

**MINUTES OF THE JANUARY 3, 2023  
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.

**Public Comment**

Mayor Leonard opened the floor for public comment. There was none.

**Election of Vice Mayor**

Mayor Leonard explained that traditionally the top vote recipient is voted as Vice Mayor. He opened the floor for the nomination of the Vice Mayor.

**Councilman Taylor motioned, seconded by Councilman Savage to reelect Councilman Bott as Vice Mayor. Unanimously approved.**

**District 1 Supervisor Report**

Supervisor Tarr reported that they have been preparing for the upcoming budget. He also advised the Supervisors voted to relieve the taxes for 1 vehicle of each active volunteer fireman in the county. This went into effect January 1<sup>st</sup>. He advised it will be up to the chief of each station to report the active firemen, meeting the criteria, and their vehicle information. This is an incentive to recruit more volunteers. He reported on ARPA funds for marketing advising that the Chincoteague Chamber received \$80,000 of the \$162,000. The Eastern Shore Public Library is anticipated to be completed in April. They are trying to complete the Broadband internet service

to the remaining 16% of the areas that do not have internet as of yet. Supervisor Tarr also stated they are trying to increase housing on the shore and to increase teachers' salaries. They are conducting a revitalization plan in the county and gave a grant to Whitesville to clean up the area. They have a committee overseeing this. He reported on the new 911 system that has been approved and will take up to 2 years for completion.

Councilwoman Bowden asked about the tax relief to the firemen.

Supervisor Tarr explained how it would work. He also commented that this was the best carnival season in 97 years.

Council thanked Supervisor Tarr.

### **Staff Reports**

#### **General Government**

Town Manager Tolbert gave an update on the funding for the new wells, which didn't play out for this year. This will be revisited again in the next State budget with an updated estimate. He reported on the Center rentals and events and the Memorial Park Boat Ramp Project. He reviewed the monthly Financial Report, tax collections and Building and Zoning.

#### **Police Department**

Chief Fisher advised they held a senior luncheon in December, assisted with traffic control during the Christmas Parade. He advised the Toy Ride was a washout but some came anyway in their cars and had a great time. He expressed his appreciation for the community donations of toys. He reported they shopped for the toys on December 14<sup>th</sup>, and on the 19<sup>th</sup> the parents came to collect wish list items for their children. He feels they collected the most this year. They helped 20 families and 43 children, they were still able to donate to the Atlantic Volunteer Fire Department the remaining uncollected toys. He also reported on training for Investigator Barnes.

#### **Public Works Department**

Public Works Director Parks commended the staff for all the service repairs during the Christmas weekend freeze, adding they had about 23 hours working on emergency calls. He reported they poured concrete and installed chess tables at Brianna's Park. He advised that the weather event took a toll on the Christmas decorations, they were able to get them back upright and on. He reported on the purchase of a 2019 backhoe. He advised that in January they will be conducting routine maintenance and removing Christmas decorations along with renovating the Council Chambers/EOC.

Mayor Leonard advised of a couple of roads that needed grading/scraping.

Councilwoman Bowden feels they need to start replacing the Christmas decorations.

#### **Emergency Services**

Director of Emergency Services Rush reported on the calls for the month and year. They ran 1,069 calls in 2022, which was 45 more than in 2021. He gave the stats for the nature and age groups of calls. They are still watching the COVID wave. He reported on the grant that was

awarded for the EOC. The rescheduled Rocket Lab launch is still unknown and ANTARES will have another launch March 7<sup>th</sup>. He reminded everyone that now is the time to prepare in case power is out for an extended amount of time, winds, flooding, etc. He gave a list of items to help better prepare. Director of Emergency Services Rush reviewed the COVID stats for December, the year, and from the beginning.

There was discussion about the new variant and symptoms.

**Committee Reports:**

**Public Works Committee**

Councilwoman Richardson advised they met on December 6<sup>th</sup>. They reviewed the Cropper Street Project, the Spring Paving Project, and South Main Street Draining and Paving. She stated that Public Works Director Parks reworked the figures on the Cropper Street Project. She further explained the funding of this project.

There was brief discussion about the delay in materials for the Cropper Street Project, and notification to customers of the project.

**Adoption of the Minutes of the December 5<sup>th</sup>, 2022, Council Meeting**

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the December 5<sup>th</sup>, 2022, Council meeting as presented. Unanimously approved.**

**Announcement of the 2022 Christmas Decoration Winners**

Mayor Leonard reported there were 2 categories for the judging of the Christmas decorated homes.

**Most Festive:**

1st Place: Mr. & Mrs. Bill Birch  
7079 Bunting Road  
2<sup>nd</sup> Place: Mr. & Mrs. Jackie Cherrix  
6520 Church Street

**Traditional:**

1<sup>st</sup> Place: Mr. & Mrs. Delmas Mears  
4389 Chicken City Road  
2<sup>nd</sup> Place: Ms. Jean Jester & Mr. David Taylor  
4147 Ridge Road

**Consider Reappointment of Committee and Commission Members**

Mayor Leonard advised that Mr. Danny Bowden's term on the Harbor Committee has expired as of December 31, 2022.

**Councilman McComb motioned seconded by Councilwoman Bowden to reappoint Mr. Bowden to the Harbor Committee for another 2-year term. Unanimously approved.**

Mayor Leonard also advised that Mr. Michael McGee's term on the Board of Zoning Appeals expired December 31<sup>st</sup>, 2022, as well. The members of the BZA are appointed by the Circuit Court for a term of 5 years.

**Councilman Savage motioned, seconded by Councilwoman Bowden to recommend that Mr. McGee serve another term on the BZA. Unanimously approved.**

### **Consider Revised Bamboo Ordinance**

Town Manager Tolbert reviewed the changes to the Town's Bamboo Ordinance advising that they removed a section that was difficult to understand and added penalties and verbiage from the State's Bamboo Ordinance. The Ordinance Committee reviewed the proposed ordinance and accepted the changes.

**Councilman Savage motioned, seconded by Councilwoman Bowden to approve the proposed Bamboo Ordinance as presented. Unanimously approved.**

### **Sec. 66-56. Nuisance declared.**

It is the finding of the Town of Chincoteague that the planting of growing of running bamboo, and certain other species, has been and will continue to be destructive to the natural environment and destructive to properties adjoining and neighboring those properties where running bamboo has been planted or permitted to grow; and because of these effects, the planting or growing of running bamboo and other invasive species threatens the value and physical integrity of both public and private property in the Town of Chincoteague. Therefore, in order to protect and preserve said environment and property values, it is the intent of the Town of Chincoteague to regulate the planting or growing of running bamboo and other invasive species with the Town of Chincoteague.

### **Sec. 66-57. Definitions.**

Running bamboo means the plant genera Phyllostachys. Other invasive species are further defined in the list compiled by the Virginia Department of Conservation and Recreation (DCR): <https://www.dcr.virginia.gov/natural-heritage/invsppdflist>

### **Sec. 66-58. Duty to contain running bamboo and other invasive species**

- A. ~~Except as provided in subsection C of this section,~~ A landowner on whose property running bamboo or invasive species grows shall not allow the running bamboo or invasive species to spread from his property to any adjoining property not owned by the landowner or within ten feet of a public right of way or a public roadway.
- B. A landowner on whose property running bamboo or invasive species grows shall install or implement an appropriate containment measure effective at preventing such running bamboo or invasive species from spreading from his property onto an adjoining property not owned by the landowner or within ten feet of a public right of way or public roadway.
- C. ~~A landowner on whose property running bamboo or invasive species has spread from an adjoining property shall not be required to install or implement a containment measure to prevent the spread of this running bamboo if he:~~
  - 1. ~~Did not plant the running bamboo or invasive species or cause the running bamboo or invasive species to be planted or grown on his property;~~
  - 2. ~~Has provided satisfactory proof to the Town of Chincoteague that, within a reasonable period of time after (i) discovering the spread of the plant onto his property from an adjoining property or (ii) purchasing property on which the plant had spread from an adjoining property, he advised the owner of the adjoining property of his objection to the spread of the running bamboo or invasive species; and~~

~~3. Has initiated steps for the removal of the running bamboo or invasive species from his property, including remedies at law.~~

**Sec. 66-59. Containment measures.**

- A. An appropriate containment measure is any measure that prevents the plant from spreading to adjoining property or within ten feet of public right of way or public roadway.
- B. A barrier used as a containment measure shall be:
  - 1. Impenetrable to the plant or its root system; and
  - 2. Installed at a sufficient depth within the property where the running bamboo or invasive species is planted or growing to prevent the growth of the running bamboo or invasive species on or the encroachment of the running bamboo or invasive species upon adjoining property or within ten feet of a public right of way or public roadway.
- C. A trench used as a containment measure shall be a sufficient depth within the property where the plant is planted or growing to prevent the growth of the plant on or the encroachment of the plant upon adjoining property or within ten feet of a public right of way or public roadway.

**Sec. 66-60. Penalties.**

~~Any person who fails or refuses to comply with this article shall be deemed guilty of a class 4 misdemeanor.~~

- A. A violation of a running bamboo ordinance authorized by this section shall be subject to a civil penalty, not to exceed \$50 for the first violation or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.
- B. No violation of a running bamboo ordinance arising from the same set of operative facts shall be subject to a civil penalty under both (i) an ordinance adopted pursuant to this section and (ii) an ordinance adopted pursuant to § 15.2-901 of the code of Virginia.

**Review of the FY24 Trolley Budget and Grant Submission**

Town Manager Tolbert reviewed the FY24 Trolley Budget and Grant. He advised that once approved he can complete the grant application.

## Trolley Detailed Budget

ACCOUNT	REVENUE	FY24 Proposal	FY 23	FY 22 Actual
704501.0100	TROLLEY GRANTS (Operations)	\$68,913	\$65,918	\$66,937
704501.0110	PROGRAM INCOME	\$4,000	\$4,000	\$1,724
704501.0200	RTAP REIMBURSEMENTS	\$0	\$0	\$0
704501.0300	MISC. NONPROGRAM INCOME	\$0	\$0	\$0
704501.8900	TRANSFER FROM GEN. FUND	\$28,148	\$26,924	\$23,784
	SUB TOTAL	\$101,061	\$96,842	\$92,445
	<b>CAPITAL GRANTS</b>			
704501.0100	- Federal Capital Grant (New Trolley)	\$132,400	\$0	\$0
704501.0100	- State Capital Grant (New Trolley)	\$26,480	\$0	\$0
704501.0100	- Transfer from Trolley Capital Account (New Trolley)	\$0	\$0	\$0
	<b>EXPENDITURES</b>			
	<b>SALARIES</b>			
703010.0100	SALARIES	\$49,980	\$49,180	\$28,796
	SUB TOTAL	\$49,980	\$49,180	\$28,796
	<b>BENEFITS</b>			
703010.2001	SOCIAL SECURITY	\$3,831	\$3,762	\$2,199
	SUB TOTAL	\$3,831	\$3,762	\$2,199
	<b>OPERATIONAL EXPENSES</b>			
703030.3401	INSURANCE & BONDING	\$3,400	\$3,400	\$3,152
703030.4400	COMMUNICATION SERVICES	\$500	\$800	\$331
703030.4401	PRINTING & REPRODUCTION	\$3,000	\$2,600	\$2,959
703030.4402	ADVERTISING & PROMOTION	\$1,200	\$1,000	\$1,153
703030.4403	EDUCATION & TRAINING	\$1,000	\$1,200	\$80
703030.4404	CLEANING SUPPLIES	\$300	\$400	\$0
703030.4406	SUPPLIES & MATERIALS	\$500	\$500	\$149
703030.4407	MEMBERSHIPS & DUES	\$250	\$250	\$250
703030.4408	TRAVEL & MEALS	\$1,000	\$500	\$1,000
703030.4701	FUEL & LUBRICANTS	\$8,000	\$7,000	\$4,747
703030.4702	TIRES & TUBES	\$3,000	\$1,200	\$600
703030.4703	UNIFORMS	\$1,000	\$1,400	\$200
703030.4704	PARTS	\$750	\$750	\$768
703030.5201	DRUG TESTING/BACKGROUND CHECKS	\$750	\$1,400	\$565
703030.6100	RTAP EXPENSES	\$0	\$0	\$0
703030.7302	REPAIRS/MAINT	\$6,500	\$6,500	\$6,980
703030.8505	RENT TO GENERAL FUND	\$16,000	\$15,000	\$15,000
	SUB TOTAL	\$47,150	\$43,900	\$37,934
	<b>Total Operating</b>	<b>\$100,961</b>	<b>\$96,842</b>	<b>\$68,929</b>
	<b>CAPITAL EXPENSE</b>			
703090.9001	NEW TROLLEY	\$148,626		\$0
	TRANSFER TO TROLLEY CAPITAL ACCT.	\$10,254		
703090.91	CAPITAL EXPENSE	\$0		\$0
	<b>Total Capital</b>	<b>\$158,880</b>	<b>\$0</b>	<b>\$0</b>
	<b>Total Trolley Budget</b>	<b>\$259,841</b>	<b>\$96,842</b>	<b>\$68,929</b>



## Trolley Salaries

	Employee	Hourly Rate	FY23 Hours	FY 23 Proposed Salaries	Equivqlent Annual Salary	FICA
TROLLEY	TROLLEY DRIVER	\$15.00	300	\$4,500.00	\$ 31,200.00	\$344.25
	TROLLEY DRIVER	\$15.00	300	\$4,500.00	\$ 31,200.00	\$344.25
	TROLLEY DRIVER	\$15.00	300	\$4,500.00	\$ 31,200.00	\$344.25
	TROLLEY DRIVER	\$15.00	300	\$4,500.00	\$ 31,200.00	\$344.25
	TROLLEY DRIVER	\$15.00	300	\$4,500.00	\$ 31,200.00	\$344.25
	TROLLEY DRIVER	\$15.00	300	\$4,500.00	\$ 31,200.00	\$344.25
	TROLLEY DRIVER	\$15.00	300	\$4,500.00	\$ 31,200.00	\$344.25
	TROLLEY DRIVER	\$15.00	300	\$4,500.00	\$ 31,200.00	\$344.25
	TROLLEY DIRECTOR	\$680.00	26	\$17,680.00	\$17,680.00	\$1,352.52
		<b>Total Salaries Trolley</b>			<b>\$49,180.00</b>	
	Bonus			\$800.00		\$61.20
	<b>Total Salaries and Bonus</b>			<b>\$49,980.00</b>		<b>\$3,823.47</b>

## Trolley Grants

FY 22	FY 23	FY24	
\$33,602.50	\$46,421.14	\$48,530.50	Fed Grant
\$14,113.05	\$19,496.88	\$20,382.81	State (DRPT) Grant
\$19,489.45	\$26,924.26	\$28,147.69	Town Match
\$47,715.55	\$65,918.01	\$68,913.31	Federal & State Grant Combined
\$67,205.00	\$92,842.27	\$97,061.00	Total Non-Fare Revenue
\$71,205.00	\$96,842.27	\$101,061.00	Total Revenue
\$165,500.00			New Trolley Cost
\$132,400.00			Fed Grant @ 80%
\$26,480.00			State Grant @ 16%
\$6,620.00			Town Match @ 4%

**Councilman McComb motioned, seconded by Councilwoman Bowden to approve the FY24 Trolley Budget and Grant Submission. Unanimously approved.**

### Resolution to Accept Donation

Town Manager Tolbert gave a review explaining how the donation of the sewage treatment plant began, with countless hours of research, inspections, meetings, drafts, reviews, negotiations, and finally completing the transaction on December 30, 2022.

Mayor Leonard stated that they have had a lot of meetings on this. They didn't see all the work that went into this, countless hours, dealing with attorneys and engineers, and other entities. He thanked Town Manager Tolbert for carrying this.

**Councilwoman Bowden motioned, seconded by Councilman McComb to accept the donation of the sewage treatment plant. Unanimously approved.**

**RESOLUTION  
AUTHORIZING AND RATIFYING THE ACCEPTANCE OF REAL ESTATE  
DONATION  
FOR TAX MAP # 30A3-A-6A (WASTEWATER TREATMENT PLANT)  
FROM CHINCOTEAGUE SUNSETS, L.L.C. AND RELATED TRANSACTIONS  
Date: January 3, 2023**

**WHEREAS**, Chincoteague Sunsets, L.L.C. (the "Landowner"), desires to donate to the Town of Chincoteague (the "Town") a parcel of improved land containing approximately 0.13 acres, identified as Tax Map Number 30A3-A-6A, on which is located a wastewater treatment plant (collectively the "Existing Plant"), as further described in the Deed of Gift attached hereto as **Exhibit A** and incorporated herein ("Deed of Gift") and the Real Property Donation Agreement attached hereto as **Exhibit B** and incorporated herein ("Donation Agreement");

**WHEREAS**, the donation of the Existing Plant is the first in a series of transactions pursuant to which the Town will acquire the Existing Plant and other land, easements, and property interests in or related to the Sunset Bay South Condominium (together with the Existing Plant, collectively the "Acquired Property"), located within the Town, for the purpose of providing wastewater treatment service to the condominium and other users located within the Town;

**WHEREAS**, the foregoing transactions are described in the Agreement between and among the Town, Sunset Bay South Condominium Association, Inc., Sunset Bay, LLC, Sunset Bay Utilities, Inc., and Chincoteague Sunsets, L.L.C., a copy of which is attached hereto as **Exhibit C** and incorporated herein (the "Master Agreement");



**WHEREAS**, as provided in the Master Agreement, the Town intends to convey the Acquired Property to Hampton Roads Sanitation District (“HRSD”) so that HRSD will assume operation and control of the Existing Plant and potentially construct a new treatment plant, all pursuant to a Sewer Treatment Plant Sewer Transfer and Service Agreement, a draft of which is attached hereto as **Exhibit D** and incorporated herein (the “HRSD Transfer Agreement” and, together with other agreements, documents, certificates, affidavits, and instruments related thereto, collectively (collectively the “HRSD Documents”));

**WHEREAS**, as provided in the Master Agreement, upon receipt of the Existing Plant the Town will lease the Existing Plant to Sunset Bay Utilities, Inc. (“SBU”), which operates the Existing Plant, so that SBU may continue to operate the Existing Plant until the transfer to HRSD can be completed or until December 29, 2023, whichever occurs first;

**WHEREAS**, the terms of such lease and operation arrangement are set forth in a Lease and Operation Agreement between the Town and SBU, a copy of which is attached hereto as **Exhibit E** and incorporated herein (the “Lease and Operation Agreement”);

**WHEREAS**, the Town Council has determined that (i) the acceptance of the Existing Plant, (ii) the acquisition of the other Acquired Property, and (iii) the implementation of the transactions described in the Master Agreement, the Lease and Operation Agreement, and the HRSD Documents would benefit the inhabitants of the Town by improving wastewater treatment service within the Town;

**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; 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, 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 Existing Plant to the Town and furtherance of the foregoing recitals, the Town Council hereby:

1. 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 and to execute the Deed of Gift for such purpose;
2. Authorizes the Mayor, J. Arthur Leonard, to accept the Existing Plant on behalf of the Town and to execute the Deed of Gift and the Donation Agreement for such purpose;
3. Authorizes the Town Manager, Michael T. Tolbert, to execute the Lease and Operation Agreement on behalf of the Town;
4. Authorizes the Town Manager to execute the Master Agreement on behalf of the Town;
5. Authorizes the Town Manager and the Mayor, either of whom may act, to negotiate, finalize, and execute the HRSD Transfer Agreement on terms substantially consistent with the Master Agreement and the recitals and resolutions set forth above;
6. Authorizes the Town Manager and the Mayor, either of whom may act, to prepare, negotiate, finalize, and execute the other HRSD Documents and such other agreements, documents, certificates, affidavits, and instruments on behalf of the Town as they may deem necessary or proper in furtherance of the transactions described in the Master

Agreement and the recitals and resolutions set forth above, on terms substantially consistent therewith; and

7. Ratifies the actions taken previously by the Town Manager and the Mayor in furtherance of the recitals and resolutions set forth above, including without limitation execution of the Deed of Gift, the Donation Agreement, the Master Agreement, and the Lease and Operation Agreement.

[REMAINDER OF PAGE LEFT BLANK. SIGNATURE PAGE FOLLOWS.]

**SIGNATURE PAGE TO**  
**RESOLUTION AUTHORIZING AND RATIFYING THE ACCEPTANCE OF REAL**  
**ESTATE DONATION FOR TAX MAP # 30A3-A-6A (WASTEWATER TREATMENT**  
**PLANT)**  
**FROM CHINCOTEAGUE SUNSETS, L.L.C. AND RELATED TRANSACTIONS**

Adopted January 3, 2023

Date

-----

J. Arthur Leonard, Town Mayor

Attest -----

Michael T. Tolbert, Town Manager

**EXHIBIT A**  
**Deed of Gift**  
[See attached.]

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**EXHIBIT B**  
**Real Property Donation Agreement**  
[See attached.]

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**EXHIBIT C**  
**Master Agreement**  
[See attached.]

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**EXHIBIT D**  
**HRSD Transfer Agreement**  
[See attached.]

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**EXHIBIT E**  
**Lease and Operation Agreement**  
[See attached.]

4857-2599-1239, v. 1

**Mayor and Council Comments**

Councilman Savage commented that time, patience and perseverance will accomplish all things. He expressed his appreciation for all the hard work Town Manager Tolbert has done on this. He also thanked the Chincoteague citizens for their support and electing him to Council.

Councilman Taylor stated that 2022 is in the books and he enjoys working with everyone. He added that they get things done. He commented on Brianna's Park and added that when it comes to the kids they need to step up.

Vice Mayor Bott formally recognized Mrs. Joyce Wessells who recently passed away. He advised she worked for him for quite a while and was an incredible and very impressive lady. He also commended Town Manager Tolbert for his hard work on the sewage treatment plant negotiations, he added that it was quite impressive.

Councilwoman Bowden stated that Mrs. Joyce Wessells was the nicest and sweetest person. She always made you feel loved. She expressed her heartfelt sympathy to her family. She also thanked Town Manager Tolbert for all his hard work. She hoped everyone had a good Christmas and New Year. She wanted to get the new year started off right and get it done for the Town.

Councilwoman Richardson thanked the Chincoteague people for voting for her for another 4-year term. She stated that it is a pleasure to serve. She advised that she has been working on sewage for a long time. She thanked Town Manager Tolbert for his work on the sewage treatment plant and it wouldn't have been done without his perseverance and knowledge. She thanked all involved.

Mayor Leonard Stated that they're all present and together and will see what 2023 has in store. He thanked the Town employees for keeping the lights on and water flowing over Christmas. He concluded with "Roll Tide".

### **Adjourn**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE JANUARY 19, 2023  
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. Bryan Rush, Director of Emergency Services

**Call to Order**

Mayor Leonard called the meeting to order at 6:00 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**

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

**Proclamation of State Pony**

Town Manager Tolbert read the Proclamation.

Mayor Leonard stated that he was advised by the Governor to state that as soon as they send it to Richmond, they will sign it as soon as it is received.



**PROCLAMATION PROPOSING TO ADOPT A STATE PONY**

**WHEREAS, The Chincoteague Pony** has lived and thrived on the Islands of Chincoteague and Assateague, Virginia since the 17<sup>th</sup> century where they have not only survived but thrived and multiplied, and

**WHEREAS, The Chincoteague Pony**, due to its heartiness and through the efforts of authors, filmmakers and the Chincoteague Volunteer Fire Company, is known not only in the State of Virginia and the United States but throughout the world to adults and children alike, and

**WHEREAS, The Chincoteague Ponies** are rounded up each year by the Chincoteague Volunteer Fire Company, where the ponies swim the channel between Assateague and Chincoteague Islands to the thrill of thousands of onlookers, and

**WHEREAS, The annual Pony Penning and Round Up** is now the oldest known annual roundup in the Country and the Pony Swim an event revered for its uniqueness, consistency, and historical tradition, and

**WHEREAS, The Chincoteague Ponies** through this notoriety are responsible for providing considerable recognition and likewise attract significant tourism to the Eastern Shore and the State of Virginia, and

**WHEREAS, The Chincoteague Pony** In 1994, due to its rare DNA was designated a unique breed of pony where upon hundreds of owners now proudly claim ownership of these exceptional animals,

**NOW THEREFORE BE IT RESOLVED THAT,** The Council of the Town of Chincoteague respectfully proposes to the Virginia General Assembly that the animal known and recognized throughout the world as the Chincoteague Pony, be distinguished by this historic body with the title of Official Pony of the Commonwealth of Virginia.

Adopted this 19<sup>th</sup> day of January, 2023

Members of Council:

Signed: \_\_\_\_\_  
John A. Leonard  
Mayor

Christopher D. Bott, \_\_\_\_\_

Ellen Richardson, \_\_\_\_\_

Denise P. Bowden, \_\_\_\_\_

Gene W. Taylor, \_\_\_\_\_

William T. McComb, \_\_\_\_\_

K. Jay Savage, \_\_\_\_\_

**Councilman Savage motioned, seconded by Councilman McComb to adopt the Proclamation of the State Pony. Unanimously approved.**

**Public Hearing – Boundary Line Vacation**

Mayor Leonard advised that this is the public hearing for the vacation of lot lines on South Main Street for Greg and Debbie Christman.

This is 3 lots to be made into 2 lots. There is 1 septic system to be used by both lots.

**Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the boundary lines vacation as presented. Unanimously approved.**



**FY24 Budget Review – General Government, Police Department, and Emergency Medical Services**

Town Manager Tolbert reviewed the proposed FY24 Budget for General Government, Police Department and Emergency Medical Services. He explained the salaries, revenues, grants, etc. There was further discussion about EMS staffing and funding.

Councilman Taylor suggested using the Cigarette Tax and possibly the Public Safety Funds for the EMS additional staff funding.

**Mayor and Council Comments**

Councilwoman Bowden commented on revenue streams and agrees with the suggestions of using the Cigarette Tax. She feels they need to look into the income further.

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

**Councilwoman Bowden motioned, seconded by McComb to go into a closed meeting in accordance with §2.2-3711 (A) (1) 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.**

**(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 Councilman McComb to adjourn. Unanimously approved.**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE FEBRUARY 06, 2023**  
**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.

**Special Presentation**

Mayor Leonard read and presented a Certificate of Recognition to Mr. Carlton “Cork” McGee in honor of his 92<sup>nd</sup> birthday on February 11<sup>th</sup>, 2023.



**CERTIFICATE OF RECOGNITION**

**PRESENTED TO**

**Mr. Carlton (Cork) McGee**

**WHEREAS, Mr. McGee will be honored by relatives and friends on the occasion of his 92<sup>nd</sup> birthday; and**

**WHEREAS, Mr. McGee was born on February 11, 1931, and has been a lifelong and valued member of this Chincoteague community; and**

**WHEREAS, Mr. McGee married Lola Mae Daisey and had 3 children, 5 grandchildren, 6 great grandchildren and 3 great- great grandchildren; and**

**WHEREAS, Mr. McGee is a faithful and devout Christian hardly ever missing a Sunday at his beloved Church by the Beach; and**

**WHEREAS, during a long and productive lifetime as a true and proud islander, he has worked as a waterman, hunting guide, (duck trapper, but never caught nor admitted to) and is still a well-known decoy carver. Through his caring and gentle spirit, he has made countless friends that remain in touch no matter the miles between them.**

**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. Carlton (Cork) McGee on the occasion of his 92<sup>nd</sup> birthday, with sincere congratulations and best wishes for many more happy and productive years.**

**DATED this 6th day of February 2023 .**

\_\_\_\_\_  
**Mayor John A. Leonard**

**Attest:**

\_\_\_\_\_  
**Michael T. Tolbert, Town Manager**

### **Public Comment**

Mayor Leonard opened the floor for public comment.

- Mrs. Brittany Adams, Adams' Auto Repair, 5006 Deep Hole Road, approached Council regarding the Town utilizing local businesses for services, materials, etc. She gave the history of how her husband, Mr. Roger Adams, started and building his business to what it is today. She expressed how disheartening it is that the Town staff would go off the Island for vehicle repairs, and purchases when the local businesses deserve the opportunity. She asked what Adams' Auto Repair needs to do to get the business from the Town.

### **Agenda Adoption**

**Councilwoman Bowden 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 rentals for the Center and upgrades to the Center's HVAC system. He reviewed the financial report, and the Building and Zoning report for the month of January. He reported that the auditors completed the annual review. The early reporting was typical housekeeping items but they felt the Town was in good shape. He advised that he and Harbormaster Merritt will be traveling to Norfolk tomorrow to present the FY24 Project to the VPA. He reported on the IWork Solutions software for the online building permit system.

Councilwoman Bowden asked if there are any suitable candidates for the Center Director position.

Town Manager Tolbert advised he has about 6 candidates plus a couple of resumes from Chamber Director Shotwell.

Councilwoman Bowden asked how far the floating dock would go out into the channel.

Town Manager Tolbert advised it is 80' which is less than the fishing pier.

Councilwoman Bowden also asked if the average citizen could utilize the new building permit software, IWork.

Town Manager Tolbert advised they should as it is like filling out a building permit with autofill making it a little easier.

Mayor Leonard stated that because the new pier will stick out in the channel more than what is there, he asked if they planned for lighting on the floating pier.

Town Manager Tolbert advised they could include lighting.

Councilman Taylor stated that the dock space at the Reed Park is a good deal for transient boaters.

Town Manager Tolbert added that the current facility holds 10 boats, and the new facility will hold 15 boats the same size and along the long pier it could handle a 100' vessel.

### **Police Department**

Chief Fisher advised that Mr. Jeff Flournoy, the ESVA 911 Director, escorted vendors for the new radio system to the dispatch center and both towers. He stated that the Flock Sec. cameras have been installed. He reported that he attended the Radio Committee kickoff meeting. He also had camera training and the officers had annual in-house training. He advised that Officers Matthews and Renas started the academy.

Councilman Taylor asked if they were working on a competitive pay scale. He commented further.

Chief Fisher advised that they are working on a competitive pay scale, and it should be completed soon.

#### Public Works Department

Public Works Director Parks reported that they completed 4 new water services and 4 replacement or moved water services. They graded in Ocean Breeze, conducted sidewalk drainage improvements at the Library where they installed a drop-inlet with pipe, and ditch grating in Sunnywood. He advised that the boat ramp work has started in Memorial Park. He added they have been conducting safety meetings as well. He reported that they will begin the Cropper Street Project next week. He also stated that they have 1 waterworks employee going to Roanoke for training.

There was discussion regarding the cost of materials to grade in Ocean Breeze.

Councilwoman Bowden feels they should review the policy for private roads. There was further discussion.

#### Emergency Services

Director of Emergency Services Rush reported on the calls for the month which were down 12 from last year. He advised of the award of the 2022 Rescue Squad Assistance and showed the equipment that was purchased. He reported on the State EMS Advisory Board and the House Bills. He also reported on the meeting and issues they're having across the state. He stated that Antares NG19 will launch April 7<sup>th</sup>. He discussed the Safe Station AED Grant, which is climate controlled and would require electricity. He stated he would like to have one at Robert Reed Park, change out the AED with one at the Harbor, Memorial Park, and Brianna's Park. The Town/EMS would be responsible for maintenance and supplies.

Director of Emergency Services Rush reminded everyone to be prepared as they are in nor'easter season and moving toward tropical storm season. He also mentioned that it is possible to have an earthquake. He reviewed the COVID stats.

There was discussion about the latest launch which didn't include the State Police presence along the Causeway.

#### Committee Reports:

##### Budget and Personnel Committee Meeting

Vice Mayor Bott advised there is nothing to report as the minutes are in the packet.

##### Ordinance Committee Meeting

Councilman Savage reported that they reviewed the Noise Ordinance. They made some recommendations which will be brought back to the next meeting this Thursday.

**Adoption of the Minutes of the January 3rd and January 19<sup>th</sup>, 2023, Council Meetings**  
Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the minutes of the January 3<sup>rd</sup> and January 19<sup>th</sup>, 2023, Council meetings as presented.  
**Unanimously approved.**

### **Presentation by the Island Library**

Mr. Bryce VanStavern with the Island Library thanked Council for their generous donation. He reviewed a PowerPoint presentation of the 2022 events, programs, and fundraisers. He advised they would be doing the same programs, events, and fundraisers for 2023. He again thanked Council, the Library staff, and volunteers.

### **Chamber of Commerce Annual Report**

Chamber Executive Director Shotwell reviewed the 2022 Annual Report. She reported on marketing paid for with ARPA funds, statistics on outreach and impressions, events, programs, and fundraisers. She advised of the digital kiosk they purchased and its capabilities. The 2023 tourism brochure has been distributed. She also advised of the new webcam to be installed at the Harbor. She stated that they earned extra media with the request to name the Chincoteague Pony as the official Pony of the State. She thanked Council adding they couldn't do any of this without their financial help.

### **Mayor and Council Comments**

Councilwoman Bowden thanked Mrs. Adams for her comments. She feels they need to support the businesses on the Island. She also was happy for Mr. Cork McGee who is 92 years adding that this is a milestone. She stated that it was great to see him out. He is a man of a few words but a lot of heart.

Vice Mayor Bott stated they need to review the policies, procedures and protocols for purchasing.

Councilman Taylor commented on Mr. Cork as well and his carvings. He stated they have the best artist on the Island. He commented on utilizing the Island businesses.

Councilman Savage stated that Mr. Cork is a Teaguerholic who has done some great things.

Mayor Leonard expressed how glad he was to see everyone out at the meeting.

### **Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia for discussion and review of specific personnel matters.**

**Councilman Taylor motioned, seconded by Councilman McComb to go into a closed meeting in accordance with §2.2-3711 (A) (1) 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 Taylor 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.

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

Nays: None

Absent: None

### Adjourn

Councilman Taylor motioned, seconded by Councilman McComb, and others to adjourn. Unanimously approved.

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE FEBRUARY 16, 2023**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**  
**Council Chambers**

**Council Members Present:**

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

**Council Members Absent:**

Denise P. Bowden, Councilwoman

**Staff Present:**

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

**Call to Order**

Mayor Leonard called the meeting to order at 6:00 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, commented that the Planning Commission meeting that held Wednesday, February 15<sup>th</sup>. She stated that it wasn't on the meeting calendar. She added that the minutes weren't in detail to know what the discussion was about. She expressed her concern and agreed there should be height restrictions based on neighboring properties.

- Mr. Roger Adams, owner of Adams Auto Repair, 5006 Deep Hole Road, came before Council to apologize to Councilwoman Richardson, Town Manager Tolbert, and Chief Fisher for an incident that happened a couple of months ago.

- Mr. Tommy Clark, owner Don's Seafood Restaurant, 4113 Main Street, addressed the proposed change in the Noise Ordinance. He gave a demonstration of the allowed decibel level in a commercial district. He suggested lowering the level.

### **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, McComb, Richardson, and Taylor**

**Nays: None**

**Absent: Bowden, Savage**

### **Consider Personnel Policy Change**

Town Manager Tolbert advised that the current personnel policy permits the use of sick leave "For medically necessary care of family members such as spouse, child, parents, siblings or in-laws living in the same household as the employee." He added that at the February 14 meeting, the Budget and Personnel Committee voted to recommend a change in this policy to allow the use of sick leave for the care of a parent (mother or father) not living in the same household. To section 5.9 paragraph B add a number 5 as follows:

#### **B. Sick Leave**

Sick leave shall accrue at the rate of 4 hours per pay period, and, when taken, shall be used on an hour for hour basis. Sick leave shall be used:

1. In conjunction with FMLA leave (section 6);
2. For an illness or injury incapacitating the employee and preventing the employee from performing assigned duties,
3. For doctor, or dental appointments during working hours, and
4. For medically necessary care of family members, such as spouse, child, parents, siblings, or in-laws, living in the same household as the employee.
5. For illness, injury or necessary care of parents (mother and/or father) of the employee not living in the same household.

Councilman McComb requested to add “children not living in the household” to the motion as well.

Discussion continued and Council concurred to approve what was presented and revisit the matter of possibly adding “children of the employee not living in the same household” to the policy at the next Budget and Personnel Committee meeting.

**Vice Mayor Bott motioned, seconded by Councilwoman Richardson to adopt the change in the Personnel Policy as presented. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Bowden, Savage**

### **FY24 Budget Review: Harbor, Water, and Public Works**

Town Manager Tolbert reviewed the proposed expenses for the Harbor, Water, and Public Works Departments.

### **Consider Noise Ordinance Recommendation**

Town Manager Tolbert explained the changes. He advised that the Ordinance Committee reviewed and approved the changes and are requesting Council approval.

Councilman Savage arrived at the meeting.

There was discussion about decibel levels, daytime vs nighttime hours, violations, fines, etc.

## **ARTICLE II. NOISE**

### **Sec. 22-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*ANSI* means the American Standards Institute or its successor bodies.

*Daytime hours* means 7:00 a.m. to ~~12:00 a.m.~~ 10:00 p.m., local time.

*dB(A)* is the abbreviation for the sound level in decibels determined by the A-weighting network of a sound-level meter or by calculation from octave band or one-third octave band data.

*Decibel (dB)* means a unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this article, 20 micropascals shall be the standard reference pressure.

*Nighttime hours* means ~~12:00 a.m.~~ 10:00 p.m. ~~midnight~~ of one day through 7:00 a.m. of the next.

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*Noise* means the intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies.

*Person, firm or entity* means any individual, group of individuals, lessee, lessor, guest, licensee, firm, partnership, voluntary association or private or public corporation, specifically including any person in charge of or supervising any property owned or possessed by any such person, firm or entity.

*Sound level* means, in decibels, the weighted sound-pressure level measured by the use of a sound-level meter satisfying the requirements of ANSI SI.4, 1971, Specifications for Sound-Level Meters. The terms "sound level" and "noise level" are synonymous.

*Sound-level meter* means an instrument meeting ANSI SI.4, 1971, Specifications for Sound-Level Meters, comprising a microphone, an amplifier, an output meter and frequency weighting networks, that is used for the measurement of sound-pressure levels in a specified manner.

*Source* means any person or property, real or personal, contributing to noise.  
(Code 1977, § 12-10; Ord. of 6-21-2001)(Amended \_\_\_\_)  
Cross reference(s)—Definitions generally, § 1-2.

**Sec. 22-27. Authority.**

This article is adopted pursuant to the authority contained in the Charter, chapter 2, section 1(48), (49) and (5), and Code of Virginia, § 15.2-1102.  
(Code 1977, § 12-22; Ord. of 5-15-1999)

**Sec. 22-28. Exemptions for nonprofit organizations.**

This article shall not apply to any function or activity and the noise emanating therefrom conducted by any nonprofit organization which secures a permit from the town manager, who may issue such a permit if, in his reasonable discretion, the public health and safety will not be impaired by the function or activity.  
(Ord. of 5-15-1999, § 12-14)

**Sec. 22-29. Exemptions for governmental functions.**

This article shall not apply to the use of any machines or the noise emanating from the use thereof when operated or utilized by the town while performing municipal functions, such activities and noises being expressly exempted from this article.  
(Ord. of 5-15-1999(1), § 12-15)

**Sec. 22-30. Measurement of noises.**

- 
- (a) Wherever in this article any noise level is prohibited by or is to be determined by decibel level, the measurement of such emanating sound shall be conducted at the nearest corner of the main structure on the real estate owned, possessed, or being lawfully used by any affected party who makes complaint thereof. Such measurement shall be conducted at a height of at least three feet above ground and at least three feet from any reflecting surface. Any such prohibited decibel level will be exceeded when the sound level meter set for FAST response, using the A-weighting network, exceeds the specified level.
- (b) Measurement equipment shall be sound-level meters complying with ANSI SI.4, 1983, American National Standard Specifications for Sound-Level Meters, ANSI SI.4a-1985, and amendment to ANSI SI.4, or IEC 651-1979, "Sound Level Meters", of at least type 2 quality and sensitivity, comprising a microphone, amplifier, output meter and frequency weighting network. The meter operation shall be as prescribed by the equipment manufacturer, from time to time.
- (c) Measurement equipment operators shall be officers of the police department who have been trained in the proper use of the sound-level meter by the equipment manufacturer. Representatives of the manufacturer may also train those department officers who are certified instructors, as designated by the Commonwealth Department of Criminal Justice Services, who may then train other officers within the department.  
(Ord. of 5-15-1999(1), § 12-16; Amended 2-19-2004)

**Sec. 22-31. Cease and desist.**

No prosecution shall be initiated under this article unless and until there has been a complaint by any affected person, firm or entity, excepting noises emanating from publicly used and/or owned property and as described in section 22-35(3)b. and (4), and such violating person, firm or entity has been advised of the violation of this article and such person, firm or entity has failed to cease and desist such unlawful noise. For the purposes of this section, any such warning to any such violating person, firm or entity shall be continuous and sufficient for the ~~30-day~~ 90-day period then following as to the same noise or the same type or similar or like noise, and no further warning shall be required during such period.  
(Ord. of 5-15-1999(1), § 12-17; Amended 2-19-2004 and \_\_\_\_\_)

**Sec. 22-32. Violation and penalties.**

~~Any violation of this article shall constitute a misdemeanor and shall be punishable by confinement in jail for a period not to exceed 12 months and/or a fine of not more than \$500.00. The first violation of this article is declared to be a civil violation and shall be punishable by a fine not to exceed \$250. A Second violation of this article within the continuous 90-day period is declared to be a criminal violation and the violating person or entity shall be guilty of a Class 2 misdemeanor. Any third violation of this article within the same continuous 90-day period is declared to be a criminal violation and the guilty person or entity shall be guilty of a class 1 misdemeanor.~~  
(Ord. of 5-15-1999(1), § 12-18: ( Amended \_\_\_\_\_)

**Sec. 22-33. Injunctive relief.**

In addition to any criminal penalty for the violation of this article, the town manager is further authorized on behalf of the town to initiate and seek injunctive relief in the circuit court of the county to prohibit any such unlawful noises as provided for in this article.  
(Ord. of 5-15-1999(1), § 12-19)

**Sec. 22-34. Unreasonably loud noises prohibited.**

- (a) It shall be unlawful for any person to make, continue or cause to be made any unreasonably loud noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits.
- (b) It shall be unlawful for any person, firm or entity to knowingly permit the making of any such unreasonably loud noise or any noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others upon any premises owned, possessed or under the control of any such person, firm or entity within the corporate limits.

(Ord. of 5-15-1999(1), § 12-11)

**Sec. 22-35. Certain prohibited noises enumerated.**

The following acts and/or noises are declared to create and/or constitute unreasonably loud noises prohibited by this article, and it is expressly provided that such enumeration shall not be exclusive, and the failure to enumerate a specific act and/or noise shall not be deemed to exclude any such act and/or noise from this article:

- (1) *Generally; district levels.* The making of any noise at a sound/noise level exceeding that level permitted in decibels in the applicable zoning district of the town within the specified period, measured as follows, excepting such noises as are either expressly regulated by other sections of this article or exempted:

District	Daytime level (dBA)	Nighttime level (dBA)
R-1	65	55
R-2	65	55
R-3	65	55
C-1	<del>70</del> 65	60
C-2	<del>70</del> 65	60

- (2) *Horns, signaling devices, etc.*
  - a. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any town street, way, avenue or alley, or other public place, except as a danger warning;
  - b. The creation by means of any such horn or signaling device of any unreasonably loud or harsh sound;
  - c. The sounding of any such horn or signaling device for an unnecessary or unreasonable length of time;
  - d. The use of any horn or signaling device operated by engine exhaust; and
  - e. The use of any horn or signaling device when traffic is for any reason stopped and such horn or signaling device is not being reasonably utilized as a danger warning.
- (3) *Radios, phonographs, musical instruments, loudspeakers, etc.*

- a. Use of, operation of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound on private property that is above the permitted decibel level as measured in a zoning district as specified in this section.
  - b. Use of, operation of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing of sound on the public streets or other public ways in such a manner as is unreasonably loud so as to disturb the peace, quiet and comfort of other persons or at a louder volume than is necessary for the convenient hearing of the individual carrying the instrument, machine or device or those individuals immediately adjacent thereto and who are voluntary listeners thereto.
  - c. Using, operating or permitting to be played, used or operated any radio, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any location.
- (4) *Yelling, shouting, hooting, whistling and singing.* Yelling, shouting, hooting, whistling, or singing on the public streets or public areas or from private property at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, motel, hotel, residence, business, or in the vicinity of any such noise.
- (5) *Operation of boats and other water vessels.* The operation of any boat or other water vessel with an outboard motor or with an inboard motor, unless equipped with an adequately muffled exhaust system. The use of any siren or other noise-producing or noise-amplifying instrument or mechanical device on a boat in such a manner as the peace and good order of the neighborhood is disturbed; provided, however, that nothing in this article shall be construed to prohibit the use of whistles, bells, or horns as signals as required by any state or federal law for the safe navigation of motorboats or vessels.
- (6) *Animals, birds, etc.* The maintaining of any animal or bird which, by causing frequent or long noise, shall disturb the comfort or repose of any person in the vicinity.
- (7) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper town authorities.
- (8) *Exhausts.* The discharge in the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (9) *Defect in vehicle or equipment.* The operation of any automobile, motorcycle or vehicle so out of repair, so equipped, or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (10) *Loading or off-loading of vehicle or vessel.* The loading or off-loading of any vehicle or vessel creating loud and disturbing noise between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and between 6:00 p.m. and 7:00 a.m. on weekends, with the exception of



the loading or off-loading of perishable products, and except when a permit is granted by the town manager, in a bona fide emergency to life or property, and the public health and safety will not be impaired by such work, as reasonably determined by the town manager.

- (11) *Schools, courts, churches, hospitals, etc.* The creation of excessive noise on any street adjacent to any school, institution of learning, church, hospital, clinic, or public building, when such is in use, which unreasonably interferes with the workings of such institution or building, provided that conspicuous signs are displayed on such streets indicating that such is a school, church, hospital, clinic or other public building.
- (12) *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (13) *Grasscutters, tillers or other similar mechanical devices.* The operation of any grasscutter, tiller or other similar mechanical device utilizing a gasoline or diesel powered engine creating an emanating sound plainly audible beyond the property line of the property at which the device is being utilized, except between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, inclusive.

(Ord. of 5-15-1999(1), § 12-12; Amended 2-19-2004)

#### **Sec. 22-36. Construction noises.**

- (a) The erection, excavation, demolition, alteration, or repair of any building or other improvement other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, inclusive, is prohibited, except when a permit is granted by the town manager, in a bona fide emergency to life or property, and the public health and safety will not be impaired by such work, as reasonably determined by the town manager.
- (b) The making of any noises at a sound/noise level exceeding 89 decibels from any construction site, as measured as provided in this article, is prohibited at any time.

(Ord. of 5-15-1999(1), § 12-13)

#### **Secs. 22-37—22-60. Reserved.**

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

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

**Nays: None**

**Absent: Bowden**

#### **Mayor and Council Comments**

Councilwoman Richardson advised she drove the children from the Elementary School to the Brianna's Park on Valentine's Day for Kindness Day. She advised that one child told her that it was the "bestest" Valentine's Day they ever had. She stated that a Town employee recognized that the portable restrooms needed to be cleaned and it was taken care of. She added that it was a

great day. She also asked Town Manager Tolbert when the Brianna's Park restrooms would be completed.

Town Manager Tolbert advised they are working on this now. They need power, air conditioning and lights.

Councilwoman Richardson also asked if it was the Town's responsibility to get picnic tables at the pavilion.

Councilman Taylor advised that he believed someone was going to donate them.

There was discussion about composite picnic tables.

Vice Mayor Bott stated that in the strategic planning session they discussed height restrictions and he asked about the outcome.

Town Manager Tolbert stated there was no outcome. The Residential Code allows a house to be built on a lot in an existing neighborhood to not use the specific setbacks but use the average setbacks of the neighboring properties. He showed a picture of a new home on Church Street. He explained further that if a house is built in a flood zone the Zoning Ordinance allows the maximum height to be 36' at 2' above base flood freeboard. However, if it is not in a flood zone, it can be 36' above grade. He advised that the house on Church Street appears out of character in the neighborhood, but is legal. He added that he and Building and Zoning Administrator Bowden will ride around the Island to come up with a scheme to maintain the character of the neighborhoods. There would have to be some minimum considerations, but they should be able to come up with something.

There was further discussion about the new home on Ocean Blvd. that vacated the property lines.

Councilman McComb thanked Mr. Adams for his apology.

Councilman Savage apologized for his tardiness.

Mayor Leonard reported on his meeting last night with the local Boy Scouts. He also stated that Alabama's basketball team is #1. He concluded with "Roll Tide!".

### **Adjourn**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE MARCH 06, 2023**  
**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, 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.

**Public Comment**

Mayor Leonard opened the floor for public comment.

- Ms. Connie Burford, 8128 Beebe Road, R71 Tom's Cove Campground, stated she would like to represent Chincoteague Island on the Accomack County School Board. She advised of the committees she was appointed to by the School Board. She feels that Chincoteague Schools Special Education Services are inadequate. She asked for Council's support in November.

**Agenda Adoption**

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

## **Staff Reports**

### **General Government**

Town Manager Tolbert reported on the Center's rentals, HVAC installation which is scheduled for May 22<sup>nd</sup>, and relocation of the high school graduation back to the high school gym. He explained that this was the week they scheduled the installation. He added that the high school will still be able to use the Center for the week of prom and setup, which is May 12<sup>th</sup>. He advised that graduation will be back at the Center next year. He continued with the financial report, meals and transient tax revenues, and tax collections. He congratulated staff on the collections of delinquent taxes. He also reported on the VPA grant and status. He advised of the 1<sup>st</sup> report of the Cigarette Tax. He reported on the Sunset Bay acquisition stating that the HOA attorneys have completed the review and comments on the draft. There have been no objections or deviations for the main parts of the deal. Town Manager Tolbert gave the Building and Zoning Report. He commented about the new building permit software on the Town's website.

Councilman Taylor asked if customers were still allowed to bring paper permit applications in.

Town Manager Tolbert advised that they would like to urge people to utilize the software. If it is brought into the office, someone has to type it into the software.

Councilwoman Bowden asked if the graduation is definitely at the high school.

Town Manager Tolbert advised as far as he knows it is. He explained that there is no other time to have the HVAC installed. He added that the equipment was supposed to be delivered in March, but it was delayed until May.

### **Police Department**

Chief Fisher advised that SRO Officers Giminani and Carmondy attended an SRO class. All officers completed Narcan recertification training. Chief Fisher attended a radio meeting in Melfa. He reported that today, he, Mrs. Amy Lewis, and Director of Emergency Services Rush went to see the new radios. He added that they plan to get all fire companies and law enforcement agencies familiar with the new radios as well. This should be fully operational by the fall of next year.

### **Public Works Department**

Public Works Director Parks reported that in February they took down 8 dead pine trees on north Main Street, along with several trees on Hallie Whealton Smith. They are making progress on the Memorial Park boat ramp. They're pumping the water down and will start demolition of the extended ramp. The piles are in and they're moving along nicely. He also advised they are working on the Cropper Street water line; they have installed the entire line in 6 days. This is an average of 200 feet of water main per day. At the end of last week, they flushed the line and took bacteria samples today. Provided the samples are clean, they will install services and fire hydrants next. The following week they will install the storm drain on the south side of the street. The next step would be demolition of the sidewalks which should be completed by the end of this month. They will continue with vehicle and equipment maintenance. He added that they will prepare and receive bids for the sidewalk installation of Cropper Street along with milling, grading and paving.

Councilwoman Bowden asked what the plans were with the millings from Cropper Street.

Public Works Director Parks advised that the millings will have chunks. But he plans to contact Mr. Bunny Reese to work out the value of the millings to exchange for some processed millings.

Councilman Taylor stated that if they would have contracted the water line replacement with a firm, the cost would have been outrageous. He added that it's good to have a crew to do it in-house.

### Emergency Services

Director of Emergency Services Rush gave a shout-out to 4 of his staff for a fabulous job. He reported that EMT Billy Reed, III, Paramedic Patty Drewer, Paramedic Ray Miles, and Paramedic Duane Reed had a call in the Oak Hall district for a cardiac arrest. He received feedback from the hospital, and they were able to save another cardiac arrest victim. He reported there were 5 calls less than last year, but still very busy. They had I-Gel training, which is another airway tool. Under Emergency Management they are monitoring the weather. He mentioned the Safe Station AED Grant and they are waiting to hear about the award. He reported that March 11<sup>th</sup> Rocket Lab will have a launch with a window between 6:00p.m. and 8:00p.m. Antares scheduled a launch on May 6<sup>th</sup>, which is the same day as the Seafood Festival. He reported that Northampton, Accomack, and Chincoteague are planning a tabletop POD exercise and refresher.

Director of Emergency Services Rush also reminded everyone to prepare now for emergency events. He reviewed the Covid stats adding that the Federal Health Emergency expires May 11<sup>th</sup>. He also stated that space flight tourism will be busy over the next couple of months.

Councilwoman Bowden asked what time the launch is scheduled for May 6<sup>th</sup>.

Director of Emergency Services Rush advised it is planned for 7:00a.m. He added that the beach will be closed.

### **Committee Reports:**

#### **Harbor Committee Meeting**

Mayor Leonard reported that they have already discussed everything they addressed at the meeting; the VPA grant, the status of the boat ramp at Memorial Park, the possibility of allowing a specific permit to be used at Memorial Park for businesses which was not decided. He also advised they are waiting for the last of the floating piers for the Harbor.

#### **Public Safety**

Councilwoman Bowden advised they met on February 7<sup>th</sup> and discussed the Unified Surveillance camera system for the Town properties and buildings. Town Manager Tolbert will be getting prices from Cloud Server Techs. They went into executive session regarding security issues.

#### **Ordinance Committee Meeting**

Councilman Savage reported they discussed the Noise Ordinance which was passed at the Council Workshop meeting on February 16<sup>th</sup>.

### **Budget and Personnel Committee Meeting**

Town Manager Tolbert stated they considered a revision to allow sick leave to be used by the employee for the care of parents that do not live in the same household. They discussed the budget and salaries, which will continue in the meeting next week.

**Adoption of the Minutes of the February 6<sup>th</sup> and February 16<sup>th</sup>, 2023, Council Meetings**  
Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the February 6<sup>th</sup>, and February 16<sup>th</sup>, 2023, Council meetings as presented. Unanimously approved.

### **Public Hearing for Lot Line Vacation**

Mayor Leonard opened the public hearing at 7:37p.m.

- Town Manager Tolbert advised he received an email from Mr. Tom Ward who owns the property at 2930 Main Street. Mr. Ward was in opposition of the lot line vacation. He stated that it is unclear how the property will be used and listed the potential sewage/septic issues. He was concerned with the large septic that will have greater impact on the Channel and a greater negative impact on the environment. He requested that Council ask for detailed plans for future use. It will allow the developer and the Town to work together on this project.

- Mr. John Custis, attorney for Blue Marina Virginia, LLC, first commended Town Manager Tolbert for his hard work on the gift of the sewage treatment plant and transfer to HRSD. He also congratulated Council on this transaction. He stated that they plan to vacate the lot lines creating one large parcel to develop the marina, which is permitted by right. There are various stages of permitting and the Accomack County Wetlands Board unanimously approved this application. He stated that the redevelopment will add to the tax base, the economic development and enhance tourism. This project is wholly within the Town Code and within the guidelines of the Comprehensive Plan. He reviewed the Virginia State Code as well, adding that there is no harm at all to vacate the lot line. He respectfully requested approval of the vacation of the lot lines. He introduced Ms. Emily DeMarco with Blue Water Development who was also in attendance.

There being no further comments Mayor Leonard closed the public hearing at 7:44p.m.

### **Consider Line Vacation – Blue Marina**

Councilwoman Bowden commented that there is no doubt that the south end of the Island has needed attention for a long time. She has reservations and fears that 10-20 years from now there will be a 3-story hotel there. She added that it is zoned that way and she can't deny it based on what could happen or on a gut feeling. This is a legal request, and they have to abide by the law. She hopes, down the line, when properties like this become available that the developer is respectful to the Island itself. She added that there are a lot of changes, some good and some bad. She added that this is within their legal right to do and she doesn't have the right to not approve it.

Mayor Leonard feels it will look nice.

**Councilman McComb motioned, seconded by Councilwoman Richardson to approve the lot line vacation for Blue Marina. 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 Richardson stated she has taken pictures at Captain Bob's and the Inlet. She's been here for 64 years and seen a lot of changes. She doesn't know Mr. Burbage but feels anything he does looks nice. She feels this will be beautiful and wished them the best.

Councilwoman Bowden stated that everything she has seen that Blue Water touches has looked very nice in the end. She also stated that it's tough to see your hometown change. It draws different clientele, and she doesn't want to push out clientele either. She would also like everyone and the general public to keep Public Works Director Parks and his family, who lost his father last week, in their prayers. She concluded that it's spring training, "Go Yankees!".

Councilman McComb echoed the condolences to Public Works Director Parks. He congratulated Blue Water Development. He added that change is hard sometimes but good most of the time. He stated that in the past they have brought value to the area. He stated that they're struggling within the budget to balance the EMS and Police protection. He added that the additional transient occupancy taxes, the additional real estate taxes will be welcomed in the budget over the next few years. He congratulated Blue Water and looks forward to see what they're going to do down there.

Councilman Taylor stated they should keep Public Works Director Parks in their prayers for a long time. He stated they should let each employee know that they are appreciated. They are blessed to have the employees the Town has. He stated that the Town staff works to keep things going but would leave for more money.

Councilman Savage also expressed condolences to Public Works Director Parks with continued prayers. He gave kudos to the EMS group and added they are in life-or-death situations, and they are the top on the shore and in the state of Virginia. He commended Public Works for the work being done and not missing a beat. He congratulated Town Manager Tolbert for taking care of the HRSD contract. He stated that he has done a great job.

Mayor Leonard stated that we're all blessed to live here. He added that change is hard, especially since your childhood. He compared Chincoteague to the towns down-the-county stating that the Town is vibrant, and all other towns used to be competitive and thrive. He added that their people are leaving, and the towns are becoming ghost towns. He stated that the Town of Chincoteague has done a great job of balancing. He stated that Blue Water has shown they are good developers and first class. He also mentioned the Beebe Ranch property that is for sale and hopes it won't be developed. He concluded with "Roll Tide!".

**Adjourn**

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

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

**Nays: None**

**Absent: Bott**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE MARCH 16, 2023  
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 6:00 p.m.

**Invocation**

Councilman Savage offered the invocation.

**Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**Public Comment**

- Mrs. Cindy Faith, Chincoteague Museum Director, asked for the Town's help in purchasing the Beebe Ranch. She has received many letters and donations from people all over the country supporting this purchase.
  
- Mr. Billy Beebe, owner of Beebe Ranch, asked the Town to put a Trolley Stop in front of the Beebe Ranch. He also commented that it he is sure the money is coming in for the purchase of the Ranch.



### **Agenda Adoption**

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

### **Consider Authorization to Advertise FY24 Budget**

**Councilman Savage motioned, seconded by Councilwoman Bowden to authorize the advertisement of the FY24 Budget as agreed. Unanimously approved.**

### **Consider Approval of 5-Year Capital Improvement Program**

Town Manager Tolbert gave highlights of the capital improvement plan for FY23 to FY27.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the 5-Year Capital Improvement Program. Unanimously approved.**

### **Consider Approval of Island Museum Donation**

Councilwoman Bowden advised the Budget and Personnel Committee met on March 14<sup>th</sup> where they discussed this matter in length. They agreed to donate \$20,000 toward the effort of purchasing the Beebe Ranch taking the funds from the Beach, Recreation and Tourism Fund.

**Councilman Taylor motioned, seconded by Councilman McComb to give a donation of \$20,000 to the Island Museum for the purchase of the Beebe Ranch property. Unanimously approved.**

### **Council Comments**

Councilman Savage applauded the Museum's efforts and the Beebe's for understanding that it takes some time to raise the funds. He hopes everything works out.

Councilman Taylor stated that he appreciated the Beebe's for wanting to preserve the history of the Island and taking a lesser amount for the property. He also stated that it is nice for the people who are stepping up.

Councilman McComb asked for prayers for Sgt. Brent Hickman. He also asked for prayers for Mr. Tommy Mason, Jr. who just had surgery.

Vice Mayor Bott wished the Museum well on their fundraising efforts.

Councilwoman Bowden stated that she is amazed at how people are stepping up for this. She added that this is near and dear to her heart. She feels they can do it. She also stated that the Island is loved all over and urged them to keep up the fight to preserve the Island's history. Councilwoman Bowden reminded everyone to keep Sgt. Hickman and Mr. Tommy Mason, Jr. in their prayers.

Councilwoman Richardson stated that as a come-here she knows what property means to people. She advised that she worked with Mr. Beebe's sister and mother. She believes if we all pull together, they'll make it a part of Chincoteague's heritage and she wished them luck.

Mayor Leonard stated that he has fond memories of the Beebe Ranch. He also stated that this is unfortunate for Sgt. Hickman.

There were brief comments from Mr. Beebe.

Mayor Leonard concluded with, "Roll Tide".

### **Adjourn**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE APRIL 03, 2023  
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, 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.

#### **Public Comment**

Mayor Leonard opened the floor for public comment.

- Mr. Kirk Cleveland, 5123 Twilley Drive, stated his road needs grading. He advised they've brought this to the Town's attention for the last two years. He added that the grading doesn't work or last. He asked Council to find money to help them get it paved.

- Ms. Paula Nees, 6417 Canal Lane, asked Council for help and strategies in cleaning up the Town. She requested a community wide cleanup day. She advised that April 22<sup>nd</sup> is Earth Day and it's a day to take care of the planet. She commented further asking Council to meet to make suggestions.

### **Agenda Adoption**

**Councilman Savage motioned, seconded by Councilman McComb 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**

### **Staff Reports**

#### **General Government**

Town Manager Tolbert reported on the rentals at the Center for March. He stated that the delivery of the new HVAC equipment has been delayed until at least July 4<sup>th</sup> which causes a postponement of installation until August. They will begin working on the new audio-visual system this month. He advised they have also scheduled preventative maintenance for the chiller. He then reported on the Firehouse rentals. He continued with the Meals and Transient Occupancy Tax Report and the Financial Report.

Town Manager Tolbert also stated that the eminent domain draft documents have been completed and reviewed by all parties. The Town's attorneys are putting them in the final form of the Sunset Bay acquisition to be reviewed by HRSD. He added that the Planning Commission is reviewing phased service areas as well to add to the Comprehensive Plan. He reported that the Town was notified by the ACOE that the Chincoteague Inlet federal project received a substantial amount of funding, in the amount of \$800,000 in the President's budget and \$2.3 million in the FY23 work plan. The Army Corps of Engineers will utilize the funds to conduct a full scope of dredging contract in FY24/25.

There was brief discussion regarding beneficial spoil sites.

Town Manager Tolbert concluded with the Building and Zoning monthly report.

#### **Police Department**

Chief Fisher advised that on March 6<sup>th</sup> he and Dispatcher Lewis attended the radio demonstration for the new radio system in Melfa. Also, on March 14<sup>th</sup> Major Greenley met in Exmore with other departments in reference to writing a grant for the new radio system. He then advised that the LPRs are being put to good use. He reported that someone didn't pay their bill at one of the local restaurants. He was able to check the recordings of the LPRs to find that they had not left the Island. He reported that someone shot an aerosol gun at some people walking on the Refuge.

The victims were able to video along with a description of the vehicle. They were able to check the recordings of the LPRs to match a vehicle to someone in Accomack County. There are charges. He added that the cameras are paying off.

### Public Works Department

Public Works Director Parks reported that they have conducted Municipal landscaping, he gave an update on the Memorial Park boat ramp project adding they hope to pour this week. He stated that they also conducted grading in Ocean Breeze. He reported on the delivery of the floating docks for the Curtis Merritt Harbor. They had a service call and repair to the chairlift at the Firehouse. He also gave an update on the Cropper Street Project. They have completed 100% of the water main, services, and tie-ins. They are installing the storm drain this week. They will then start on the sidewalk demolition. He stated they have received bids on sidewalk installations, milling, grading, and paving of Cropper Street and Maddox Blvd.

### Emergency Services

Director of Emergency Services Rush reported they were 9 calls less than last March. He announced they were awarded the AED Grant. He stated there are 3 wall-mounts to replace one at the Curtis Merritt Harbor, to place one at the Brianna's Kindness Park, and one at Memorial Park. There are 3 towers, one to be placed at the Main Street entrance to the Robert Reed Park, one at the entrance to the Town Dock and Boat Ramp, and one at the Dog Park and Nature Trail on Hallie Whealton Smith Drive to be installed in-house. He gave a shoutout to the NALL for purchasing an AED that is centrally located at their facility. He explained they will notify specific personnel via text message that it is in use for additional personnel response. He added they will have to have power. He reported that under Emergency Management they are continuing weather monitoring. Rocket Lab has a launch scheduled for the evening of April 30<sup>th</sup>. There is also an Antares NG19 launch at 7:00 a.m. on May 6<sup>th</sup>. They are preparing for the POD exercise. He reminded everyone to prepare now in case of a disaster. He gave Covid statistics to date stating that the federal health emergency will be lifted May 11<sup>th</sup>. He reminded everyone to be weather aware.

Councilwoman Bowden asked about the placement of the AED at the Town Dock and Boat Ramp.

Director of Emergency Services Rush responded it will be at Main Street.

Town Manager Tolbert commended Director of Emergency Services Rush on an excellent job on getting the AEDs. He added that they have to have power for those sites for the surveillance systems as well.

### Committee Reports:

#### Budget and Personnel Committee Meeting

Mayor Leonard reported they met on March 14<sup>th</sup> and acted on the budget. They also reviewed Capital Improvement plans.

**Adoption of the Minutes of the March 6<sup>th</sup>, and 16<sup>th</sup>, 2023, Council Meetings**

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the March 6<sup>th</sup>, and March 16<sup>th</sup>, 2023, Council meetings as presented. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Bott**

**Public Hearing for Lot Line Vacation**

Mayor Leonard opened the public hearing at 7:40 p.m. There being no public comments Mayor Leonard closed the public hearing at 7:40 p.m.

**Consider Line Vacation – Mr. & Mrs. Ralph Tracey**

Town Manager Tolbert advised Mr. and Mrs. Ralph Tracey wishes to vacate the lot line between lots 63 and 64 at the end of Sea Breeze Drive in Ocean Breeze.

Councilwoman Bowden asked if they plan to put a mobile home on the lot.

Town Manager Tolbert was unsure at this time, there have been no building permit applications submitted.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the lot line vacation for Mr. & Mrs. Ralph Tracey in Ocean Breeze. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Bott**

**Public Hearing for Sale of Property**

Mayor Leonard opened the public hearing at 7:43 p.m. There being no public comments Mayor Leonard closed the public hearing at 7:43 p.m.

**Consider Sale of Property – Mr. & Mrs. William P. Reed, Jr.**

Mayor Leonard stated that this cleans up the lot lines at the Memorial Park property.

**Councilman Savage motioned, seconded by Councilman McComb to approve the sale of the property 0.124 acres adjacent to Memorial Park to Mr. & Mrs. William P. Reed, Jr. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Bott**

**Consider Award of Spring Paving Contract**

Public Works Director Parks advised the bid request was put out for the Spring Paving Contract. He stated they received multiple bids. He reported on the bids: Paragon Paving bid was \$459,503.50 and the Branscome Inc. bid was \$609,285.34. He stated that this will be paid with

VDOT Urban Maintenance Program Funds which will be increased for the next two payments this year. He recommended the contract be awarded to Paragon Paving not to exceed the value of \$459,503.50.

Councilwoman Bowden asked if Public Works Director Parks has dealt with Paragon Paving before, and where are they out of.

Public Works Director Parks advised he has and added that Branscome has used Paragon Paving on some jobs and added that they are out of Norfolk, VA.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the Spring Paving Contract to Paragon Paving not to exceed \$459,503.50. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Bott**

#### **Consider Award of Cropper Street Sidewalk Contract**

Public Works Director Parks reported they received bids for the Sidewalk Contract. He advised that 360 Services bid was \$122,000 and the Branscome bid was \$340,000. The work was reviewed and authorized by the Public Works Committee as part of the Cropper Street Rehab Project. He recommended the contract be awarded to 360 Services not to exceed \$122,375.

Councilwoman Bowden asked if Public Works Director Parks has worked with 360 Services also.

Public Works Director Parks advised 360 Services has done most of the sidewalks on Chincoteague for Branscome.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the Cropper Street Rehab Sidewalk Contract to 360 Services not to exceed \$122,375. Unanimously approved.**

#### **Mayor and Council Comments**

Councilwoman Bowden thanked Director of Emergency Services Rush for all of the AEDs. She added that his work doesn't go unnoticed and is very much appreciated. She commented on Mr. Cleveland's request. She stated that the roads aren't just used by those who live there, they're also used by ambulances, fire trucks, and police cars. She feels the Town needs to come up with something to get the roads maintained and taken care of. She also stated that this country is hurting in a lot of ways. Everyone needs to be more sympathetic and empathetic. She added that people need a smile and a hug and to know they are cared about.

Councilwoman Richardson thanked the employees for conducting CPR classes on the Island. She stated it was a big help to the bus drivers.

Councilman Taylor stated that there are amazing people here of all walks of life. He mentioned the large donations from people that don't live here for the Brianna's Kindness Park. He added that sometimes they just need to talk to one another and take the time to listen.

Councilman Savage agreed with Councilman Taylor adding that God gave us 2 ears and one mouth for a reason. He stated he was impressed with Director of Emergency Services Rush and what he's done with the EMS. He agreed they need to look into the roads, especially Ocean Breeze. He also appreciated the Twilley Drive comments.

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

**Councilwoman Bowden motioned, seconded by Councilman Taylor to go into a closed meeting in accordance with §2.2-3711 (A) (1) of the Code of Virginia for discussion and review of specific personnel performance and salary. 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 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.**

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

**(4) 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 McComb to adjourn. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Bott**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE APRIL 20, 2023**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**  
**Council Chambers**

**Council Members Present:**

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:**

J. Arthur Leonard, Mayor

**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 6:00 p.m.

**Invocation**

Councilman Savage offered the invocation.

**Pledge of Allegiance**

Vice Mayor Bott led in the Pledge of Allegiance.

**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: Leonard**

**Public Comment**

There was none

**Proclamation for Cleanup Week**

Vice Mayor Bott read the Proclamation for Cleanup Week.



**PROCLAMATION**



WHEREAS, The Community of Chincoteague is composed of several individual neighborhoods, parks and commercial properties, each with their own character; and

WHEREAS It is desirous of property owners and governments alike to display a clean and orderly community for the benefit of each citizen's quality of live as well as its attractiveness to visitors and guests; and

WHEREAS, over the span of a year, these properties tend to accumulate unwanted vegetation, debris and general disorganization from a long winter; and

WHEREAS, The Spring season, with its warmer weather and longer days is the ideal time to attend to these issues; and

WHEREAS, many property owners need assistance in cleaning and organizing their property as well as disposing of unwanted items, and various organizations and individuals throughout our community have volunteered to assist in the cleanup of these properties; and

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

NOW, THEREFORE, I, Vice Mayor Christopher D. Bott do hereby proclaim the week of May 1<sup>st</sup> - May 5<sup>th</sup> , 2023, as Island Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer, organize and assist in the cleanup of our public and private properties.

DATED 20<sup>th</sup> day of April, 2023.

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Christopher D. Bott, Vice Mayor

ATTEST:

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Michael T. Tolbert, Town Manager

**Main Street Resolution**

Town Manager Tolbert read the Main Street Resolution.



## **Town of Chincoteague**

### **A RESOLUTION AUTHORIZING PARTICIPATION IN THE VIRGINIA MAIN STREET PROGRAM BY THE TOWN OF CHINCOTEAGUE AS A DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT EXPLORING MAIN STREET COMMUNITY**

WHEREAS, the Virginia Main Street Program has been established in the Virginia Department of Housing and Community Development (DHCD) to assist localities in developing public/private efforts to revitalize their downtown commercial areas, and whereas, smaller localities may elect to participate in the Program tier as an Exploring Main Street community.

WHEREAS, the Town of Chincoteague, Virginia (located in Accomack County) desires to participate in the program as an Exploring Main Street community, as part of its efforts to undertake downtown revitalization projects through the Virginia Department of Housing and Community Development.

NOW THEREFORE BE IT RESOLVED that the Chincoteague Town Council hereby supports an application to the Virginia Main Street Program to become an Exploring Main Street community and agrees to undertake the following activities as required by the Program:

- 1) Employ the Main Street Approach in its efforts to revitalize the downtown area.
- 2) Keep community contact information current with the Virginia Main Street Program.
- 3) Attend at least one (1) Virginia Main Street training per year.
- 4) Aspire to maintain membership of the Main Street America network.

BE IT RECOGNIZED that downtown revitalization requires an on-going commitment, continuous attention, and a full public-private partnership. The Main Street Program is considered one of many economic and community development tools used by a locality.

BE IT FURTHER RESOLVED that the Chincoteague Town Council authorizes the Town Manager to sign and submit an application for the Town to become an Exploring Main Street community.

ADOPTED ON April 20, 2023

Signed

Attest

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Chris D. Bott, Vice Mayor

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Michael T. Tolbert PE, Town Manager

Town Manager Tolbert advised this is an annual Resolution to remain in the program.

**Councilman Savage motioned, seconded by Councilwoman Bowden to remain in the Main Street Program for another year. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Leonard**

Councilman Taylor asked if there was training for this program.

Town Manager Tolbert advised it can be done online.

Councilwoman Richardson asked if there was any cost to belong in this program.

Town Manager Tolbert responded that it does not. He explained that there is no membership fee as the Town is a member by resolution. If they were to receive grants, they would have to match the grants.

#### **Consider Employee Raise Timetable**

Vice Mayor Bott advised that at the last Budget and Personnel Committee meeting they looked at the possibility of starting the employee raises before the new budget year.

Town Manager Tolbert stated that at the April 11<sup>th</sup> Budget and Personnel Committee meeting staff recommended that they make across the board raises this year as opposed to merit-based raises. The proposal was to give \$2 per hour raises for all personnel and \$3 per hour raises for all police officers. He continued that in addition the Committee recommended offering an application for the raise to begin in the first pay period in May as opposed to the 1<sup>st</sup> pay period in July. The total cost of the early implementation of this raise does not exceed \$68,900. It will require an amendment to the FY23 Budget.

**Councilman Taylor motioned, seconded by Councilwoman Bowden to implement the \$2 per hour to all personnel, part-time and full-time, and \$3 to all police officers beginning in the first pay period in May. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Leonard**

#### **Council Comments**

Councilman Savage advised everyone to be ready for summer because it's coming fast. He knows the Town can handle it because we've got a good team.

Councilman Taylor stated they have great employees and wishes the raise could be more. He added that they would like the employees to know they love and pray for them.

Councilman McComb asked Chief Fisher if they've considered hiring a summer traffic cop.

Chief Fisher advised they've thought about it but are having problems hiring. He stated that they would try. He added that the SROs will be back on regular shifts for the summer, and they have 2 officers graduating from the academy in June with 2 new officers going to the academy in July. He feels they should be good for the summer. He stated that he will put out advertisements.

Councilwoman Bowden advised that Mayor Leonard asked if Council would consider donating \$400 for the cost of food for the Melissa Hart Bingo fundraiser. She added that it will be held at the Chincoteague Volunteer Fire Company. Ms. Crystal Fisher and Ms. Tammy Mitchell are sponsoring the event.

Chief Fisher stated that the Police Department advised them they would pay for half of the food at a cost of \$200.

Town Manager Tolbert stated he would look into it and make it happen.

Councilwoman Bowden also liked Councilman McComb's idea of hiring a bicycle cop for the summer.

Councilwoman Richardson commented that commercial dumpsters have debris all around that doesn't get picked up. She asked if Council could require an enclosure around dumpsters.

Town Manager Tolbert stated they are required to have lids and keep them closed. Property owners can keep them closed but people use the dumpster and leave them open. He advised that Building and Zoning Administrator Bowden keeps an eye on this but will double his efforts. He also commented that people are putting their weekly trash cans out and leaving out the cans.

Vice Mayor Bott asked about the business at the south end of the island opening June 1<sup>st</sup> and if the Town added bike trails and/or sidewalks for this year.

Town Manager Tolbert stated they have not. They may do a little paving. He advised of an 80/20 VDOT grant for bikes, pedestrians, and possibly sidewalks to help put something below Beebe Road.

### **Adjourn**

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

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

**Nays: None**

**Absent: Leonard**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager