

MINUTES OF THE NOVEMBER 6, 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

There was none.

Agenda Adoption

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

District 1 Supervisor Report

Supervisor Tarr reviewed the Board of Supervisors' Strategic Plan. He talked about the Rocket Lab with the neutron rockets set to be built and shot off in 2024. This brings a problem in the County where there are going to be 250 jobs. He asked where they're going to live, if they have adequate schools, childcare, broadband, etc. He talked about plans to develop County property for affordable housing for NASA, teachers, EMS, and police officers. He mentioned that no one applied for the northern Accomack County childcare grant. He also advised that over the last 20 years the state has put \$176 million into Wallops, and they can't get another pull-off on the Causeway. Widening the Causeway will be discussed on November 14th. The Supervisors are invested in recruiting and retaining qualified workforce. He discussed the need for higher

salaries for all not just for EMS and Law Enforcement, but for staffing as well. He suggested giving incentives for developers by possibly cutting some of the codes or tax relief.

Supervisor Tarr also stated that the sewer line is creeping north and they're trying to do something in the Wattsville area. There are plans to widen RT 175, but it needs to go further than Atlantic Road. They want to entice more development. He stated that the Strategic Plan helps align priorities. VDOT advised that they aren't doing anything on the Causeway because of unstable ground. He added that it's been like this since 1922.

Councilwoman Bowden stated that it would be great to see the County do something about affordable housing for teachers. She asked if it would only be eligible for NASA employees.

Supervisor Tarr agreed and stated that it wouldn't be strictly for NASA. He gave percentages of housing adding there are a lot of homeless people here.

Councilwoman Richardson advised she is on the Eastern Shore Housing Alliance and suggested getting land for teachers and doctors. She asked if the County would work with the Housing Alliance and invited Supervisor Tarr to the next meeting.

Supervisor Tarr advised it is a high priority and he would plan to attend the meeting.

Staff Reports

General Government

Town Manager Tolbert gave the Center report for October adding the upcoming events for November. He added that the Center Director is doing a great job planning and booking events. The HVAC is on schedule for completion by December 8th. He advised they have not received a date from the Circuit Court for our eminent domain case, the operational transition to HRSD is scheduled to begin December 1st. This is the date that HRSD will assume full operations of the plant. HRSD has informed him that at least initially, they will be using the same environmental contractor to operate the plant. The transition should be seamless with no noticeable change in procedures or personnel. He also advised they have scheduled interviews with engineering firms on Monday with the intention of negotiating and selecting a firm for the design of our wastewater collection system. They should have a firm onboard by the end of November.

Town Manager Tolbert reported that A&N Innovative Solutions began work in the EV charging stations in October. They expect to be fully operational in the next 30 days. He reviewed the Meals and Transient Occupancy Tax collections along with the Financial Report for October. He advised that the taxes were mailed Friday and due by December 5th. He gave the Building and Zoning report for October as well.

There was discussion about having the Center Director give the Center Reports, and punch lists for the Center to include a new audio/visual system.

Police Department

Chief Fisher gave the monthly report for October. He also advised that: on October 2nd - 5th Major Greenley, Dispatcher Supervisor Lewis and Dispatcher Adams attended the VLEPSC

Accreditation Conference in Charlottesville. October 4th, Chief Fisher attended a VDOT tabletop exercise with several other Town employees at the Community Center. October 7th, the Department assisted the Chincoteague Chamber of Commerce with traffic and crowd control at the Oyster Festival. October 13th, Chief Fisher, and SRO Carmody assisted with the Homecoming Parade and football game. October 16th – 20th, Chief Fisher, Cpl. Butler, and SRO Carmody attended Law Enforcement in-service training at the Chesapeake Bay Bridge Tunnel. October 19th, SRO Geminiani Attended Tales for Tots where he read to the kids and had a show and tell with the police vehicle. October 23rd – 26th, SRO Carmody attended school threat assessment training in Hampton. October 25th, the department held the yearly training which is required to meet accreditation standards.

Chief Fisher reported they had a mock assessment last Wednesday – Friday for accreditation where assessors went through 190 files. They had 15-20 folders that needed corrections or additions to get them in compliance. The full assessment will be in January. The assessors advised they've done a great job and didn't believe they would have any problems. He also announced there is a Senior Luncheon on November 15th from 11:00 a.m. to 1:00 p.m.

There was discussion about getting the new police vehicles on the road.

Public Works Department

Public Works Director Parks reported the Public Works Department completed the repair of the headwall on Beebe Road that was started in September. The shoulder on South Main Street was backfilled to improve drainage to the storm drain inlet. New playground mulch was installed at Brianna's Kindness Park and the Veterans' Memorial Park. He thanked the Road Scholars for their assistance. The sail shade was installed at the Dog Park. He advised that the John Deere tractor was sold, and they purchased a new side cutter for the existing Case tractor. They plan to catch up roadside mowing, put Christmas decorations up, prioritize ditch maintenance and continue drainage improvements, and continue routine maintenance of equipment and vehicles.

There was discussion about mowing, repainting yellow stripes on sidewalks, drainage maintenance, the widening of the pavement on South Main Street, and adding "share the road" along South Main Street.

Emergency Services

The report has been included in the packet.

Proclamation – Cemetery Cleanup

Mayor Leonard read the proclamation.



PROCLAMATION

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

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

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

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

NOW, THEREFORE, I, Mayor John A. Leonard do hereby proclaim the week of November 5th through 11th, 2023, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 6th day of November 2023.

John A. Leonard, Mayor

ATTEST:

Michael T. Tolbert, Town Manager

Committee Reports

Cemetery Committee

Councilwoman Richardson discussed the Cleanup Week. She reported on the fox holes at the Mechanics and the Odd Fellows Cemeteries. She feels it is getting bad. She suggested thinking of ways to control this issue. She commented that if you have time to collect and cleanup older cemetery decorations.

RCEC

Councilman Taylor reported they met October 24th. NALL came requesting a donation for a new building. He commented that he has worked for Accomack County, and they have a great athletic department. However, the Town has individuals who work here for free and do a great job. He advised NALL plans to build a 40' x 80' building to use all year. The Committee recommends Council approve a donation of \$10,000. He thanked the Public Works Staff for all the work they do for the parks.

Adoption of the Minutes

Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the October 2nd, and October 19th Council meetings as presented. Unanimously approved.

Public Hearing – Transfer of Property

Mayor Leonard explained that Council will consider the conveyance of property on South Main Street to Hampton Roads Sanitation District.

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

Consider Resolution of Transfer of Property

Councilman Savage motioned, seconded by Councilman McComb to adopt the Resolution of Conveyance of Wastewater Treatment Facility and Related Property Interest to Hampton Roads Sanitation District. Unanimously approved.



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, by Deed of Gift effective December 29, 2022 and recorded January 9, 2023 in the Clerk’s Office of the Accomack County Circuit Court (“Clerk’s Office”) as Instrument 230000048 (the “Unit A Deed”), the Town of Chincoteague acquired from Chincoteague Sunsets, L.L.C. fee simple title to Commercial Unit A of the Sunset Bay South Condominium and the wastewater treatment facilities and equipment located thereon. The property and rights acquired by the Town, as described in the Unit A Deed, are collectively called the “Unit A Property.”

WHEREAS, by Certificate of Deposit recorded September 26, 2023 in the Clerk’s Office as Instrument 230003751, the Town acquired by eminent domain certain portions of the common element of Sunset Bay South Condominium generally shown as “Area 2” and “Area 3” on the Plat (defined below), the vertical column above Commercial Unit A, certain easements within the condominium and also crossing Tax Parcel 30A3-A-6 as depicted on the Plat, and certain other property interests, all as more particularly described in the Certificate of Deposit (all of the foregoing, collectively the “Ancillary Property”). As used herein, “Plat” means the plat of survey entitled “Plat of Tax Map #30A5-35-CA and Tax Map #30A3-A-6,” etc., prepared by JMT dated August 9 2023, which is attached hereto as **Exhibit A**.

WHEREAS, the Unit A Property and the Ancillary Property are collectively called the “Wastewater Treatment System.”

WHEREAS, the Town entered into a Sewer Treatment Plant Transfer and Service Agreement dated September 22, 2023 (the “HRSD Transfer Agreement”) with Hampton Roads Sanitation District (“HRSD”) pursuant to which the Town agreed to convey the Wastewater Treatment System to HRSD in exchange for HRSD’s agreement to upgrade and operate the wastewater system and certain other agreements. A copy of the HRSD Transfer Agreement is attached hereto as **Exhibit B**.

WHEREAS, the transfer of the Wastewater Treatment System to HRSD is part of a series of transactions described in the Agreement dated December 21, 2022 between and among the Town, Sunset Bay South Condominium Association, Inc. and certain other parties, a copy of which is attached hereto as **Exhibit C** (the “Master Agreement”).

WHEREAS, a public hearing was held on the transfer of the Wastewater Treatment System to HRSD November 6, 2023.

WHEREAS, the Town Council of Chincoteague, by the affirmative vote of at least three-fourths of all members elected to Council, finds that the transfer and conveyance of the Wastewater Treatment System to HRSD is consistent with the Master Agreement, the HRSD Transfer Agreement, and will have significant public benefits; now

THEREFORE BE IT ORDAINED by the Town Council of Chincoteague this 6th day of November, 2023 that:

1. Lot 4 of Parcel 14, as specified on the attached proposed subdivision plat, be conveyed at no cost to HRSD.
2. The Mayor and Town Manager, either of whom may act, be authorized to execute the conveyance of the Wastewater Treatment System to HRSD.
3. The Mayor and Town Manager, either of whom may act, be authorized to execute such deeds, affidavits, certificates, and other documents and take such actions as are necessary or proper to complete the conveyance of the Wastewater Treatment System substantially in accordance with the foregoing terms.

Adopted by the Town Council of Chincoteague on November 6, 2023.

By: _____
Mayor

ATTEST:

Town Clerk

Consider NALL Donation

Town Manager Tolbert advised this is a \$46,000 project. He added that there is money in the Parks and Recreation account to cover this donation. Other groups have agreed to step up and help with this project as well.

Councilwoman Bowden stated that there is no greater investment than investing in the kids and their needs.

Councilman Taylor motioned, seconded by Councilwoman Bowden to donate \$10,000 to the NALL for a 40' x 80' pole barn facility. Unanimously approved.

Council Comments

Councilman Savage stated they need to look out for our kids. They have a rough road ahead and they need to protect and secure them. He would like to see the County step up to the plate and pay for Resource Officers in all elementary schools in the County. He added that our children are our most valuable assets.

Councilman Taylor stated that he prays for everyone and for mental and physical strength. He concluded with "stay strong".

Councilman McComb agreed with Councilman Savage with the SROs. He added that just because we live on an Island doesn't mean it can't happen here. There should be standards across the County and there is no greater strategic plan than the safety of the kids in schools.

Councilwoman Bowden agreed and stated they have to look out for our future. She added that they are trying to recruit and retain teachers on the Shore which has become a hard thing to do. She also stated that if there's an opportunity for affordable housing, they need to help anyway they can. She also stated that it is good to see Vice Mayor Bott back and asked everyone to keep the family of Mr. Jon Poulson in their prayers. She stated that Thanksgiving is coming up and she hopes everyone enjoys their time with family and friends.

Councilwoman Richardson stated that she has been getting calls about people losing fire insurance, especially the mobile homes. She asked if maybe they could look into this. She advised that she spoke with someone at NFP and confirmed that this was true, they're no longer renewing.

Councilwoman Bowden stated that Nationwide isn't renewing homeowners' policies anymore. She feels they need to talk to government officials.

Councilwoman Richardson added that it isn't just mobile homes but stick built homes as well. She feels they need to be aware and see if the Town can do anything to help.

Mayor Leonard advised he was at Mr. Sammy Cooper's retirement celebration and had an occasion to speak with Mr. Poulson who asked how the Town was doing. He was the Town's attorney for 24 years and in Accomack County for all of his life. Mr. Poulson told Mayor Leonard that the County was lucky to have Chincoteague. He said that Chincoteague has always been a good town and ran properly and correctly. He loved Chincoteague. The news was shocking. He added that we always say how lucky we are, but we're losing people. He commented that you used to ride down the street with your hand up to wave at everyone because you knew them. Now, you don't know them. He has a feeling that real estate is one of the reasons why we're losing them. He stated that with the HRSD on board the Town should seriously look at some sort of planning and a planner for the town. He commented that there are buildings in town that should be demolished. Most of them were built after the fire in 1925 and they are showing their age. He concluded with "Roll Tide".

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

Councilman Savage motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia to discuss specific personnel matters. Unanimously approved.

Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia Councilman Savage motioned, seconded by Councilwoman Bowden 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 Councilwoman Bowden to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager