

MINUTES OF THE NOVEMBER 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

There was none.

Agenda Adoption

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

Proclamations

Mayor Leonard read the proclamations.



CERTIFICATE OF RECOGNITION

PRESENTED TO
Mr. George Bowden

WHEREAS, Mr. Bowden was honored by relatives and friends on the occasion of his 91st birthday; and

WHEREAS, Mr. Bowden was born on November 5, 1932, and has been a lifelong and valued citizen of the Town of Chincoteague; and

WHEREAS, On June 1, 1955, Mr. Bowden married Ms. Barbara Boothe and has a son and 3 daughters, 6 grandchildren and 9 great grandchildren; and

WHEREAS, Mr. Bowden has held several occupations including the poultry and seafood industries, NASA Wallops, US Fish and Wildlife, carpentry and boat building; and

WHEREAS, Mr. Bowden is a life member of the Chincoteague Volunteer Fire Company and a longtime member and faithful supporter of the Union Baptist Church and lifelong and proud member of the community.

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. George Bowden on the occasion of his 91st birthday, with sincere congratulations and best wishes for many more happy and productive years.

Presented this 16th day of November, 2023 .

Attest:

**_____
Mayor John A. Leonard**

**_____
Michael T. Tolbert, Town Manager**

Mr. Bowden expressed his appreciation as it is an honor. He thanked Council.

Consider Remote Participation

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

C. I. Community Cats Update

Mrs. Julie Brommer gave a presentation that included CICC history, statistics, and accomplishments. She advised they were able to support the CICC by grants, donations, and fundraisers. She announced that the CICC will be dissolved over the next couple of months. She thanked Council for all their help and support. She advised that they are donating all of their equipment and supplies to the Eastern Shore SPCA. She thanked the volunteers and Council.

Public Hearing – Line Vacation

Mayor Leonard opened the public hearing.

Town Manager Tolbert advised this is a request to vacate the property line parcels on the west side of South Main Street owned by Ms. Jean Birch Sappenfield.

Mr. Robert Turner, Attorney, advised he was in representing Mrs. Sappenfield.

Councilman McComb asked what the property would be used for.

Mr. Turner advised he was unsure and added that it is considered a non-conforming lot according to Building and Zoning Administrator Bowden.

Councilwoman Bowden asked if the lot would be buildable once vacated.

Town Manager Tolbert stated that it would. He explained further and reviewed the plat. He advised this is considered a lot of record.

There were further comments about setbacks, restrictions, and going to the BZA as it will still be non-conforming.

Councilman Taylor motioned, seconded by Councilman Savage to approve the vacation of property line between parcels 30A2-A-22 and 30A2-A-18A as presented. Unanimously approved.

Recreational Beach Relocation Project Briefing

Mr. John Kasbohm, USFW Refuge Manager gave an in-depth briefing on the beach relocation project. He reviewed the status of the current beach and costs to maintain. He reported on the grants and grant applications for funding. He gave the estimated costs for moving the beach and advised that the costs are so high they presented the project in 2 phases. He broke down the project phases advising that the Air National Guard expressed interest in helping, possibly in building the road for the relocation. The USFW would pay for the materials, and they would build it. The parking lots may be in phases as well. He went into specifics about estimated costs, inflation, timelines, and deadlines.

There were comments and questions regarding, building dunes, using fencing and dune grass to help maintain the beach, and wetlands mitigations.

Councilwoman Bowden advised she is not a fan of this project. She stated that not getting all of the funding scares her because they won't have the parking that was promised for the people. The Town has to guarantee the visitors the beach experience that they came here for. She asked if there would be a guarantee that the current parking would be maintained until it is moved north.

Mr. Kasbohm stated they can't make guarantees about what they don't know. The new beach won't be open until it is fully ready. He added that there is no good answer. This was the decision made in the planning document.

Councilwoman Bowden stated that they should keep in mind from the presentation, if this goes in phases there is no guarantee of the 961 parking spaces to be up and going. It could be 300, 400, 500 until they get up to that. She feels this is scary.

Mr. Kasbohm added that throughout his career he followed behind many people that made promises that that the agency was never going to keep. He stated that the goal is 961 spaces, and then it comes down to money. He stated they could cut costs to get something that would work. He doesn't like to gamble, but if it disappeared, that's a different level of pressure and maybe they would find funding to finish what was started.

There was discussion about the completion time frame, the new road to the new beach flooding, the old Coast Guard station, nesting closures, OSV closures, etc.

Mr. Kasbohm stated that there are no commitments. He added that they have funded projects like this in the past but not often. There is a deadline for obligation of the funds, he feels it is a reasonable timeline.

Consider Harbor Regulations

- 1. Harbor Parking Lot Storage**
- 2. Transient Vessel Modification**

Mayor Leonard advised that the Harbor Committee recommends to allow the Harbor Master to make changes to the storage and how it's deemed at the Harbor.

Sec. 70-100. - Storage.

Crab traps, lobster pots, fish nets, baskets, fish boxes and all other types of gear shall not be stored on the docks or upland areas except areas that may be designated by the harbor master. Boats, boat trailers, service trailers, vehicles, or other materials and equipment shall not be stored on the docks, adjacent waterways or upland areas of the harbor. *The Harbor Master may allow permanent slip holders to store one boat in the marked parking lot or any adjacent upland area between the dates of October 1 and May 1 without charge. Storage at other times shall be limited to the service area adjacent to the spoil site and shall be on a first come first served basis.*

Mayor Leonard also advised that the other change is to consider a limit on how the transient vessels are used at the Reed Park. He feels by changing this will tighten up the transient verbiage.

There were comments about a transient vessel who comes for 14 days, leaves the dock, anchors for a day and comes back for 14 days. This would be at the Harbor Master's discretion.

The proposed change would read as follows;

Sec. 70-119. - Boat ramp and land area usage

- (b) Overnight habitation of boats, parked vans, automobiles, trucks, mobile homes, camper trailers or other recreational vehicles or apparatus, including tents, at any such facility, is prohibited except that slip holders and their guests may utilize overnight accommodations on boats designed for such overnight use, after obtaining the lease from the town. **All such leases for transient vessels shall be limited to 14 consecutive days.**

Councilman McComb motioned, seconded by Vice Mayor Bott, and Councilwoman Bowden to adopt the modifications to Sec. 70-100 Storage and Sec. 70-119. Boat Ramp and Land Area Usage. Unanimously approved.

Consider Correction to Ordinance Conveying Wastewater Treatment Facility

Town Manager Tolbert advised there was a clerical error in the original Ordinance for the conveyance of the wastewater treatment facility to HRSD. They didn't feel it would be a problem, but wanted it clean.

Councilman McComb motioned, seconded by Vice Mayor Bott to approve the correction of the Ordinance Conveying Wastewater Treatment Facility and Related Property Interests to Hampton Roads Sanitation District as presented. Unanimously approved.

**CORRECTION OF CLERICAL ERROR IN
ORDINANCE CONVEYING WASTEWATER TREATMENT FACILITY AND
RELATED PROPERTY INTERESTS TO HAMPTON ROADS SANITATION DISTRICT**

WHEREAS, at its regularly scheduled meeting on November 6, 2023, the Town Council of Chincoteague enacted an ordinance (the "HRSD Transfer Ordinance") entitled "CONVEYANCE OF WASTEWATER TREATMENT FACILITY AND RELATED PROPERTY INTERESTS TO HAMPTON ROADS SANITATION DISTRICT (FORMER COMMERCIAL UNIT A AND A PORTION OF FORMER COMMON ELEMENT OF SUNSET BAY SOUTH CONDOMINIUM (TAX MAP 30A5-35-CA))";

WHEREAS, the HRSD Transfer Ordinance contains an inadvertent clerical error in paragraph 1 on page 2, where it states as follows:

"1. Lot 4 of Parcel 14, as specified on the attached proposed subdivision plat, be conveyed at no cost to HRSD."

WHEREAS, such paragraph should have stated:

"1. The Wastewater Treatment System be conveyed at no cost to HRSD."

NOW, THEREFORE BE IT ORDAINED by the Town Council of Chincoteague this 16th day of November, 2023, that paragraph 1 on page 2 of the HRSD Transfer Ordinance is corrected to read as follows:

“1. The Wastewater Treatment System be conveyed at no cost to HRSD.”

Adopted by the Town Council of Chincoteague on November 16, 2023.

By: _____
Mayor

ATTEST:

Town Clerk

4862-0476-0976, v. 1

Mayor and Council Comments

Councilwoman Bowden stated she was on the Beach Relocation Committee. The public was also involved. There were a lot of things promised that won't happen. She can see the writing on the wall. She doesn't believe they'll get the 961 parking spaces. She also stated that when it's high tide they'll have to choose when to go to the beach. She feels this is a disaster waiting to happen for the economy of Chincoteague. She added that this is bad plan. Mr. Hines came up with a plan and she wants to know if his plan was reviewed. She feels this is a disaster for the economy of Chincoteague. She appreciated Mr. Kasbohm coming tonight, she wishes there was a magic plan, but it's just not happening.

Councilman McComb wished everyone a Happy Thanksgiving.

Councilman Taylor stated that he saw the Public Works staff putting up the Nativity Scene and it put a smile on his face. He thanked the dear Lord.

Councilman Savage stated it was good to see Mr. Bowden tonight, a true Chincoteaguer inside and out.

Closed Meeting – In accordance with 2.2-3711(A) (1) of the Code of Virginia for the discussion of specific personnel and department performance.

Councilman Savage motioned, seconded by Councilman McComb and Councilman McComb to go into a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia for the discussion specific personnel and department performance. Unanimously approved.

**Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia
Councilman Savage motioned, seconded by Councilman McComb to certify the Closed Meeting was in accordance with §2.2-3712 (D) of the Code of Virginia. Unanimously approved.**

Adjourn

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

DRAFT