least 500 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted;
 - d. The burning shall be conducted at the greatest distance practical from highways and airfields; and
 - e. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area; and
- (9) Open burning or the use of special incineration devices is permitted on site for the destruction of clean burning waste and debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations.

Sec. 26-67. Attendance at fires.

All burning activities specified in this section shall be attended by a responsible agent of the owner or contractor. All open burning shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4A rating, or two portable fire extinguishers with a minimum 2A rating each or other approved on-site fire extinguishing equipment such as dirt, sand, water barrel, garden hose, or water truck shall be available for immediate use. Such equipment shall be sufficient to extinguish embers.

Sec. 26-68. Notification of burning activities.

Prior to conducting, causing or permitting any open burning authorized, specified or referenced in previous sections, the property owner or his agent shall notify the on-duty dispatcher at the Chincoteague Police Department of the location of such open burning, expected starting and ending time, the name of the responsible person conducting such operation, and an emergency telephone number. Such notification shall be made by telephone or in person not earlier than one hour preceding the anticipated start of operations. The property owner or his agent shall notify the dispatcher of the cessation of operations within one hour following such cessation. The receipt and acceptance of such notice shall not constitute a permit or authorization to burn; the owner or other person shall bear full responsibility to obtain any and all permits required prior to notifying the dispatcher.

Sec. 26.69. Precautions required to prevent spread of fire.

It shall be unlawful for any owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the material or carefully cleared around the material, to prevent the spread of such fire to lands other than those owned or leased by him. It shall be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.

Sec. 26-70, Permits.

Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, a building permit shall be required from the Town building official, such permits to be granted only after confirmation that the burning can and will comply with the applicable provisions in regulations for the control and abatement of air pollution and that any conditions are met which are deemed necessary by the Town building official to ensure that the operation of the devices will not endanger the public health, safety and welfare.

Sec. 26-71. Demolition permit required.

No property owner or other person shall cause or permit open burning of any building or other structure for the purpose of demolition or elimination of a hazard unless he shall have applied for and obtained a valid demolition permit from the Town building official in accordance with the Uniform Statewide Building Code and the Statewide Fire Prevention Code. The official issuing such permit may establish such conditions as may be reasonably necessary to protect the safety and welfare of the general public.

Sec.26-72. Suspension of burning.

When it is deemed necessary by State or County officials, an open burning ban may be imposed in the entire State or County including the Town of Chincoteague that would make open burning a threat to life or property, or nuisance as provided for in the Virginia Statewide Fire Prevention Code, F-301.10; or Code of Virginia § 15.2-1200, at any time during the year.

Upon declaration of an alert, warning or emergency stage of an air pollution episode as described in Part VII of the regulations for the control and abatement of air pollution or when deemed advisable by the state air pollution control board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.

Sec. 26-73. Penalties for violation.

- (a) Any violation of this article is punishable as a Class I misdemeanor.
- (b) Each separate incident may be considered a new violation.

Sec 26-74. Responsibilities of owner.

Open burning or the use of special incineration devices permitted under the provisions of this article shall not exempt or excuse any owner or other person from the consequences, liability, damages, or injuries that may result from such conduct, nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in accordance with this article.

Sec. 26-75. Issuance of summons authorized.

A summons charging an offense under this article may be issued by any law enforcement officer employed by the Town witnessing such violation without the necessity of a warrant being obtained by a responding fire company or a complainant.

Ayes: _____ Nays: _____

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Approved as of October 3, 2022

John A. Leonard, Mayor

Commonwealth of Virginia

County of Accomack

The foregoing Ordinance was acknowledged before me this ____ day of October 2022 by J. Arthur Leonard, Mayor in my jurisdiction aforesaid.

Notary Public

Commission Expires: October 31, 2024

Attest: _____

Michael T. Tolbert, Town Manager

Legislative Priorities

Town Manager advised that each October a list of legislative priorities is created.

1. Water Source Development –

The Town's shallow groundwater wells having been contaminated with PFAS from the use of firefighting foam at Wallops, must eventually be abandoned and a new source of drinking water found for the Town's residents. NASA Wallops included funding to relocate the wells in their annual appropriations request and Senator Warner and Rep. Luria's offices have introduced legislation that funds the development of new sources. Whether or not federal funds become available for this project, the Town will need assistance from the State with permitting from regulatory agencies and possible additional funding to develop these new sources.

2. Wastewater –

Redevelopment of the Town's historic business district is currently hindered by the lack of a viable sewage solution. Development on Maddox Blvd. and the other commercial areas is likewise slowed by the large investments required to provide sewage treatment and disposal for new and existing businesses. In conjunction with HRSD, the Town intends to seek new discharge permits from the DEQ to provide additional capacity for our commercial areas. We will seek from the State, assistance in funding for design development and construction of infrastructure as well as permit acquisition.

3. Public Safety –

Design of the new draw bridge with an at-grade intersection resulted in a "Bowl" or low area in the Main Street approach that floods easily and slows evacuation during storm events. We will seek VDOT funds to raise the intersection thereby providing a dry roadbed in all the most severe storm events.

The current elevation of the causeway roadbed causes closures at certain times of year due to moderate and major flooding from tropical storms and northeasters. We will seek VDOT funds to raise the entire 4 miles of causeway as well as add at least one full lane shoulder on the causeway to aid in safer daily travel and evacuation during a storm event.

4. Beach Relocation –

Winter storms causing erosion of the Tom's Cove Hook and narrowing of the recreational beach on Assateague result in the reconstruction of several parking lots on nearly an annual basis. In addition to this yearly expense, the possibility of damage from late winter storms threatens to severely limit visitation to the island during the season and adversely affect the economies of Chincoteague and Accomack County. The relocation of the recreational beach to the North will reduce or eliminate annual reconstruction as well as limit the possibility of negative impacts to the Town's economy. To date, this project has been designed and permitted and is awaiting funding. The current estimate to complete the project is \$46M. While federal funding is actively being pursued, we seek to find a source of State funding to supplement any federal monies that are secured.

5. Transient Occupancy Taxes –

The recent modification to 58.1-3826 of the State Code requiring third-party intermediaries to remit local transient occupancy taxes, was good intentioned but lacks specificity and has the potential to reduce collections for local entities. While this modification just began with reservations made on or after October 1, 2022, it is suspected that the Town's collection of Transient Occupancy Taxes will suffer as a result. Under the new law, intermediaries must *"submit to a locality the property address and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality"* for not just their booking fees but for the gross rental charge. The law does not require reporting per individual property and allows national intermediaries representing multiple owners to combine these properties into one report without segregating receipts for each. This is not in compliance with the existing Town Code requiring the gross sales of each property to be reported. It also makes it impossible for the Town to determine individual compliance and likewise apply appropriate penalties and interest on delinquent accounts.

Town Manager Tolbert advised that the intermediaries send a check with no report showing who they are paying the tax for and what the gross receipts they're paying it on

6. Marijuana Sales –

While the casual use of marijuana is now legal, the Chincoteague Town Council is adamant about preventing retail sales within the corporate limits. The original scheme passed by the 2021 legislature, gave each locality the opportunity to hold a referendum on sales. This approach is now in limbo. The Town is very interested in preserving the option to prevent retail sales whether it be through local ordinance or referendum.

7. Local Elections –

The passing of the bill requiring all local elections to be held in November served to remove focus from localities and dilute interest in local issues and candidates forcing these matters to compete with all of the noise surrounding a national election. A modification again allowing localities the option of May elections would help to regain each Town's identity and keep local politics local.

Councilman Savage commented on the water source development.

Councilwoman Bowden commented on the beach relocation. Her concern is to make sure that the strand is maintained to prevent wash-over that would affect the southern end of Chincoteague. She feels this is a priority and would like to see wording that they would continue to maintain access.

Councilman Taylor stated that the beach going to continue to migrate westward.

Vice Mayor Bott asked if Town Manager Tolbert has reached out to the representatives to modify the state law regarding Transient Occupancy Taxes.

Town Manager Tolbert advised that they have discussed it briefly. He stated that this was done last year with short-term rental homes. The VML had a call with the localities and the VP of

Expedia. Expedia's take was it is a bad law, and they want help making changes. They should still comply with the localities. The problem is the intermediaries feel the localities are not privy to their clients' personal data. He advised that this is a tax entity, and we are already privy to that information.

Mayor and Council Comments

Councilman Savage wished Councilman McComb well and added that prayers are going out to him.

Councilman Taylor also stated he is praying for Councilman McComb.

Councilman McComb stated that he appreciates the prayers and well wishes. He advised he is recovering well.

Councilwoman Bowden expressed the same sentiments and wanted to make sure he was doing well. She concluded with "Go Yankees!".

Councilwoman Richardson asked Council to consider changing the committee meetings and workshop meetings to 6:00 pm. She feels this would benefit those who work and get off at 5:00 pm. She also commented on the overgrowth of bamboo in the cemetery. She gave Council a packet with pictures and asked Council to send it to the Ordinance Committee to adopt the State Law along with the current ordinance. Councilwoman Richardson also asked Council to address the fox issue on the Island. She advised of an incident and explained that they are in the cemeteries undermining graves. She also wished Councilman McComb luck.

Mayor Leonard stated that they are blessed to have dodged another storm. He added that the information advised of catastrophic flood levels, but they were spared. He also commented on football, that 1 loss a season was acceptable. He concluded with "Roll Tide".

Closed Meeting in Accordance with §2.2-3711 (A) (5) of the Code of Virginia to discuss prospective business opportunities.

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

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

(7) Only public business lawfully exempted from open meeting requirements was discussed and

(8) Only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered.

Unanimously approved.

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE NOVEMBER 7TH, 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. E. Bryan Rush, Director of Emergency Services

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.

Consider Remote Participation

Mayor Leonard advised that Councilman McComb and Councilman Taylor are attending the meeting by phone.

Councilwoman Bowden, seconded by Vice Mayor Bott to allow remote participation by Councilman McComb and Councilman Taylor. Unanimously approved.

Public Comment

Mayor Leonard opened the floor for public comment.

- Mrs. Louisa Flaningham, 5122 Main Street, advised that it is election time and she thanked the Town for allowing them to set up their tents during daylight instead of waiting until after the Council meeting. She commented that someone set up tents early as they were allowed and carved out their spaces as well. She added that they have respect for one another. She stated that this was why she is here. She asked Council to come up with rules for setting up for elections.

- Mrs. Cindy Faith, Director of the Museum of Chincoteague, came before Council to give a 2022 recap and inform of the upcoming events along with the programs at the Museum. She reported that this was a banner year for visitation. She advised that the Museum is open Friday and Saturday from 11:00a.m. – 5:00p.m. in November and December. She stated that this Saturday will be a joint event with the Town to celebrate “Bridging a Century” the 100th anniversary of the Causeway and a bridge coming to the Island. Saturday at 2:00p.m. the Town will have a ribbon cutting ceremony at Bridge Street. She added that at 3:00p.m. there will be a presentation at the Legacy Pavilion at the museum along with a cast of characters, exhibit, and a reception. She announced that in December there will be a Christmas Tree Village fundraiser event on Fridays and Saturdays where you can vote for your favorite tree. She added that there will be a kid’s craft for free.

Mrs. Faith also reported on the Road Scholar program which will be going into their 30th year. She explained that people travel in groups of 30 to the Island for a week. This helps financially support the museum. She gave statistics of the revenue that this program has brought to the Island. She expressed how grateful the museum is to the Town for all of their support over the years. She also thanked Ms. Peggy Nelson for compiling the statistics.

- Mr. Mike Elmquist, Ridge Road Pit Stop, addressed the Cigarette Tax that will be implemented in January 2023. He feels they should have advertised it in the Chincoteague Beacon. He commented further giving statistics of his business’ cigarette sales. He asked if Council was willing to discuss this further before implementation.

- Mrs. Evelyn Shotwell, Executive Director of the Chincoteague Chamber of Commerce thanked Council and the Police Department for all their help with the Oyster Festival on October 8th.

- Mrs. Julie Brommer, President of the Chincoteague Island Cats, reported that last weekend they conducted a TNR where they rounded up, spayed or neutered, and vaccinated 50 cats. She thanked Council for allowing the CIC to use the ambulance bay at the old firehouse. She also thanked the businesses for discounts.

Agenda Adoption

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

Staff Reports

General Government

Town Manager Tolbert reported for September and October. He advised that Municode is up and running on the website. It is a helpful tool to search Town Codes and other codes from municipalities. The Town has been using Municode for meetings and agendas for about a year. He reported on the well relocation project, the Center rentals, and the Center HVAC system. He also reviewed the Financial Report for September and October. He advised that they are pursuing a couple of grants with ARPA funds and the DEQ. It is a Septic and Local Partnership Program. HRSD is assisting the Town with quotes and estimates for this opportunity. He continued to review the cigarette tax information advising that if they were collecting the cigarette tax in July the Town would have received \$27,000.

Town Manager Tolbert gave a report on the Building and Zoning Department for September and October, he listed the Public Works projects and equipment, and the installation of the floating dock at the Harbor. He then introduced Mr. Wes Parks as the new Public Works Director who will begin Monday, November 14th.

Council welcomed Mr. Parks.

Police Department

Chief Fisher reviewed the report for September and October. He reported on the stalker radar training, the 18th Annual Poker Run, officer and dispatcher training and recertification, Operation Blue Wave traffic check, mock audit for accreditation, Officer Stevens' MADD award, traffic control for CVFC clam fritter fund raiser, officer coverage of the Oyster Festival and Trick-or-Treating.

Emergency Services

Director of Emergency Services Rush reported for September and October. He gave statistics. He reported on a shortage of part-time EMS personnel, training, and staffing the launch. He also advised of a 115' trawler that sank offshore. He also reported that they conducted CPR certification and recertification for the Police and new Public Works staff.

Director of Emergency Services Rush also reported on Hurricane Ian, the local Emergency Planning Grant for \$15,000. This is a 50/50 grant, and the Town has the match in the budget to upgrade the EOC. A draft after-action report has been completed from the launch today. He announced that Rocket Lab has a launch scheduled for December 1st. He reported on the tropics with Tropical Storm Nicole in view that should be a hurricane by Wednesday. It should slip past the Eastern Shore on Friday to Saturday. He also gave COVID stats.

There was a discussion about ambulance logistics iPads that can be used for documenting fires as well as patients, AED training for the churches, and possibly purchasing a high-water vehicle for emergencies.

Committee Reports:

Public Safety

Councilwoman Bowden advised they met on October 4th. They discussed the purchase of license plate readers (LPR) and the cost per year to maintain. She stated that the Committee voted to send this to Council and will be paid for out of the Public Safety fund.

Cemetery Committee Meeting

Councilwoman Richardson reported that they met on October 13th. They discussed the things that needed to be done at the cemeteries. She advised that the Town does not own the cemeteries, they are private property, but the Town takes care of them. She announced that Cemetery Cleanup Week is November 6th – 12th. She reported that the Public Works staff cleared the bamboo from one of the cemeteries. She also stated that she asked Councilman Savage if the Ordinance Committee would revisit the Bamboo Ordinance and adopt the State Ordinance into the Local Ordinance. She explained that Cemetery Cleanup Week is for people to check around their family's graves and clean them.

Harbor Committee Meeting

Mayor Leonard stated that a lot of things that happened in September have been updated since then. They had an update on the Memorial Park boat ramp.

Town Manager Tolbert advised that they are advertised on Friday, November 11th with a bid date of the 30th.

Mayor Leonard advised that the new slips at the Harbor are great, they're doing well with fuel sales, and the new floating dock that has been installed looks good.

Public Works Committee

Councilwoman Richardson reported that they met on September 9th and discussed ARPA funds. They reviewed the Cropper Street project with costs. She added that they also need to complete the spring paving list. She welcomed Mr. Parks to the Town.

Budget & Personnel Committee

Vice Mayor Bott advised they discussed the allocation of the surplus that was dealt with at the September workshop. He listed that the 1st was the Cropper Street sidewalks, the 2nd was the 2nd phase of the Center's HVAC, and the 3rd was installation of a new gym floor at the Amrien Rec. Center.

Ordinance Committee

Councilman Savage reported the Ordinance Committee met on September 8th and discussed the Open Burning Ordinance. He stated that on October 20th Council approved the proposed changes and additions to the Ordinance.

Recreation and Community Enhancement Committee

Councilman Taylor advised they met on September 27th. They recommended purchasing a spinner to replace the pirate ship at Memorial Park. They discussed the placement of 2 chess tables at Brianna's Kindness Park. They also decided on the site of the beach volleyball court at Memorial Park. They would like to have Council's approval.

Adoption of the Minutes of the September 5th, September 15th, and October 20th, 2022, Council Meetings

Councilman Savage motioned, seconded by Councilwoman Richardson to adopt the minutes of the September 5th, September 15th, and October 20th, 2022, Council meetings as presented. Unanimously approved.

Consider Tax Delay

Town Manager Tolbert stated that the County advised that the Town's tax data will be delayed due to the issues from hurricane Ian. The Town then turns the data over to the software company who converts it to the billing software. Staff prints and prepares them for mail. This will take a few weeks. He is requesting that Council extend the due date this year to December 31st.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the due date for the 2022 real estate and personal property taxes for December 31st, 2022. Unanimously approved.

Consider Deed of Gift

Town Manager Tolbert advised that Racing Moon, LLC, Mr. David Landsberger, is giving surplus property on the south side of Assateague West to the Town. The lots are mostly wetlands. Mr. Landsberger would like the Town to retain the lots and not sell or develop them. This would benefit the Town with more open space causing the Town to have a better CRS rating and lower flood insurance rates.

Vice Mayor Bott motioned, seconded by Councilman Savage to approve the resolution for the Deed of Gift. Unanimously approved.

RESOLUTION

**AUTHORIZING THE ACCEPTANCE OF LAND DONATION WITH RESTRICTIONS
ON PERMITTED USES FOR TAX MAP # 31-A-16 AND 31-A-16A FROM RACING
MOON LLC**

Date: November 7, 2022

WHEREAS, Racing Moon, LLC (the "Landowner"), desires to donate to the Town of Chincoteague two parcels of unimproved land composed of a 3.303 acre parcel located on or near the Oyster Bay, identified as Tax Map Number 31-A-16, and a second adjacent 2.237 acre parcel identified as Tax Map Number 31-A-16A, said parcels collectively referred to herein as the "Racing Moon Property" and further described on the draft deed of gift attached as "**Exhibit A**";

WHEREAS, it is the intent of the Town Council to provide relief to existing homes or businesses from the threat of flooding and to preserve open space when beneficial to the Town of Chincoteague;

WHEREAS, the Town Council has determined that the acceptance of the Racing Moon Property would benefit the inhabitants of the Town of Chincoteague by adding certain flood control and open-space benefits to the Town of Chincoteague;

WHEREAS, the Landowner is proposing that the deed of gift contain certain reasonable restrictions on permitted uses and activities on the Racing Moon Property;

WHEREAS, Mayor J. Arthur Leonard has received a proposed form of a deed of gift, a draft of which is attached hereto as **Exhibit A**, to effectuate the donation of the Racing Moon Property to the Town; said form of deed of gift contains certain restrictions requiring that the Racing Moon Property be used for flood control or open space purposes;

WHEREAS, the Town Council has determined that certain reasonable restrictions requiring the Town of Chincoteague to use the Racing Moon Property for open space and/or flood control purposes would benefit the inhabitants of the Town of Chincoteague;

WHEREAS, Va. Code Ann. §§ 15.2-1800 and 15.2-1803, as amended, require that a qualified attorney-at-law selected by the Town Council approve the form of the deed conveying property to the Town of Chincoteague; and

WHEREAS, the Town Council selects Michael L. Sterling, Esq. of the law firm Woods Rogers Vandeventer Black PLC, a qualified attorney-at-law, to perform said act on behalf of the Town of Chincoteague, and Mr. Sterling has agreed to perform such act.

IT IS NOW, THEREFORE, RESOLVED that, in response to the Landowner's written request for the proposed donation of the Racing Moon Property to the Town of Chincoteague, the Town Council hereby:

Selects and authorizes Michael L. Sterling, Esq. of the law firm Woods Rogers Vandeventer Black PLC, a qualified attorney-at-law, to approve the form of the deed of gift, including the proposed language regarding the Restrictions contained within the deed of gift; and
Authorizes the Mayor to accept the Racing Moon Property on behalf of the Town of Chincoteague, Virginia.

SIGNATURE PAGE TO
RESOLUTION AUTHORIZING THE ACCEPTANCE OF
A LAND DONATION WITH RESTRICTIONS ON PERMITTED USES
FOR TAX MAP # 31-A-16 AND 31-A-16A
FROM RACING MOON LLC

Adopted: November 7, 2022

J. Arthur Leonard, Town Mayor

Attest -----
Michael T. Tolbert, Town Manager

EXHIBIT A

Form of Deed of Gift

NOTE TO TITLE EXAMINERS: This Deed contains restrictions on permitted uses and activities on the property described below.

PREPARED BY:

Christopher Ambrosio, Esq. (VSB 41251)
WOODS ROGERS VANDEVENTER BLACK PLC
101 W. Main Street
500 World Trade Center
Norfolk, VA 23510

Tax Map Nos: 31-A-16 and 31-A-16A
Consideration: \$0.00

RETURN TO:

Michael Tolbert, Town Manager
TOWN OF CHINCOTEAGUE
6150 Community Drive
Chincoteague, VA 23336

EXEMPT FROM RECORDATION TAX PURSUANT TO

SECTION 58.1-811(D) OF THE CODE OF VIRGINIA, 1950 AS AMENDED.

THIS DEED OF GIFT, (hereinafter referred to as this “Deed”) is made as of the 7th day of November, 2022, by **RACING MOON, L.L.C.**, a Maryland limited liability company, hereinafter referred to as “Grantor”, and **THE TOWN OF CHINCOTEAGUE**, a municipal corporation of the Commonwealth of Virginia, whose address is 6150 Community Drive, Chincoteague, Virginia 23336, hereafter referred to as the “Town of Chincoteague” and “Grantee” for purposes of indexing.

W I T N E S S E T H:

Grantor, subject to any limitation set forth hereinafter, does hereby gift, grant and convey with General Warranty and English Covenants of Title unto the said Town of Chincoteague, in fee simple, the following described real estate, to wit:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH all the rights, easements, buildings, privileges and appurtenances thereunto belonging or in anywise appertaining (said real estate and its improvements hereinafter referred to as the “Property”).

SUBJECT TO valid recorded easements, covenants, reservations and restrictions in the chain of title to the Property herein described, which have not expired or otherwise become ineffective, if any, affecting the Property; and

FURTHER SUBJECT TO the restriction that the Property shall be used for open space and/or flood control purposes. This restriction shall run with the land.

This Deed shall be referenced by deed book and page number, instrument number or other appropriate reference in any deed or other instrument conveying any interest in the Property. Failure of the Town of Chincoteague or any subsequent owner to comply with this requirement shall not impair the validity of the Deed and its Restrictions or limit its enforceability in any way.

In compliance with the provisions of Va. Code Ann. §§ 15.2-1800 and 15.2-1803, as amended, this Deed is in form approved by Michael L. Sterling, Esq., of the law firm Woods Rogers Vandeventer Black PLC, who is a qualified attorney-at-law selected by the Town Council of the Town of Chincoteague, Virginia, and is accepted by J. Arthur Leonard, Mayor for the Town of Chincoteague on behalf of the Town of Chincoteague, Virginia, having been authorized to perform said act on behalf of said Town by a resolution duly adopted by the Town Council at a meeting held on November 7, 2022, which approval and acceptance is evidenced by their signatures hereto.

**PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
NO WARRANTY OR OPINION IS GIVEN CONCERNING THE STATUS OF TITLE.
THE EXISTENCE OF TITLE INSURANCE IS UNKNOWN TO THE PREPARER.**

WITNESS the following signatures and seals:

RACING MOON, L.L.C.

a Maryland limited liability company

Date: November 7, 2022

By: _____(SEAL)

David I. Landsberger, Managing Member

COMMONWEALTH OF VIRGINIA)

) SS.

CITY/COUNTY OF _____)

On this ____ day of _____, 2022, before me, the undersigned officer, personally appeared David I. Landsberger, who acknowledged himself to be the Managing Member of Racing Moon, L.L.C., and executed the foregoing instrument by his free act and deed. Said person is ____ personally known to me or ____ has provided the following form(s) of identification: _____.

Notary Public

My Commission Expires: _____

Registration Number: _____

(SEAL/STAMP)

The Town of Chincoteague accepts this Deed and the real estate hereby conveyed, effective as of the date written on the first page of this Deed. The undersigned Mayor certifies that he is authorized to act on behalf of the Town of Chincoteague for the purposes of accepting the Deed and the real estate hereby conveyed.

Town of Chincoteague, Inc.

a Virginia municipal corporation

Date: _____

By: _____

Name: J. Arthur Leonard

Title: Mayor

COMMONWEALTH OF VIRGINIA)

) SS.

CITY/COUNTY OF _____)

On this ____ day of _____, 2022, before me, the undersigned officer, personally appeared J. Arthur Leonard, who acknowledged himself to be the Mayor of the Town of Chincoteague, Inc., a municipal corporation of the Commonwealth of Virginia, and that he, as Mayor, executed the foregoing instrument by his free act and deed and the free act and deed of said municipal corporation. This person is ____ personally known to me or ____ has provided the following form(s) of identification: _____.

Notary Public

(SEAL/STAMP)

My Commission Expires: _____

Registration Number: _____

EXHIBIT A

PARCEL I:

ALL THAT certain tract or parcel of land situate on Chincoteague Island, Islands Magisterial District, Accomack County, Virginia, designated Parcel B, containing 3.303 Acres as shown on a certain plat of survey captioned "Boundary Survey of Parcel B Property of Heirs of Daniel Bowden Tax Parcel #03100A000001600 Town of Chincoteague Accomack County, Virginia for Patricia Taylor", dated March 27, 2013 and made by Shoreline Surveyors, which plat is attached to that certain Deed dated March 3, 2016 from Patricia C. Taylor, Trustee to Racing Moon, L.L.C. and recorded March 9, 2016 in the Clerk's Office of the Circuit Court of the County of Accomack, Virginia, as Instrument No. 160000982, which said plat is incorporated by reference herein and made a part hereof, said parcel being bounded generally as follows, to-wit: on the Southeast, by Assateague Channel; on the Northeast, by the land of Andrew K. Linton, the land of Robert J. and Doreen T. Nestorick, the land of William P. Reuter and Karen E. Berg and the land of Joel and Janice H. Vanderhoff; on the Northwest, by the land of Dennis B. and Judy A. Kurtz and the land of now or formerly owned by Franklin D. and Lois Anne Young; and on the Southwest, by the land of Dennis B. and Judy A. Kurtz;

IT BEING the same property conveyed unto the Grantor herein by Deed from Patricia C. Taylor, Trustee to Racing Moon, L.L.C. dated March 3, 2016 and recorded in the Clerk's Office of the Circuit Court for the County of Accomack, Virginia, as Instrument No. 160000982.

PARCEL II:

ALL THAT certain tract or parcel of land situate in the Town of Chincoteague, Island Magisterial District, Accomack County, Virginia, designated as N/F FRANKLIN D. & LOIS ANNE YOUNG [D.B. 578, PG. 236] T.P.# 31-A-16A Area = 97,436 SF or 2.237 AC on a plat of survey entitled "Boundary Survey of Tax Parcel 31-A-16A & Boundary Line Agreement of Line "C" to "D" between Tax Parcel 31-A-16A & 31BA-A-82 & Boundary Line Agreement of Line "A" to "B" between Tax Parcel 31-A-16A & 31-A-16 Chincoteague, This Island District, Accomack County, Virginia for Franklin D. & Lois Anne Young" dated March 8, 2011, made by MSA, P.C., recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia, as Instrument No. 201101277 and reference to which is hereby made for a particular description of the tract or parcel herein conveyed. TOGETHER WITH all buildings and improvements thereon and all rights, privileges and appurtenances thereunto belonging or in anywise appertaining.

IT BEING the same property conveyed unto the Grantor herein by Deed from Jo Anne DeBusk dated March 8, 2016 and recorded in the Clerk's Office of the Circuit Court for the County of Accomack, Virginia, as Instrument No. 160001145.

Consider USF&W Mutual Aid Agreement

Town Manager Tolbert advised that this is an ongoing agreement between the Town and the USF&W. It has been reviewed and updated.

There was discussion about the changes, and what the USF&W pays to the Town.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to approve the Mutual Aid Agreement as presented. Unanimously approved.

MUTUAL AID AGREEMENT

**U.S. Department of the Interior
Fish and Wildlife Service:**

Chincoteague National Wildlife Refuge

and

**County/City of:
Town of Chincoteague**

This Mutual Aid Agreement is entered into by and between all Parties:

SECTION 1: Recitals

WHEREAS, the State and local jurisdictions have the primary responsibility for its Citizens and will coordinate first response during a natural or man-caused disaster; AND

WHEREAS, the Parties recognize natural or man-caused disasters can and do threaten the people and communities located within the Region to damage, injury, and loss of life and property resulting from a disaster event, and recognize that these events may present equipment and manpower requirements beyond the capacity of each individual Party; AND

WHEREAS, these natural or man-caused disasters often strike with little or no advanced warning requiring advance planning to reduce lag time in emergency response and aid in recovery operations; AND

WHEREAS, the Parties recognize that in the past, mutual aid has been provided between or among the Parties have a long history of positive cooperation in the form of personnel, supplies and equipment during disasters and/or civil emergencies and during cleanup periods; AND

WHEREAS, the governing officials of the Parties desire to secure for each Party the benefits of mutual aid and protection of life and property in the event of a disaster and/or civil emergency; AND

WHEREAS, the Service administers lands and waters located within the administrative jurisdiction of the cooperating agency; the Service has employees that are trained in water craft operations, heavy equipment operations, chain saw operation, wild-land fire control, and other specialized operations or services, AND

WHEREAS, immediate action is often required to protect and/or secure the safety of citizen life and property, and/or wildlife and its habitat; AND

WHEREAS, the Parties recognize that a formal agreement for mutual aid would allow for better coordination of effort, ensure that adequate equipment is available, and ensure that mutual aid is accomplished in the minimum time possible; AND

NOW, THEREFORE, the Parties hereto agree as follows:

SECTION 2: Agreement

The Parties hereby mutually agree to assist each other in the event of a natural or man-caused disaster that is beyond their respective ability to alleviate the result of the disaster on their own.

This Agreement may be activated in the event of a natural or man-caused disaster and in the event of either:

- (a) a Presidential, State, or other local emergency declaration; or
- (b) the finding of an emergency by the Emergency Management Coordinator or other duly authorized agent of the State or County/City governing body of a Party; or
- (c) a significant event impacting Homeland Security.

Upon activation of the Agreement, the Fish and Wildlife Service agrees to respond as delineated in the Department of the Interior, Departmental Manual - 900 DM 1.1 - 1.11, (see Attachment 1), and shall continue, whether or not the disaster event is still active, until the services of the Party rendering aid are no longer required or when the officer in charge of the forces of the Party rendering aid determines, in his/her sole discretion, that further assistance should not be provided.

SECTION 3: Requests for Mutual Aid

(A) Local Disaster. In the event of a local disaster declaration, the Emergency

Management Coordinator or other duly authorized agent of the Party seeking mutual aid shall make the request directly to the Authorized Representative of the Assisting Party from whom aid is sought. A Party from whom mutual aid is sought shall furnish mutual aid to cope with the disaster to the requesting Party, subject to the terms of this Agreement. In the event of a widespread disaster affecting more than one Party, each affected Party shall utilize its respective coordinating group for the provision of mutual aid.

(B) DISASTER THREAT. In the event of an imminent threat of an emergency such that local capabilities are or are predicted to be exceeded, the Emergency Management Coordinator or other duly authorized agent of the Party seeking mutual aid shall make the request directly to the Authorized Representative of the Assisting Party from which assistance is sought. As all Parties will likely be involved in preparations for a known disaster, requests for mutual aid of this type are optional and it is inherent that the requesting Party will have exhausted all local capabilities prior to making a request from the Assisting Party.

(C) CONDITIONS. The furnishing of resources under this Agreement is subject to the following conditions:

- (a) Requests for assistance must be made in writing;
- (b) A request for aid shall specify the amount and type of resources being requested, the location where the resources are to be dispatched, and the specific time such resources are needed;
- (c) The Assisting Party shall take such action as is necessary to provide and make available the resources requested, provided however, that the Assisting Party, in its sole discretion, shall determine what resources, if any, it has available to respond to the request; and
- (d) The Assisting Party shall report to the officer in charge of the Requesting Party's forces at the location to which the resources are dispatched.
- (e) When providing assistance under the terms of this Agreement, the personnel, equipment, and resources of any Assisting Party will be under the operational control of the Requesting Party, the response effort to which SHALL be organized and functioning within an Incident Command System (ICS) or Unified Command System (UCS). Direct supervision and control of personnel, equipment and resources shall remain with the designated supervisory personnel of the Assisting Party. The designated supervisory personnel of the Assisting Party shall maintain daily personnel time records, material records, and a log of equipment hours; be responsible for the operation and maintenance of the equipment and other resources furnished by the Assisting Party; and shall report work progress to the Requesting Party. The Assisting Party's personnel and other

resources shall remain subject to recall by the Assisting Party at any time, upon reasonable notice to the Requesting Party.

(f) At least twenty-four hour advance notification of intent to withdraw personnel or resources shall be provided to the Requesting Party unless such notice is not practicable, in which case such notice as is reasonable shall be provided;

(g) Unless specifically instructed otherwise, the Requesting Party shall have the responsibility of providing food and housing for the personnel of the Assisting Party from the time of their arrival at the designated location to the time of their departure. However, Assisting Party personnel and equipment should be, to the greatest extent possible, self-sufficient while working in the emergency or disaster area. The Requesting Party may specify only self-sufficient personnel and resources in its request for assistance;

(h) Unless specifically instructed otherwise, the Requesting Party shall have the responsibility for coordinating communications between the personnel of the Assisting Party and the Requesting Party. Assisting Party personnel should be prepared to furnish communications equipment sufficient to maintain communications among their respective operating units;

(i) Whenever the officials, employees and volunteers of the Assisting Party are rendering aid pursuant to this Agreement, such persons shall have the powers, duties, rights, privileges, and immunities, and shall receive the compensation, incidental to their employment or position;

G) The initial duration of a request for assistance will be specified by the Requesting Party, to the extent possible by the situation.

(k) Within ten (10) days of the return of all personnel deployed under this Regional Mutual Aid Agreement, the Requesting Party will prepare a Summary Report of the event, and provide copies to each Assisting Party. The report shall include a chronology of events and description of personnel, equipment and materials provided by one party to the other.

SECTION 4. Reimbursable Expenses

The terms and conditions governing reimbursement for any assistance provided pursuant to this Agreement shall be in accordance with the following provisions, unless otherwise agreed upon by the Requesting and Assisting Parties and specified in the Event Agreement.

A. PERSONNEL: During the period of assistance, the Assisting Party shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations. The

Requesting Party shall reimburse the Assisting Party for all direct and indirect payroll costs and expenses (including travel expenses, benefits, workers' compensation claims and expenses) incurred during the period of assistance, unless agreed to otherwise by the parties in the Event Agreement.

B. EQUIPMENT: The Assisting Party shall be reimbursed by the Requesting Party for the use of its equipment during the period of assistance according to either a pre-established local or state hourly rate or according to the actual replacement, operation, and maintenance expenses incurred. For those instances in which some costs may be reimbursed by the Federal Emergency Management Agency, the eligible direct costs shall be determined in accordance with 44 CFR 206.228, or other regulations in effect at the time of the Disaster Event.

(a) Each Party shall maintain its own equipment in safe and operational condition.

(b) At the request of the Assisting Party, fuels, miscellaneous supplies, and minor repairs may be provided by the Requesting Party, if practical. If the equipment charges are based on a pre-established local or state hourly rate, then these charges to the Requesting Party shall be reduced by the total value of the fuels, supplies, and repairs furnished by the Requesting Party and by the amount of any insurance proceeds received by the Assisting Party.

C. MATERIALS AND SUPPLIES. The Assisting Party shall be reimbursed for all materials and supplies furnished by it and used or damaged during the period of assistance, except for the costs of equipment, fuel, maintenance materials, labor and supplies, which shall be included in the equipment rate established above, unless such damage is caused by gross negligence, or willful and wanton misconduct of the Assisting Party's personnel. The measure of reimbursement shall be determined in accordance with 44 CFR 206.228 or other regulations in effect at the time of the disaster. In the alternative, the Parties may agree that the Requesting Party will replace, with like kind and quality as determined by the Assisting Party, the materials and supplies used or damaged.

D. RECORD KEEPING. The Assisting Party shall maintain records and submit invoices for reimbursement by the Requesting Party in accordance with existing policies and practices. Upon the declaration of a state or federal disaster, the Requesting Party and Division of Emergency Management personnel shall provide information, directions, and assistance for record keeping to Assisting Party personnel.

E. PAYMENT. Unless otherwise mutually agreed, the Assisting Party shall bill the Requesting Party for all reimbursable expenses with an itemized statement as soon as practicable after the expenses are incurred, but not later than sixty (60) days following the period of assistance, unless the deadline for identifying damage is extended in accordance with applicable federal or State regulations. The Requesting Party shall pay the bill, or

advise of any disputed items, not later than sixty (60) days following receipt of the statement, unless otherwise agreed upon.

SECTION 5: Term

This Agreement will be effective upon the day each party signs the agreement. Upon date of last signature, the Agreement shall remain in effect for five calendar years (January 1 -December 31).

SECTION 6: Modification Procedures

This Agreement may be revised and/or modified as necessary, by mutual consent of both parties, by written amendment signed and dated by both Parties.

SECTION 7: Resolving Disagreements

If a dispute should arise between the parties that cannot be settled by the designated project managers, then it will be referred first to the level of the appropriate Assistant Regional Director for the Fish and Wildlife Service and to the appropriate supervisor within the State or local government, for further fact-finding and efforts at resolution. If those efforts should also fail, then the dispute will be referred to the Regional Director or Deputy Regional Director of the Fish and Wildlife Service and to the appropriate elected or appointed official for State or local government. At any stage, third party mediators or arbitrators may be brought in if agreed by both Parties. The parties may also decide to terminate the agreement at any stage of the dispute in accordance with the Termination clause herein.

SECTION 8: Termination Provisions

This agreement may be terminated by either party by giving notification in writing thirty (30) days in advance. Termination of the agreement will then occur after all debts (if any) which have been identified by either Party are paid and/or resolved. Both parties will sign a Termination Agreement that is acceptable to both parties before the agreement is fully terminated.

SECTION 9: Expending Funds

Each Party that performs services or furnishes aid pursuant to this Agreement shall do so with funds available from current revenues of the Party. No Party shall have any liability for the failure to expend funds to provide aid hereunder.

In addition, nothing contained in this Agreement shall be construed as binding the Fish and Wildlife Service to expend in any one fiscal year any sum in excess of appropriation made by Congress, for the purpose of this Agreement for that fiscal year, or as involving the United States in any contract or other obligation for the further expenditure of money in excess of such appropriations. Nor does anything contained in this Agreement obligate the State or County/City to expend funds not appropriated and administratively allocated to support the purposes of this agreement.

Section 10: Required Clauses

A. During the performance of this Agreement, the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex or national origin.

B. No member or delegate to Congress, or resident Commissioner shall be admitted to any share or part of this Agreement, or any benefit that may arise there from, but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

Section 11: Liability Clause

Pursuant to 42 U.S.C. 5148 the Federal Government shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal Agency or an employee of the Federal Government in carrying out the activities authorized hereunder. The extent of any nonfederal liability shall be governed by the laws of State government.

SECTION 16: Other Mutual Aid Agreements

It is understood and agreed that certain signatory Parties may have heretofore contracted or may hereafter contract with each other for mutual aid in civil emergency and/or disaster situations, and it is agreed that, to the extent there is a conflict between this Agreement and any other such Mutual Aid agreement, the provisions this Agreement shall be superior to any such individual contract.

Specifically, the existence of this Agreement shall not prevent a municipality, county, emergency services district, fire protection agency, organized volunteer group, or other emergency services entity from providing mutual aid assistance on request from another municipality, county, emergency services district, fire protection agency, organized volunteer group, or other emergency services entity.

Additionally, the existence of this Agreement shall not prevent any Party hereto from providing immediate emergency assistance.

MUTUAL AID AUTHORIZATION AGREEMENT

EXECUTED by the Parties hereto, each respective entity acting by and through its duly authorized official as required by law, on multiple counterparts each of which shall be deemed to be an original, on the date specified on the multiple counterpart executed by such entity.

Town of Chincoteague Island, Inc.

By: _____
Mayor Arthur Leonard

Date

Chincoteague National Wildlife Refuge:

By: _____
John Kasbohm, Project Leader

Date

Contact Information

Chincoteague NWR Primary:

Contact Name: John Kasbohm
Office Number: 757-336-6122 ext. 2328
24 Hour Contact No.: 541-219-1044
E-mail address: john_kasbohm@fws.gov

Chincoteague NWR 1st Alternate:

Contact Name: Robert (Bob) Leffel
Office Number: 757-336-5445 ext. 2330
24 Hour Contact No.: 757-710-5257
E-mail address: robert_leffel@fws.gov

Chincoteague NWR 2nd Alternate:

Contact Name: Casey Custer
Office Number: 757-336-6122 ext. 2301 24
Hour Contact No.: 757-894-4305

E-mail address: casey_custer@fws.gov

Town of Chincoteague Primary:

Contact Name: Michael Tolbert
Office Number: 757-336-6519
24 Hour Contact No.: 757-894-2785
E-mail address: mtolbert@chincoteague-va.gov

Town of Chincoteague 1st Alternate:

Contact Name: Bryan Rush
Office Number: 757 336-6519
24 Hour Contact No: (757) 894-3552
E-mail address: brush@chincoteague-va.gov

Town of Chincoteague 2nd Alternate:

Contact Name: Chief Robby Fisher
Office Number: 757-336-3155
24 Hour Contact No.: 757-710-2896
E-mail address: rfisher@chincoteague-va.gov

Mayor and Council Comments

Councilwoman Bowden, responding to the public participation of the cigarette tax, stated that she used to work for the Beacon and the Eastern Shore News before they were bought out by mega newspapers and television stations. She stated that earlier when she was in the Shore Stop there were stacks of Beacons. The Beacon is owned by a national newspaper. She stated that the Eastern Shore Post is local. She commented that she doesn't believe that the cigarette tax is targeted to tourism. She also advised that the purchase of the LPRs was referred to Council. She concluded that tomorrow is Election Day and she wished everyone luck. She added that she has been on Council for 6 years and is still learning. She appreciated what Mrs. Flanningam stated about everyone having to come together.

Mayor Leonard urged everyone to use their democratic rights and vote tomorrow.

Councilman Taylor stated that they should pray for the Town and Country and that they all get along. He hopes the rest of the country can too.

Councilman McComb stated that if you don't vote you can't complain. He wished everyone the best of luck.

Mayor Leonard concluded with "Roll Tide".

Closed Meeting in Accordance with §2.2-3711 (A) (5) of the Code of Virginia for discussion and review of potential business opportunities.

Councilman Savage motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3711 (A) (5) for discussion and consideration of the acquisition of real property for a public purpose and consultation with staff pertaining to probable litigation.

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

(9) 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, Savage, Taylor

Nays: None

Absent: None

Adjourn

Councilman Savage motioned, seconded by Councilwoman Bowden to adjourn.

Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

**MINUTES OF THE NOVEMBER 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 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. Unanimously approved.

Consider LPR Recommendation

Vice Mayor Bott advised that this was discussed at the Budget and Personnel Committee meeting, and they are asking Council's approval.

Mayor Leonard advised that they've been talking about having cameras at the bridge for a while and Councilman Taylor has been a bid advocate for this. He added that by having it at the bridge they can see the vehicles coming on the Island and going off.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the purchase of the LPRs to be placed at the foot of the bridge. Unanimously approved.

VA250 Resolution

Mayor Leonard stated that the State of Virginia is trying to help municipalities celebrate 250 years of independence.

Town Manager Tolbert advised that the Town is required to form a committee to receive the grant. The Museum has agreed to form this committee. He also stated that Mrs. Faith, the Museum Director, is in attendance this evening. He added that they can get grants but would have to have the resolution. This grant is sponsored by the Virginia Tourism Commission. He added that once an event is planned, they can get the grant to help fund the event.

Councilwoman Bowden asked how much the grant is.

Mrs. Faith stated she is unsure. She explained that the grant program is open for 3 years, 2023, 2024, and 2025 to cover event costs. She stated that they start with a resolution and then there is a small window to apply. She added that the Museum is willing to help along with the owners of the Hill House.

Town Manager Tolbert read the resolution.

**RESOLUTION OF THE COUNCIL OF THE TOWN OF CHINCOTEAGUE
RELATING TO THE SUPPORT OF THE VIRGINIA AMERICA
250 COMMISSION
RECITALS:**

- A. The Council of the Town of Chincoteague is dedicated to the furtherance of economic development and tourism on the Island of Chincoteague.
- B. The Virginia America 250 Commission (VA250) was created in 2020 by the General Assembly for the purpose of preparing for and commemorating the 250th anniversary of Virginia's participation in American independence.
- C. VA250 has requested that each locality form a committee to aid in planning for the commemoration period.

WHEREAS, The Museum of Chincoteague will form a local VA250 committee;

WHEREAS, the committee will plan and coordinate programs occurring within the locality and communicate regularly with VA250;

WHEREAS, the Town Council wishes to undertake this endeavor with VA250 to promote and commemorate this important historic milestone.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE:

- 1. The Town Council hereby desires to support the Virginia America 250 Commission and their efforts to commemorate the 250th anniversary of Virginia's participation in American independence.
- 2. The Museum of Chincoteague will form a committee to aid in the planning for the commemoration period.

ADOPTED this 17th day of November 2022.

(SEAL)

Signed: _____
John Arthur Leonard, Mayor

Councilwoman Bowden motioned, seconded by Councilman McComb to approve the resolution. Unanimously approved.

Mayor and Council Comments

Councilman Taylor congratulated Councilmembers who are willing to serve, and he expressed how proud he was of them.

Councilman McComb asked Council to consider revisiting the Cigarette Tax in January. They voted to put the tax at the maximum level as opposed to setting it at the level Accomack County has. He explained that there are folks on the Island who are on a fixed income and don't have the means to travel to the mainland to buy cigarettes at a cheaper price. He also stated that he doesn't want to put the Chincoteague businesses at a disadvantage to sell products. The same people could visit other locations in Accomack County to get the product cheaper than they can on Chincoteague. He also added that he hopes everyone has a great Thanksgiving.

Councilwoman Bowden also hopes everyone has a good Thanksgiving. She stated they are blessed and have a lot to be thankful for. She continued that they have a good Town and good people that work for the Town along with the Police, EMTs, and Volunteers. She added that it's been a great year and hopes it continues into the next year.

Councilwoman Richardson thanked Town Manager Tolbert and the Museum for the Causeway's 100th Anniversary celebration. She feels everyone enjoyed it. She also thanked Finance Director Lewis for coming up with and suggesting the bookmark. She added Mrs. Faith, and the volunteers did a lot of work. She stated that the Whealton Family was happy with this as well.

Mayor Leonard stated that while doing research for the speech he learned some things that he didn't know about the causeway. He explained that it was delayed by storms and fires, and they had to move the location from carnival grounds to the downtown location. They had to cut corners and it was cheaper to come in through Marsh Island. He also wished everyone a Happy Thanksgiving. He congratulated the Chincoteague Volunteer Fire Company with a good roundup on Sunday. He reported that they had an impromptu pony swim as one herd escaped the saltwater cowboys and swam across the channel but didn't make it all the way across before someone was able to turn them around. He also reported that they sold some of the offspring that were born after Pony Penning, and one sold for \$11,000.

Councilwoman Bowden added that they made approximately, \$47,000.

Mayor Leonard concluded with "Roll Tide".

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

Councilwoman Bowden motioned, seconded by Councilman McComb to go into a closed meeting in accordance with §2.2-3711 (A) (5) of the Code of Virginia to discuss perspective business opportunities and personnel matters. All present were in favor and the motion was carried.

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.

(10) 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, 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

MINUTES OF THE DECEMBER 5TH, 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. Wes Parks, Public Works Director
Mr. E. Bryan Rush, Director of Emergency Services

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.

Swearing in of Elected Council

Mr. Samuel H. Cooper, Circuit Court Clerk, conducted a swearing-in ceremony for the newly elected Councilmembers, Mr. Chris Bott, Mrs. Ellen Richardson, and Mr. Jay Savage.

Public Comment

Mayor Leonard opened the floor for public comment.

- Chamber Executive Director Shotwell thanked Mayor Leonard and the Town Council for their support and attendance at the recent Chincoteague Christmas Parade. She felt that it was the happiest and best parade yet.

Agenda Adoption

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

Staff Reports

General Government

Town Manager Tolbert gave an update on the drinking water and the new plant. He reported on the rentals at the Center for November and upcoming rentals in December. He advised that October is the first month with collections in November under the new state law. This requires the third party, intermediaries, to remit Transient Occupancy Taxes on behalf of hotels for the entire cost of the room rented. State law does not require the intermediary to report the amount of tax being remitted for each specific property and most of the intermediaries are remitting one lump sum check for all properties that they represent for that month. This interpretation of the law does not allow the Town office to review individual property reports for compliance with the ordinance. He added that he spoke with the City of Virginia Beach who are having the same issues.

Town Manager Tolbert continued with the Meals and Transient Occupancy Tax revenues and comparison to previous years. He stated that the current financial summary is typical for this time of year. He explained that the larger than normal difference between overall expenses and revenues from FY22 is due to the receipt of the second tranche of ARPA funds from the beginning of the fiscal year. He reviewed the legislative priorities, tax collections, and Building and Zoning for November.

There was discussion about the Transient Occupancy Code verses the State Code.

Police Department

Chief Fisher advised of the continued training within his department. They assisted with traffic control and parking at the Harbor for the Antares rocket launch. They held the fall senior luncheon where they served 150 people. He thanked the Chincoteague Volunteer Fire Company, Mrs. Mary Esther Leonard, and Don's Seafood. He reported that they began the deer depopulation program. He also stated that he assisted the Accomack County Sheriff's

Department with the annual Donnie Wayne Tyndall Toy Drive. He then introduced the new employees, Mr. Travis Marshall, Officer Colin Renas, and Officer Todd Matthews. He advised that Officers Renas and Matthews will begin the police academy January 30th.

Emergency Services

Director of Emergency Services Rush reported for November advising that the calls are down from last year. He stated that the Emergency Medical Services are always training. They also attended the Christmas Parade. He reported on the EMS Advisory Board. They are trying to add EMS as an Essential Service. He explained the process and why. They are still monitoring COVID, the flu and RSV. He reported on the local Planning Grant in the amount of \$15,000 to remodel the Emergency Operations Center. He advised that Rocket Lab will launch Friday, December 9th between 5:30pm and 8:30pm. Antares plans to launch again in March of 2023. He warned that just because hurricane season is over doesn't mean there won't be a storm. He listed items in preparation of a storm such as a nor'easter. He gave the Covid stats.

Public Works Department

Public Works Director Parks reported that it has been a good first 4 weeks. He advised that it is apparent that they have very good workers with a lot of initiative and knowledge in the Public Works Department. He reviewed the list of projects that were completed during November: water main extension for Key West Cottages with temporary cold patch, repairs to leaking water services, repairs to the vandalism at Memorial Park restrooms, continued vehicle maintenance, and backfill of the sidewalk at Brianna's Park. He reviewed projects for December. They will begin drainage improvements on South Main Street, continue with in-house maintenance of all vehicles and equipment, EOC renovations, and install concrete and chess tables at Brianna's Park.

Committee Reports:

Harbor Committee

Mayor Leonard stated they discussed the new dock that was installed and the new ramp at Memorial Park.

Budget and Personnel Committee

Vice Mayor Bott advised that they discussed changes to the Personnel Policy regarding the Sick Leave Policy which was tabled.

Ordinance Committee

Councilman Savage stated they discussed modification to the Bamboo Ordinance which was unanimously approved and forward to Council.

Adoption of the Minutes of the November 7th and November 17th, 2022, Council Meetings
Councilman Savage motioned, seconded by Councilwoman Bowden to adopt the minutes of the November 7th, and November 17th, 2022, Council meetings as presented. Unanimously approved.

Consider FY24 Budget Calendar

Town Manager Tolbert reviewed the calendar for the FY24 budget.

Councilwoman Bowden motioned, seconded by Councilman McComb to approve the FY24 Budget Calendar as presented. Unanimously approved.

Award of Memorial Park Boat Ramp Contract

Mayor Leonard advised that Fisher Marine was the low bidder who has worked with the Town before.

There was discussion about the amount of time to complete the project.

Councilman McComb motioned, seconded by Councilwoman Bowden to approve the award of contract to Fisher Marine for the Memorial Park Boat Ramp Project. Unanimously approved.

Mayor and Council Comments

Councilman Savage stated that it is good to see the new officers. He expressed his appreciation for their concern in the community and willingness to serve. He also expressed appreciation to Chief Fisher, the new Public Works Director Parks with a great group of staff, and Town Manager Tolbert.

Councilman Taylor congratulated and appreciated the 3 Councilmembers for their willingness to serve.

Councilman McComb also congratulated those who were sworn in and those recognized. He also congratulated the Chamber for a very nice parade and wished a Merry Christmas to all.

Vice Mayor Bott wished everyone a Merry Christmas.

Councilwoman Bowden stated that taking a job like this in this day in time is hard. She expressed her appreciation for them. She stated that they live in a great Town and this is the time of year to count your blessings. She wished everyone a Merry Christmas and Happy New Year. She added that riding through the parade, when you see all the people within this small-town atmosphere and fun. She said it makes you feel good and it put her in the Christmas Spirit. She thanked the Chamber for all their hard work. She again wished everyone a Merry Christmas.

Councilwoman Richardson stated this is a great place to live. She added that it's how you treat people. She wished everyone a Merry Christmas and a healthy one. She reminded everyone not to take things for granted and it's all in the good Lord's hands.

Mayor Leonard stated how much fun he had at the parade going through 3 times.

Chamber Executive Director Shotwell commented that it was one of the best parades they've had in a long time. Everyone was happy and it was a different atmosphere.

Mayor Leonard stated that it was good. He wished everyone a Merry Christmas and Happy and Healthy New Year. He concluded with "Roll Tide".

Closed Meeting in Accordance with §2.2-3711 (A) (5) of the Code of Virginia for discussion and review of potential business opportunities.

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (5) for discussion and consideration of the acquisition of real property for a public purpose and consultation with staff pertaining to probable litigation.

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

(1) only public business matters lawfully exempted from opening meeting requirements under this chapter and 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, Savage, Taylor

Nays: None

Absent: None

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager