

**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 19th, 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.**

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- (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

**MINUTES OF THE MAY 1, 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**

Mr. Maury Enright offered the invocation.

**Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**Certificate of Recognition**

Mayor Leonard read and presented the Certificate of Recognition for Mrs. Peggy Thomas on the celebration of her 90<sup>th</sup> birthday.



**CERTIFICATE OF RECOGNITION  
PRESENTED TO**

## Mrs. Peggy Elizabeth Cherrix Thomas

**WHEREAS,** Mrs. Thomas will be honored by relatives and friends on the occasion of her 90<sup>th</sup> birthday; and

**WHEREAS,** Mrs. Thomas was born on April 29<sup>th</sup>, 1933, and has been a lifelong and valued citizen of the Town of Chincoteague; and

**WHEREAS,** On December 9, 1949, Mrs. Thomas married Mr. William Carroll Thomas and had 5 Daughters, 7 grandchildren, 11 great grandchildren and 1 great great grandchild; and

**WHEREAS,** Together with her Husband Bill Thom, Mrs. Thomas owned Sulky Acres Race Horses, Bill's Garage and Sulky Acres Mobile Home Park; and

**WHEREAS,** Mrs. Thomas is a founding member and loyal supporter of the Island Baptist Church and an active, 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 Mrs. Peggy Thomas on the occasion of her 90<sup>th</sup> birthday, with sincere congratulations and best wishes for many more happy and productive years.

Presented this 1<sup>st</sup> day of May, 2023.

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Mayor John A. Leonard

Attest:

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Michael T. Tolbert, Town Manager

Mayor Leonard read and presented the Resolution of Honorary Citizenship to Mr. Maury Enright.



**Resolution of Honorary Citizenship  
Presented to**

**Mr. William Maury Enright**

**WHEREAS**, Mr. William Maury Enright was born in Philadelphia, Pa. on May 7, 1943, was educated at William and Mary and began his teaching career at Chincoteague High School in the year of our Lord nineteen hundred and sixty-five; and

**WHEREAS**, Mr. Enright labored tirelessly during his 42 year teaching career to instruct his students in not only academics but in all things associated with a moral and virtuous life, to be in service not only to themselves but to their neighbors; and

**WHEREAS**, Mr. Enright is remembered fondly by his students, parents, colleagues, and all others within the Town for his contribution to the community through his service to his students and families long after they graduated by officiating scores of weddings, services and when necessary memorials; and

**WHEREAS**, Mr. Enright has contributed immeasurably to the integrity of the Island Community by highlighting the formal education of 4 generations of its youth and helping to provide a firm foundation on which to build this community; and

**WHEREAS**, Mr. Enright ensured that these 4 generations of citizens were proficient in the finer points of poetic verse and floral recognition.

**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 bestow upon Mr. William Maury Enright the title of **HONORARY CITIZEN OF THE TOWN OF CHINCOTEAGUE** with all of the rights and privileges that accompany such honor.

Presented this 1<sup>st</sup> day of May 2023.

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

Attest:

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

Mr. Mickey Merritt stated that in June Mr. Enright will have attended 58 straight graduations. He stated that Chincoteague is blessed as there are no finer schools than the 2 we have on the Island. There were many great teachers that made a difference in our lives.

Councilwoman Bowden stated that she had Mr. Enright for a semester or 2 in high school. She stated that learning the poems was hard. He taught her father and her. Mr. Enright is the most honorable man she's ever met, and she appreciated everything he has ever done for Chincoteague High School and for this community. She advised she will always have the utmost respect for him. She added that while he was saying the prayer and believes she could listen to him read the phone book. He is appreciated on the Island.

Mayor Leonard stated he heard of the many stories of the torture some of the students put him through.

Mr. Enright commented that he thinks some of the stories got larger as they were told.

Councilwoman Richardson stated that it has been a pleasure working with him for 46 years. He also taught her kids. She added that he is a fine Christian man, and she has enjoyed her years with him at school.

Councilman Taylor thanked Mrs. Peggy Thomas for her for keeping many church doors open. He tells the youth to "get a voice". He wishes that Mrs. Thomas would talk to the youth about speaking out. He is proud of her for speaking her mind and he thanked her.

### **Public Comment**

Mayor Leonard opened the floor for public comment.

- Mrs. Tammy Riley, 4460 Williams Lane, expressed her concern about reports about someone wanting to fill some of the marshland on Eastside Road. She understands that they plan to fill in the marsh to put in a parking lot and dock. She doesn't mind the dock because it doesn't impede their view. However, filling in the marsh and putting a parking lot would impede the view. She feels the view should be there for the homeowners. She explained that the view is abundant, and the Town has a nice mixture. Eastside is known for its view of Assateague. She doesn't want a boathouse, or parking lot there. She suggested ordinances to keep this under control, so they don't end up with another Main Street on Eastside. She added that she owns quite a bit of that marsh, and it would only benefit her to have someone build on it, but it's not about the money. She bought it to be clear.

- Mrs. Peggy Thomas, 7805 Eastside Road, asked where the septic was going if they put rental on the marsh. She stated she is against it. She asked when the next Planning Commission meeting is and was advised it is 1 week from tomorrow at 7:00p.m.

- Mrs. Beverly Fleming, 3860 Main Street, asked about the letter she received about the drinking water. She stated that the letter was dated in September, and it was mailed out in May. She asked if this was normal procedures.

Mayor Leonard advised that back in September there was a water sample taken a few days early as there was an approaching storm. According to the Health Department you can't take the sample early, which caused the letter to be sent.

Mrs. Fleming asked if they would use the CodeRed callout system to notify the residents if there was something wrong with the water.

Mayor Leonard advised they would.

- Mrs. Billie Ann Bowden, 7855 Eastside Road, agreed with Mrs. Riley. She advised she owns a big section of marsh, and they have a lot of land behind her home. She stated there are a lot of things she could do, but isn't looking to make money off of it. She added that it is nice to look out her front window at the view. She also doesn't have a problem with building a dock. She added that Mrs. Thomas is the Mayor of Eastside and she's the Vice Mayor and they're against it.

- Mrs. Mary Chrisman, 4235 Main Street, addressed Council regarding the Dog Park. She stated that they appreciate the Dog Park but feel they need more seating and shade. She commented on the regulars that go there for socialization and their chairs, table, and umbrellas were taken up without notice. She feels they could have done this differently.

Town Manager Tolbert advised that 3 more benches have been ordered and should be here soon.

- Ms. Paula Nees, 6417 Canal Lane thanked Council for doing the cleanup week. She shared the post on Facebook and would like to plan for next year suggesting that they meet soon to strategize. She would also hopes that the Adopt-a-Road Program would start back up. She suggested advertisement. She also stated that last year she requested the Proclamation about Gun Violence. She asked Council to extend it this year, from June 2<sup>nd</sup> to June 4<sup>th</sup>. She also advised that wearing orange and putting up signs during this time to show support and that we live in a safe community. She wants to put up signs and she read why you should wear orange. She thanked Council and asked for the proclamation to be extended.

- Mrs. Julie Brommer, President and Founder of Chincoteague Island Cats, she advised that since June of 2018 over 500 cats have been caught, neutered/spayed, shots, flea treatments, and microchipped. She announced the free dog and cat rabies clinic on August 12<sup>th</sup> with approval from Council and Accomack County. There will also be another Catch and Release Program scheduled for September 14<sup>th</sup> – 17<sup>th</sup> to trap and care for 50 cats. She added that the neuter scooter will be on-scene to do the surgeries. She thanked the Town for their support.

- Ms. Barbara Mimm, 8202 Seahorse Drive, thanked Town Manager Tolbert for replacing the benches so quickly and she also asked for shade at the Dog Park. She informed Council they maintain the area and pickup the area as well.

### **District 1 Supervisor Report**

Supervisor Billy Joe Tarr reported on the County's FY24 budget which totals \$70 million. He listed what the budget consists of. There will be an increase in staff compensation of 6.5% or possibly 7%, with a compensation study planned. They will increase the VRS up to 1.85 multiplier to bring it up to the Sheriff's Department and State Police. They will also increase the cigarette tax from \$0.10 to \$0.20 per pack, the personal property tax assessments will go back to normal. It was up because the used vehicle values went up. He reported that they gave the

Chincoteague Chamber of Commerce \$65,000 from the ARPA Tourism Recovery Funds and initially approved \$80,000. He gave an update on the HRSD plans for taking over central Accomack. He stated that the new library is almost completed. The trustees are not satisfied with the lease agreement. He reported on the funding of dredging the Channel, and possibly Lewis Creek. He commented further.

Councilwoman Bowden commented that she recognizes what the launches do for the Eastern Shore, but feels Chincoteague brings more to the economy. The south end of the Island gets washed out and washed out, yet they're still waiting. She stated that it's disheartening to see them take care of others all around the Island.

Supervisor Tarr commented further.

Councilman Taylor thanked the County for giving the Town the Chamber property, adding that they need public restrooms.

Supervisor Tarr suggested that the additional money they should receive from the ARPA funds could be used for this.

### **Agenda Adoption**

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

### **Staff Reports**

#### **General Government**

Town Manager Tolbert reported on the Center's rentals for April. He also advised of the May bookings which include the CHS Prom, and graduation. He reported that last fall the DEQ rolled out a new program that provides ARPA funds to repair failing septic systems. The Septic Local Partners Program (SLPP) provides funds for the repair and or replacement of failing residential and commercial septic systems. He advised that he applied for this program last November and was notified by the DEQ on April 19<sup>th</sup> that the Town of Chincoteague has been awarded \$750,000 to fund qualifying projects on the Island.

Town Manager Tolbert reported that on Wednesday April 15<sup>th</sup>, he met with a group of officials from NASA Wallops, Goddard, and NASA headquarters in DC in reference to moving the wells off of NASA property. They discussed the progress of the legislation to relocate the Town's wells off of NASA property. He further advised that he has asked for time as the proposed cost estimate is 6 years old and more than likely not adequate to complete the project. He then gave an update on the Inlet Study. He also advised he had an issue with the 5-year window to design, construct, and obtain permits. This is not sufficient. He requested to extend it to 10 years. He will meet with Representative Jen Kiggans' Eastern Shore staff next week to request the Representative's assistance in providing ACOE funding for the Study. He also reached out to Senator Kaine and Warner's office for similar assistance. He reported that no studies in the state of Virginia were approved this year.

Town Manager Tolbert then reviewed the financial report for April. He also reported that the Town is still in discussion with the Hampton Roads Sanitation District (HRSD) as to the fine points of the transfer agreement. He then gave a brief report on the Building and Zoning Department activities.

Vice Mayor Bott asked about the Planning Commission sewage phase work.

Town Manager Tolbert stated they are working on Sewage Phase and Qualifications to add to the Comprehensive Plan, then to have a joint public hearing and pass the specifications for connection. This doesn't have to be done beforehand, but they were clear what needed to be in the Comprehensive Plan.

Councilwoman Bowden asked if Town Manager Tolbert was still meeting with staff after Council meetings.

Town Manager Tolbert advised he does, however, occasionally things happen to keep it from happening.

#### Police Department

Chief Fisher advised reported that on April 17<sup>th</sup> he, Mr. Harry Thornton met with VDOT officials, the State Police, and the Sherriff to change the 911 procedures for road hazards. On April 18<sup>th</sup>, the Eastern Shore 911 met here to check the vehicles to see how to mount the new radios. This will be up and running by fall of 2024. He also advised he will be at the Budget and Personnel Committee meeting to give the cost of possibly updating the dispatch console to the new ones that the County is installing.

There was discussion about paging out for incidents and specifics not being relayed causing confusion.

#### Public Works Department

Public Works Director Parks reported they have completed the Main Street tie-in for Cropper Street. He gave an update on the Memorial Park Boat Ramp Project. He stated that staff repaired a water main leak on Eastside and flushed hydrants the week of April 17<sup>th</sup>. He also gave an update on the Cropper Street Project advising that the water main and storm drains are complete. The new sidewalks will be put in beginning May 8<sup>th</sup> to be completed by Memorial Day. Public Works Director Parks advised they have a bid advertisement for the Sanitation Contract with the bids due on May 19<sup>th</sup>. Paving will begin this week for Woodland Drive and Maddox Blvd.

Mayor Leonard asked if they could have depth markers on the poles at the new boat ramp at Memorial Park.

#### Emergency Services

Director of Emergency Services Rush advised of his calls for April comparing to April 2022. He reported of the Rocket Lab launch scheduled for June 15<sup>th</sup> and the ANTARES NG 19 launch July 7<sup>th</sup> at 6:30a.m. They are planning the POD Exercise for September. He reviewed the 2023 CSU Hurricane Forecast which is slightly below the average. He urged everyone to be prepared



and ready, especially since last weekend's tornado in Virginia Beach. He stated that May 11<sup>th</sup> the Covid State of Emergency ends.

**Committee Reports:**

**Budget and Personnel**

Vice Mayor Bott advised there was nothing to report.

**Recreation and Community Enhancement Committee**

Councilman Taylor advised they met on March 28<sup>th</sup> and discussed the exercise trail at Brianna's Park along with the picnic table, a shade structure, a path for the handicapped to access the equipment and a basketball goal near the soccer field. He also commented that the Dog Park should have a shade structure. He asked Public Works Director Parks to look into making the Hallie Whealton Trail look beautiful as well.

**Adoption of the Minutes of the April 3<sup>rd</sup> and April 20<sup>th</sup>, Council Meetings**

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the April 3<sup>rd</sup> and April 20<sup>th</sup>, 2023, Council meetings as presented. Unanimously approved.**

**Vice Mayor Bott, motioned, seconded by Councilwoman Bowden to approve the minutes of the April 3<sup>rd</sup> and April 20<sup>th</sup>, 2023, Council meetings as presented. Unanimously approved.**

**Consider Request from the Chincoteague Island Cats**

Town Manager Tolbert advised that the CI Cats are requesting to conduct a dog and cat rabies clinic on August 12<sup>th</sup> with a location to be determined.

Councilwoman Bowden advised that she is asking the Fire Company at the monthly meeting, if they can have the clinic at the firehouse.

**Vice Mayor Bott motioned, seconded by Councilman McComb to approve the CIC dog and cat rabies clinic. Unanimously approved.**

**Resolution of EMS Appreciation Week**

Mayor Leonard read the resolution.



**RESOLUTION**

**Emergency Medical Services Appreciation Week 2023**

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

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

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

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

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

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

Now, Therefore, Be It Resolved, that the Town Council' of the Town of Chincoteague, Virginia does hereby proclaim the week of May 21<sup>ST</sup> – May 27<sup>TH</sup>, 2023, as "Emergency Medical Services Appreciation Week: in the Town of Chincoteague, with this year's theme being “EMS: Where Emergency Care Begins”.

Signed: \_\_\_\_\_

J. Arthur Leonard, Mayor

Attest: \_\_\_\_\_

Michael T. Tolbert PE, Town Manager

**Resolution of National Public Works Appreciation Week**  
Town Manager Tolbert Read the resolution.



## **National Public Works Week Proclamation** **May 21 – 27, 2023**

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

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

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

WHEREAS, the year 2023 marks the 63<sup>rd</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now

RESOLVED THAT , I, John A. Leonard, do hereby designate the week May 21 – 27, 2023 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand,

DONE at **Chincoteague Island, Virginia** this 1<sup>st</sup> day of May, 2023.

Signed: \_\_\_\_\_

John A. Leonard,  
Mayor

Attest: \_\_\_\_\_

Michael T. Tolbert,  
Town Manager

**Consider Trolley Drug and Alcohol Policy**

Town Manager Tolbert advised that the DRPT writes a Drug and Alcohol Policy that conforms with the Federal Transit Administration standards. They have requested that this policy be adopted.

**Vice Mayor Bott motioned, seconded by Councilman McComb to adopt the Pony Express Trolley Drug and Alcohol Policy. Unanimously approved.**

## Pony Express- Town of Chincoteague

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# Drug and Alcohol Policy

Effective as of [07/01/2023]

Adopted by: \_\_\_\_\_

Date Adopted: [05/01/2023]

Last Revised: [04/18/2023]

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## I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager’s office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website

<http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect Pony Express - Town of Chincoteague’s policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

**All Pony Express - Town of Chincoteague employees are subject to the provisions of the Drug-Free Workplace Act of 1988.**

**The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any**

**criminal drug statute for a violation occurring in the workplace shall notify the Designated Employer Representative no later than five days after such conviction.**

## 2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a “safety-sensitive function” as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver’s license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

## 3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

## 4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

### **Zero Tolerance**

Per Pony Express - Town of Chincoteague policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) **and terminated from employment.**

## 5. Circumstances for Testing

### **Pre-Employment Testing**

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

### **Reasonable Suspicion Testing**

All covered employees shall be subject to a drug and/or alcohol test when Pony Express - Town of Chincoteague has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained

supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

### **Post-Accident Testing**

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

#### Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by Pony Express - Town of Chincoteague using the best information available at the time of the decision, will be tested.

#### Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a bus, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Pony Express - Town of Chincoteague using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.



### **Random Testing**

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at [www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates).

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

## **6. Testing Procedures**

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

### **Dilute Urine Specimen**

If there is a negative dilute test result, Pony Express - Town of Chincoteague will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

### **Split Specimen Test**

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Pony Express - Town of Chincoteague guarantees that the split specimen test will be conducted in a timely fashion. **Employee will be required to pay for the test (may not condition analysis on employee payment).**

## 7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Pony Express - Town of Chincoteague.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or Pony Express - Town of Chincoteague for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or Pony Express - Town of Chincoteague's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

## 8. Voluntary Self-Referral

**Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Designated Employer Representative, who will refer the individual to a substance abuse counselor for evaluation and treatment.**

**The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.**

**Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.**

## **9. Prescription Drug Use**

**The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the Designated Employer Representative. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.**

## **10. Contact Person**

For questions about Pony Express - Town of Chincoteague's anti-drug and alcohol misuse program, contact the Designated Employer Representative.

## **Attachment A: Covered Positions**

Operators

Dispatchers

### **FY24 Budget Presentation**

Town Manager Tolbert gave an in-depth presentation of the FY24 Budget. He explained the process of the budget. He showed historical comparisons. He reviewed each fund, with highlights of revenues and expenditures for each fund showing charts and graphs. (The presentation is listed on the website in its entirety).

### **FY24 Budget Public Hearing**

Mayor Leonard opened the FY24 Budget Public Hearing at 8:52p.m. There were no comments, and Mayor Leonard closed the public hearing at 8:53p.m.

Town Manager Tolbert advised they have to let the budget sit for 2 weeks before voting on it at the Workshop meeting on the 18<sup>th</sup>.

### **Consider Recommendation of the RCEC**

Councilman Taylor commented on the RCEC suggestion to put a small basketball court at the Brianna's Kindness Park. The Committee recommends a small court near the soccer field.

Town Manager Tolbert advised that the work could be included in the small quantities portion of the current spring paving contract. It will total 50% of the small quantities funding. He added that it could be in FY24.

There was a brief discussion about the small quantities.

Councilman Taylor stated that it isn't a lot, it's only 40'x 40'.

There was discussion about paying for it out of Brianna's Park Reserves.

**Vice Mayor Bott motioned, seconded by Councilman McComb to approve the basketball court as presented for Brianna's Kindness Park to be paid for from the reserve fund. Unanimously approved.**

### **Mayor and Council Comments**

Councilman Savage stated that Town Manager Tolbert gave a great presentation. He gave kudos to Town Manager Tolbert, staff, and the Budget and Personnel Committee. He thanked Mr. Enright adding he had a couple of generations of his family. He appreciated knowing Mr. Enright as a friend and teacher. He also congratulated Mrs. Peggy Thomas on her 90<sup>th</sup> birthday.

Councilman Taylor thanked Mayor Leonard for all he does. He commented that Supervisor Tarr said good help is hard to find. He stated that the Town is very blessed. He told of a lady with a water leak. He called the Police Department who dispatched the Waterworks Technician on-call who came and took care of it. He thanked everyone and wished the Town could do more with the raises.

Councilman McComb congratulated Mrs. Thomas and Mr. Enright. He stated he had Mr. Enright in the 9<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> grades. He won't ever forget how to diagram a sentence and can still remember his flowers. He expressed his appreciation for everything he's done. It would be hard to find a better person in this community than what he has been. It's nice to see other areas getting studies and money spent on their survival. There are very little things that face this community that's of bigger priority right now other than maintaining what they have as far as land, adding once it's gone it's gone. The one thing that protects Chincoteague is Assateague. There are a couple of different reasons to pay attention to this. Council will be interested in hearing about his meeting with Congresswoman Kiggans next week.

Vice Mayor Bott stated that this was a well-deserved recognition of Mr. Enright. He also recognized Town Manager Tolbert for an excellent job on the budget and the presentation.

Councilwoman Bowden hoped Mrs. Thomas could have stayed a few more minutes so she could wish her a "Happy Birthday". She stated that she would never have enough good words to say about Mr. Enright. She also commended Town Manager Tolbert on an awesome job of the budget presentation. She advised that Mr. Alfred Johnson, that he referred to in past minute

book excerpts, was her grandfather who died at 51. She was able to learn more about him over the years. She knew about his service on the Town and was a Police Commissioner. But to see it in black and white to know what they said and did was an eyeopener. She added they have a lot to be proud of here and she hopes that this cleanup week continues on for years to come. She would like to see the Adopt-a-Road Program come back.

Councilwoman Bowden also commented about being a gun owner and concealed weapons permit holder. She is also a very responsible gun owner. She feels there is a problem when gun violence is the leading cause of death. She added that it can happen here at any time. The School Resource officers make her feel better. It will more than likely touch someone and they should think about it. She thanked all of the employees, adding they do a fantastic job. She also thanked everyone for coming to the meeting.

Councilwoman Richardson stated that they have a lot of employees that take pride in how the Island looks and they're proud of it. She appreciates the Public Works Department and advised that they did a good job clearing the Hallie Whealton Smith Drive and Deep Hole Road intersection. She stated that they all have to take part into taking care of the Island. She added that she appreciates what people do in serving on committees and volunteerism.

Mayor Leonard congratulated Mr. Enright for now being a Chincoteaguer. He added that he did a lot of work trying to educate this bunch. He also reminded everyone that it's getting close to the busy season and this weekend is the Seafood Festival. It bears witness by the budget what tourism is to the Island. 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 MAY 18, 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. Bryan Rush, Emergency Management Coordinator

### **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.

### **Student Government Report**

Student Mayor Victor Aipia introduced the participating students for Student Government Day. Student Town Manager, Ms. Sam McCall  
Student Chief of Police, Mr. Lonie Fuller  
Student EMS Director, Ms. Ellie Conser  
Student Public Works Director, Mr. Zach Outten  
Student Council Members: Ms. Allie Bell, Mr. Elliott Garland, Mr. Jake Harper, Ms. Takisha Wallop, Mr. Adam Williams, and Ms. Jade Wilson.

Student Mayor Aipia reported that they split into 2 teams who discovered different problems in the community. One team looked into the recent idea of installing a central sewer system. The other team thought about more recreation in the wintertime to bring in more tourism and help keep the Town afloat during the winter months.

Student Councilmember Garland advised that his team found in the research of the downtown area and Maddox Blvd. that a lot of people wanted the central sewage system. They feel it will allow Chincoteague to have more restaurants on the Island. He added that people complained about the long-term housing. He added that it will help create more jobs and boost Chincoteague.

Student Councilmember Wilson stated that if the Town did have central sewage, they would be able to bring more tourism in the winter because more restaurants would be open. They talked with local business owners who would like to have more tourism in the winter months. They would also like the Center to have more events in the winter such as markets and festivals.

Student Mayor Aipia stated that while they were talking to people about sewage, he let them know the Town is already working on this. He thanked everyone for their time and added that they were happy to be here.

### **Public Comment**

Mayor Leonard opened the floor for public comment.

- Mrs. Tina Zoller, 3454 Main Street, advised there have been 2 incidents in the last 3

months where someone drove over her waterfront property and destroyed everything there including art poles and decorative birds. Her neighbor had 2 heavy Adirondack chairs taken out from an accident. She stated that she is concerned with the speed. She asked Council to look at the speed limit and possibly come up with something to make it safe so no one will lose their life.

- Ms. Paula Nees, 6417 Canal Street, advised of a fluorescent tube that was busted in the drainage waterway next to Hallie Whealton Smith Drive. She asked if the ditch is owned by the school or the Town. She also stated that she knows the gun violence proclamation is on the agenda and she advised she has orange lapel pins for Council and Police to wear in respect of the victims of gun violence.

### **Agenda Adoption**

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

### **Proclamation for Gun Violence**

Town Manager Tolbert read the proclamation.



## **PROCLAMATION IN RECOGNITION OF DECLARING FRIDAY JUNE 2, 2023 TO BE LOCAL GUN VIOLENCE AWARENESS DAY**

This proclamation recognizes that Friday June 2, 2023, will be proclaimed Local Gun Violence Awareness Day in the Town of Chincoteague to honor and remember all victims and survivors of gun violence and to declare that we as a community, we must do more to reduce gun violence.

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

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

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

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

**WHEREAS**, on June 2, 2023, people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to victims of gun violence; and the loved ones of those victims; and

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

**WHEREAS**, anyone can join this campaign by pledging to wear orange on June 2nd, 2023 to help raise awareness about gun violence; and

**WHEREAS**, by wearing orange on June 2nd, 2023, citizens will raise awareness about gun violence, the value of human life and honor the lives of gun violence victims and survivors; and

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

**NOW, THEREFORE BE IT RESOLVED** that the Town of Chincoteague declares June 2, 2023, to be Local Gun Violence Awareness Day. I encourage all citizens to support their local community's efforts to prevent the tragic effects of gun violence and to honor and value of all human life.

Signed: \_\_\_\_\_  
John Arthur Leonard, Mayor

Attested: \_\_\_\_\_  
Michael T. Tolbert, Town Manager

**Proclamation for National Police Week**  
Chief Fisher read the proclamation.



### **PROCLAMATION TO RECOGNIZE NATIONAL POLICE WEEK**

**WHEREAS**, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the 12 dedicated members of the **CHINCOTEAGUE POLICE DEPARTMENT**;



**WHEREAS**, we rely on law enforcement officers and dispatch professionals to keep our neighborhoods safe, enforce our laws, and respond in times of crisis; and

**WHEREAS**, everyday law enforcement officers throughout the nation face the threat of violence and danger, routinely putting their lives in jeopardy to defend others, putting themselves at risk of injury, disability, or even death; and

**WHEREAS**, the **CHINCOTEAGUE POLICE DEPARTMENT** has made and continues to make important changes in policy, policing, and transparency, including the enhancement of services, crime analysis, and community policing initiatives accredited through the Virginia Law Enforcement Professional Standards Commission; and

**WHEREAS**, these men and women by their distinctive service and dedicated efforts as law enforcement officers and dispatch professionals, have earned our highest respect and deepest gratitude.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Council of the Town of Chincoteague, Virginia does hereby proclaim the week of May 21<sup>st</sup> – May 27<sup>th</sup>. 2023, as “Police Appreciation Week” in the Town of Chincoteague.

Signed: \_\_\_\_\_  
J. Arthur Leonard, Mayor

Attest: \_\_\_\_\_  
Michael T. Tolbert PE, Town Manager

**FY23 Budget Compliance**

Vice Mayor Bott stated that the Budget and Personnel Committee met and looked at the overage for FY23. He advised that the memo is in the packet. It shows the revenue overages that offsets the proposed projects. They discussed the disposition of the overages and asked Town Manager Tolbert to review the list.

Town Manager Tolbert reviewed the list of projects to include in FY23 to be paid for out of the revenue overages.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to adopt the FY23 Budget Compliance, listed projects to be paid for from the revenue overages, as presented. Unanimously approved.**

**Consider FY24 Proposed Budget Approval and Appropriation**

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden that the proposed FY24 budget be adopted as presented and that the funds be appropriated for disbursement as such. Unanimously approved.**

<b>ACCOUNT</b>	<b>DESCRIPTION</b>	<b>FY24 PROPOSED BUDGET</b>
<b>GENERAL FUND</b>	<b>GENERAL FUND REVENUES</b>	
104001.0100	REAL ESTATE TAX LEVY	\$656,500
104001.0125	TANGIBLE PROP. TAX LEVY	\$215,000
104001.0130	DEL.TAX,INTEREST,PENALTY	\$16,000
104001.0500	MEALS TAX	\$1,300,000
104001.0600	BANK FRANCHISE TAX	\$92,000
104010.0100	SALES TAX	\$175,000
104010.0200	BUSINESS LICENSE	\$135,000
104010.0300	MOTOR VEHICLE LICENSE	\$88,000
104010.0500	UTILITIES TAX	\$217,000
104010.0600	TRANSIENT OCCUPANCY TAX	\$2,000,000
104015.0100	FINES	\$24,000
104015.0650	CIGARETTE TAX	\$80,000
104020.0100	INTEREST ON SAVINGS	\$20,200
104041.0150	CEMETERY CLEANUP DONATIONS	\$200
104041.0170	PLAYGROUND EQUIP DONATIONS	\$0
104041-0180	ROBERT REED PARK	\$1,000
104041.0190	BRAINNA'S KINDNESS PARK DONATIONS.	\$0
104041.0200	USER FEES BOAT RAMPS	\$20,000
104041.0300	USER FEES DOG PARK	\$5,000
104041.0500	BUILDING PERMITS	\$56,000
104041.0600	ZONING ADVERTISEMENTS	\$1,000
104045.0100	GRANTS/LITTER	\$0
104049.0100	SALE OF ASSETS/ABANDONED PROP	\$25,000
104051.0200	HEALTH INSURANCE/RET.SPOUSE	\$15,000
104051.0300	VA FIRE PROGRAMS	\$15,000
104061.0100	PAYMENT IN LIEU OF TAX- USFWS	\$6,500
104061.0106	RENTAL INCOME TROLLEY	\$16,000
104061.0107	TOWER RENT	\$6,438
10-4061-0110	MATTHEWS PROPERTY	\$3,125
104061.0625	OLD FH/GARAGE RENTS	\$40,000
104071.0100	COMMUNICATIONS TAX	\$90,000
104071.0200	PERSONAL PROPERTY REL ACT	\$129,246
104071.0300	MOBILE HOME SALES TAX	\$5,000
104071-0400	CAR RENTAL DISTRIBUTION TAX	\$12,000

104091.0100	OVERAGE/SHORTAGE	\$0
104101.0200	RECOVERED COST FROM WATER	\$100,000
104201.0100	PUBLIC WORKS MISC. REV	\$4,500
104201.0150	PW SCRAP METAL SALES	
104303.0100	MISCELLANEOUS INCOME	\$12,000
104303-0400	SOLID WASTE COLLECTION FEE	\$413,000
104401.0100	LAW ENFORCEMENT FUNDS	\$117,000
104401.0125	POLICE MISCELLANEOUS	\$1,228
104401.0130	UNCLAIMED PROPERTY/CASH	\$0
104401.0150	POLICE DONATIONS	\$35,000
104401.0160	POLICE GRANTS	\$131,000
104401.0161	CPD BLOCK GRANT FY18	\$0
104401.0163	CPD BLOCK GRANT FY19	\$0
104401.0164	LOLE-2020 GRANT	\$0
104401.0200	DISPATCH REVENUE	\$12,900
104401.0201	USFWS - SARBANES GRANT	\$0
104401.0350	911 TAX TO ES 911 COMMISSION	\$0
104501.0100	VDOT MAINTENANCE FUNDS	\$787,793
104501.0101	ROAD PERMIT FEES	\$250
104501.0110	LAND USE SURETY	\$2,000
104545.0100	ACCOMACK COUNTY CARES ACT	\$0
104545.0140	VA COMM FOR ARTS GRANT	\$4,500
104545.0150	VDEM GRANT	\$0
104601.0150	ARPA LOCAL FUNDING	\$0
104601.0300	VA PORT AUTHORITY GRANT	\$0
104701.0400	TRF. FROM RAMP REPAIR FND	\$0
104701.0600	TRF. FROM DRAINAGE SAVINGS	\$0
104701.1000	TRF.FROM GEN.FUND SAVINGS	\$0
104701.1100	TRF. FROM M.C. SAVINGS	\$0
104940.8900	TRF. FROM M.C. SAVINGS DRAINAGE	\$0
104701.1500	TRF FROM PLAYROUND EQUIP. FUND	\$0
104701.1600	TRF FROM BEACH/REC/TOUR FUND	\$0
	TRF FROM PUBLIC SAFETY RESERVE	\$77,272
104601.0150	TRF FROM ARPA FUND RESERVE	\$400,000
	<b>GEN FUND TOTALS:</b>	<b>\$7,563,652</b>
<b>GENERAL GOVT</b>	<b>GENERAL GOVERNMENT EXPENDITURES</b>	
	<b>SALARIES</b>	
105010.0101	MAYOR	\$4,800
105010.0102	COUNCIL	\$23,040
105010.1001	TOWN OFFICE STAFF	\$451,518

105010.1003	OVERTIME	\$3,600
	<b>TOTAL</b>	<b>\$482,958</b>
	<b>BENEFITS</b>	
105010.2001	SOCIAL SECURITY	\$36,946
105010.2101	HOSPITALIZATION	\$50,075
105010.2201	RETIREMENT	\$64,025
105010.2202	VSRS/LIFE INSURANCE	\$3,267
105020.2103	UNEMPLOYMENT/TOWN	\$1,500
	<b>TOTAL</b>	<b>\$155,813</b>
	<b>OPERATIONS EXPENSES</b>	
105030.3100	BANK CHARGES	\$22,000
105030.3101	BUILDING ADMIN EXPENSE	\$100
105030.3102	CLEANING	\$19,000
105030.3103	PLANNING COMMISSION	\$100
105030.3104	BOARD OF ZONING APPEALS	\$100
105030.3105	BUILDING PERMIT SURCHARGE	\$2,000
105030.3106	BOARD OF BLDG CODE APPEAL	\$100
105030.3200	PERMIT CLOUD SERVICE	\$6,000
105030.3401	INSURANCE	\$168,500
105030.3501	AUDITING	\$30,000
105030.3601	DONATIONS	\$16,000
105030.3701	TRF.TO CIVIC CENTER FUND	\$110,000
105030.3705	MEALS TAX - TOURISM 10%	\$130,000
105030.4030	ANPDC MEMBERSHIP	\$7,000
105030.4301	SCHOLARSHIP	\$2,000
105030.4401	OFFICE SUP./PUBLICATIONS	\$11,000
105030.4402	OFF.EQUIP/SOFTWARE MAINT.	\$78,000
105030.4403	POSTAGE	\$11,000
105030.4404	TAX CONVERSION	\$2,400
105030.4701	GASOLINE	\$1,800
105030.4702	VEHICLE MAINTENANCE	\$1,000
105030.4801	TRAVEL & TRAINING	\$1,500
105030.4901	MAYORS EXPENSE	\$300
105030.4902	COUNCILS EXPENSE	\$1,000
105030.4903	TOWN MANAGERS EXPENSE	\$500
105030.5101	ATTORNEY/LEG.CONCONSULTANTS	\$35,000
105030.5201	DRUG/ALCOHOL TESTING	\$2,000
105030.5501	CHRISTMAS DINNER	\$2,000
105030.6101	DUES	\$1,641
105030.7101	ADVERTISING & WEBSITE	\$3,000
105030.7301	BUILDING MAINTENANCE	\$5,000

105030.7401	ELECTRICITY	\$14,000
105030.7402	HEATING OIL	\$5,000
105030.7701	SPECIAL PROJECTS	\$5,000
105030.7702	PONY PENNING EXPENSE	\$15,000
105030.7703	DEER DE-POP PROGRAM	\$500
105030.8001	LEONARD ASSISTANCE FUND	\$0
105030.8202	TELEPHONE BILLS	\$28,000
105030.8401	HEALTH INSURANCE - RETIREES	\$60,000
105030.8402	INSUR-RET SPOUSES & OTHER	\$20,000
105030-8403	TRANSFER TO MEDICARE RESERVE	\$0
105030.8404	RETIREE PERSCRIPTION DRUG ASSISTANCE	\$3,500
105030.8501	MISCELLANEOUS	\$4,000
105030-8505	911 ADDRESSING	\$500
105030.8600	CEMETERY CLEANUP	\$200
105030.8625	OLD FIREHOUSE/GARAGE MAINT	\$15,000
105030.8650	APRP PROJECTS	\$400,000
105030.8700	VA COMM FOR THE ARTS	\$9,000
105030.8710	CARES ACT ASSISTANCE	\$0
105030.8900	TRANSFER TO TROLLEY FUND	\$28,148
105030.8910	TRANSFER TO GENERAL FUND RESERVE	\$0
105030.8913	TRF TO RECREATION/TOURISM RESERVE	\$50,000
105030.8914	RECREATION/TOURISM EXPENSE 1% OF TOTAX	\$0
105030.9000	TRANSFER TO HARBOR	\$47,859
	TRANSFER TO PUBLIC SAFETY RESERVE	\$440,000
	<b>TOTAL</b>	<b>\$1,815,748</b>
	<b>CAPITAL IMPROVEMENTS</b>	
105090.9704	PROPERTY ACQUISITION RESERVE	\$0
105090.9705	PROPERTY ACQUISITION	\$0
105090.9709	OFFICE EQUIP	\$0
105090-9710	COUNCIL ROOM EQUIPMENT/FURNITURE	\$15,000
105090-9715	NEW BOILER-MUN BLDG	\$0
105090-9725	REHAB TOWN OFFICE RESTROOMS	\$0
	<b>TOTAL</b>	<b>\$15,000</b>
	<b>GEN GOV TOTALS:</b>	<b>\$2,469,519</b>
<b>EMS</b>	<b>EMS EXPENDITURES</b>	
	<b>SALARIES</b>	
105110.1002	EMERGENCY MED. STAFF	\$945,820
105110.1003	BONUS	\$4,500
	<b>TOTAL</b>	<b>\$950,320</b>
	<b>BENEFITS</b>	

105110.2001	SOCIAL SECURITY	\$72,700
105110.2101	HOSPITALIZATION	\$111,278
105110.2201	RETIREMENT	\$99,611
105110.2202	VSRS/LIFE INSURANCE	\$6,030
	<b>TOTAL</b>	<b>\$289,619</b>
	<b>OPERATIONS EXPENSES</b>	
105130.3107	EMERGENCY MED. CLOTHING	\$4,500
105130.3108	EMS CELL ALLOWANCE	\$3,000
105130.3602	FIRE DEPARTMENT DONATION	\$31,500
105130.4401	OFFICE SUP./PUBLICATIONS	\$300
105130.4402	OFF.EQUIP/SOFTWARE MAINT.	\$750
105130.4801	TRAVEL & TRAINING	\$2,000
105130.6101	DUES	\$500
105130.7601	VA FIRE PROG/CVFC	\$15,000
105130.7602	EOC OPERATIONS/TRAINING	\$3,000
105130.8501	MISCELLANEOUS	\$0
105130.8912	VOLSAP FOR VOLUNTEER FIREFIGHTERS	\$4,500
	<b>TOTAL</b>	<b>\$65,050</b>
	<b>CAPITAL IMPROVEMENTS</b>	
105190.9100	EMPLOYEE LOCKERS	\$0
10519.9150	TRAINING EQUIPMENT	\$0
	TOTAL	\$0
	<b>EMS TOTALS:</b>	<b>\$1,304,989</b>
<b>PUBLIC WORKS</b>	<b>PUBLIC WORKS EXPENDITURES</b>	
	<b>SALARIES</b>	
106010.1001	SALARIES*	\$375,200
106010.1003	OVERTIME	\$6,000
	<b>TOTAL</b>	<b>\$381,200</b>
	<b>BENEFITS</b>	
106010.2001	SOCIAL SECURITY	\$29,162
106010.2101	HOSPITALIZATION	\$70,190
106010.2201	RETIREMENT	\$53,203
106010.2202	VSRS/LIFE INSURANCE	\$2,715
	<b>TOTAL</b>	<b>\$155,270</b>
	<b>OPERATIONS EXPENSES</b>	
106030.4100	SEASONAL DECO & BANNERS	\$1,000
106030.4401	OFFICE SUPPLIES & EQUIP.	\$400
106030.4501	STREET MAINTENANCE	\$100
106030.4502	STREET SIGNS / 911	\$150
106030.4503	STREET LIGHTS	\$25,000
106030.4701	GASOLINE/DIESEL	\$25,000

106030.4703	OIL/GREASE	\$1,000
106030.4704	TOOLS/SHOP	\$2,500
106030.4801	TRAVEL & TRAINING	\$500
106030.5202	CLOTHING/UNIFORMS	\$5,500
106030.7301	BLDG. MAINTENANCE	\$3,000
106030.7302	EQUIPMENT REPAIRS	\$10,000
106030.7303	SAFETY	\$4,000
106030.7304	VEHICLE P/M'S	\$500
106030.7305	TIRES	\$2,000
106030.7306	GARAGE SUPPLIES	\$4,000
106030.7307	VEHICLE REPAIRS	\$6,000
106030.7401	ELECTRICITY	\$15,000
106030.7402	LP GAS	\$2,000
106030.7501	TIPPING FEES	\$750
106030.7502	SANITATION CONTRACT	\$450,000
106030.8501	MISC.	\$1,500
106030.8502	SCRAP METAL EXPENSE FUN	\$0
106030.8510	ROBERT REED PARK DONATIONS	\$0
106030.8590	PARKS & REC EXPENSE	\$35,000
106030.8600	VANDALISM REPAIRS	\$500
106030.8700	BOAT RAMP EXPENSE	\$1,000
106030.8701	BOAT RAMP RESERVE	\$20,000
	<b>TOTAL</b>	<b>\$616,400</b>
	<b>CAPITAL IMPROVEMENTS</b>	
106090.9101	VEHICLE/EQUIPMENT	\$0
106090.9103	CONSULTANT	\$0
106090.9104	MEM PARK PIER AND RAMP REP	\$0
106090.9105	DJA CENTER EXT REPAIRS	\$0
106090.9106	RESURFACE TENNIS AND BBALL CTS.	\$0
106090.9107	RR LANDSCAPING AND FURNITURE	\$0
106090.9108	SIDEWALK REPAIRS - MUN CENTER	\$0
106090.9110	FLOATING DOCK - RR PARK	\$0
106090.9120	REHAB EAST SIDE BOAT RAMP	\$0
106090.9200	PLAYGROUND EQUIPMENT (Brianna's Park)	\$0
106090-9300	BRIDGE TENDER HOUSE RESTORATION	\$5,000
106090.9301	PED TRAIL - SARBANES	\$0
106090.9305	REPLACE PUBLIC WORKS FUEL PUMPS	\$20,000
106090.9307	SPIN BALANCER - GARAGE	\$0
106090-9310	PARK KIOSKS AND INFO BOARDS	\$0
<del>106090.9450</del>	<del>VIDEO UPGRADES MEMORIAL PARK</del>	<del>\$0</del>
106090.9466	SEPTIC SYSTEM - CHAMBER PARCEL	\$0

106090.9468	CHAMBER SITE PUBLIC RESTROOMS	\$0
106090-9475	DOG PARK	\$0
106090.9500	SMITH ST PARK PROJECT (Brianna's)	\$0
106090-9700	OCEAN BREEZE ROAD PROJECT	\$0
106090.9601	PAVE MEMORIAL PARK DRIVE AND LOTS	\$75,000
	MEM PARK BOAT PARKING EXPANSION	\$0
106090.9510	BRIANNA'S PARK LIGHTING	\$0
	REPARIS TO DJA CENTER - Interior and RR	\$0
	REPLACEMENT BACKHOE	\$0
	STANDBY GENSET TRANSFER SWITCH	\$0
-	WASTEWATER COLLECTION SYSTEM	\$50,000
	<b>TOTAL</b>	<b>\$150,000</b>
	<b>PW TOTALS:</b>	<b>\$1,302,870</b>
<b>MOSQUITO CONT.</b>	<b>MOSQUITO CONTROL EXPENDITURES</b>	
	<b>SALARIES</b>	
106110-1001	SALARIES	\$41,272
106110-1003	OVERTIME	\$1,000
	<b>TOTAL</b>	<b>\$42,272</b>
	<b>BENEFITS</b>	
106110.2001	SOCIAL SECURITY	\$3,219
	<b>TOTAL</b>	<b>\$3,219</b>
	<b>OPERATION EXPENSES</b>	
106130.3401	INSURANCE	\$8,000
106130.4401	OFFICE SUPPLIES	\$50
106130.4701	GASOLINE	\$6,000
106130.4704	TOOLS & SMALL EQUIPMENT	\$500
106130.4705	CHEMICALS	\$50,000
106130.4706	CONTRACT SPRAYING	\$26,000
106130.4801	TRAVEL, TRAINING, CONFERENC	\$100
106130.5202	UNIFORMS	\$0
106130.6101	SUNDRY	\$100
106130.7302	EQUIPMENT REPAIRS/MAINT.	\$500
106130.7303	SAFETY EQUIPMENT	\$500
106130.7304	VEHICLE MAINTENANCE	\$1,000
	<b>TOTAL</b>	<b>\$92,750</b>
	<b>CAPITAL IMPROVEMENTS</b>	
106190.9124	EQUIPMENT/VEHICLES	\$0
106190.9125	DRAINAGE	\$0
	<b>TOTAL</b>	<b>\$0</b>
	<b>MOSQUITO CTRL TOTALS:</b>	<b>\$138,241</b>



<b>ROADS</b>	<b>ROADS EXPENDITURES</b>	
	<b>SALARIES</b>	
106510.1001	SALARIES	\$95,850
106510.1003	OVERTIME	\$2,500
	<b>TOTAL</b>	<b>\$98,350</b>
	<b>BENEFITS</b>	
106510.2001	SOCIAL SECURITY	\$7,524
106510.2101	HOSPITALIZATION	\$16,000
106510.2201	RETIREMENT	\$13,592
106510.2202	VSRS/LIFE INSURANCE	\$694
	<b>TOTAL</b>	<b>\$37,810</b>
106530.4102	SNOW REMOVAL	\$22,000
106530.4150	PAVEMENT MAINTENANCE.	\$405,000
106530.4201	SIDEWALKS	\$20,000
106530.4202	TRAFFIC CONTROL OPERATIONS	\$2,000
106530.4250	ROADSIDE STRUCTURES	\$0
106530.6250	DRAINAGE MAINTENANCE	\$5,000
106530.7202	TRAFFIC CONTROL DEVICES	\$3,000
106530.7450	ELECTRICITY	\$62,000
106530.8600	ENGINEERING	\$0
106530.9855	VEHICLES/EQUIPMENT*	\$50,000
	<b>TOTAL</b>	<b>\$569,000</b>
	<b><i>ROADS TOTALS:</i></b>	<b><i>\$705,160</i></b>
<b>POLICE</b>	<b>EXPENDITURES</b>	
	<b>SALARIES</b>	
107010.1001	SALARIES/OFFICERS	\$837,852
107010.1003	OVERTIME	\$11,300
	<b>TOTAL</b>	<b>\$849,152</b>
	<b>BENEFITS</b>	
107010.2001	SOCIAL SECURITY	\$64,960
107010.2101	HOSPITALIZATION	\$119,838
107010.2201	RETIREMENT	\$118,807
107010.2202	VSRS/LIFE INSURANCE	\$6,063
	<b>TOTAL</b>	<b>\$309,668</b>
	<b>OPERATIONS EXPENSES</b>	
107030.4701	GASOLINE	\$25,000
107030.4801	TRAVEL & TRAINING	\$25,000
107030.5201	UNIFORM ALLOWANCE (OFF.)	\$8,100
107030.5202	UNIFORMS (TOWN)	\$3,000
107030.7300	OFFICE SUPPLIES/EQUIPMENT	\$5,000
107030.7302	EQUIP. MAINT. AGREEMENTS/software	\$7,500

107030.7304	VEHICLE MAINTENANCE	\$7,200
107030.7901	DRUG ENFORCEMENT	\$5,000
107030.7903	ACADEMY DUES	\$8,500
107030-7904	BICYCLE PATROL	\$0
107030.7905	COMMUNITY/YOUTH PROGRAMS	\$30,000
107030.7906	GRANT FUNDED EXPENDITURES	\$0
107030.7907	AMMUNITION	\$3,000
107030.8164	BYRNE/JUSTICE ASSIST GRANT 2022	\$0
107030.8165	LOLE-2020 GRANT	\$0
107030.8203	CELL PHONE ALLOWANCE	\$3,600
107030.8301	POLICE ACCREDITATION	\$2,000
107030.8501	SUNDRY	\$1,500
	<b>TOTAL</b>	<b>\$134,400</b>
	<b>CAPITAL IMPROVEMENTS</b>	
107090.9650	PATROL VEHICLE	\$0
107090.9655	LSV (for use by seasonal and SRO)	\$0
107090.9660	KEVLAR VESTS	\$1,500
107090.9663	STANCIL RECORDER	\$0
107090.9565	RADIO REPEATER	\$0
<del>107090.9670</del>	<del>IN-CAR COMPUTERS</del>	<del>\$0</del>
107090-9690	INTOXILYZERS, VEHICLE 3EA.	\$0
107090-9695	FINGERPRINT SCANNER	\$0
107090.9696	COMPUTERS/SOFTWARE	\$3,500
107090.9697	KITCHENETTE	\$0
107090.9698	CAMERA SYST.-INTERR.ROOM	\$0
<del>107090-9700</del>	<del>RADAR UNITS X5</del>	<del>\$0</del>
107090-9705	LICENSE PLATE READERS	
<del>107090-9710</del>	<del>INTERNAL SURVEILLANCE PD</del>	<del>\$0</del>
107090.9715	PATROL VEHICLE RIFLES	\$0
107090.9720	PATROL VEHICLE BAILOUT BAGS	\$0
107090.9725	EQUIP. NEW OFFICERS	\$10,000
107090-9750	MAGESTRATE COM.	\$0
107090-9760	SOFTWARE MAINT.-CAMERAS	\$5,000
107090.9762	CELLBRIGHT CELL PHONE TOOL	\$0
<del>107090.9675</del>	<del>SURVEILLANCE EQUIPMENT</del>	<del>\$0</del>
<del>107090.9685</del>	<del>SRTS PROGRAM PROJECTS</del>	<del>\$0</del>
	<b>TOTAL</b>	<b>\$20,000</b>
	<b>POLICE TOTALS</b>	<b>\$1,313,220</b>
<b>DISPATCHERS</b>	<b>DISPATCHERS EXPENDITURES</b>	
	<b>SALARIES</b>	
107510.1001	SALARIES/DISPATCHERS	\$218,869

107510.1003	OVERTIME	\$3,100
	<b>TOTAL</b>	<b>\$221,969</b>
	<b>BENEFITS</b>	
107510.2001	SOCIAL SECURITY	\$16,981
107510.2101	HOSPITALIZATION	\$34,239
107510.2201	RETIREMENT	\$23,752
107510.2202	VSRS/LIFE INSURANCE	\$1,212
	<b>TOTAL</b>	<b>\$76,184</b>
	<b>OPERATIONS EXPENSES</b>	
107530.4801	TRAVEL & TRAINING-DISP.	\$2,500
107530.5201	UNIFORM ALLOWANCE (DISP)	\$1,200
107530.5202	UNIFORM (TOWN-FOR DISP)	\$650
107530.7300	EQUIP MAINT AGREEMENTS	\$15,000
107530.7500	DISPATCH SERVICE AGREEMENT	\$12,000
107530.8501	SUNDRY	\$150
	<b>TOTAL</b>	<b>\$31,500</b>
	<b>CAPITAL IMPROVEMENTS</b>	
	<b>TOTAL</b>	<b>\$0</b>
	<b>DISPATCHERS TOTALS:</b>	<b>\$329,653</b>
<b>GENERAL GOVERNMENT EXPENSE TOTALS:</b>		<b>\$7,563,652</b>
<b>HARBOR</b>	<b>CURTIS MERRITT HARBOR REVENUE</b>	
304031.0100	INTEREST ON HARBOR SAVINGS	\$800
304031.1000	HARBOR RENT	\$110,000
304031.1002	SUBLEASES	\$45,000
304031.1003	DRY/WINTER STORAGE	\$7,500
304031.1050	VA PORT AUTHORITY GRANT	\$143,575
304031.1055	DEPT. OF HEALTH B.I.G.	\$63,050
304031.1058	FUEL REVENUE	\$450,000
304031.1060	HARBOR MISC	\$500
304910.8700	TRF.FROM BOAT RAMP FUND	\$0
304910.8800	TRF. FROM GENERAL FUND	\$47,859
304910.8900	TRF.FROM LT REPLACEMENT - UNION BANK	\$0
	<b>CURTIS MERRITT HARBOR TOTAL</b>	<b>\$868,284</b>
<b>HARBOR</b>	<b>EXPENDITURES</b>	
	<b>SALARIES</b>	
308010.1001	SALARIES	\$56,085
308010.1003	OVERTIME	\$200
	<b>TOTAL</b>	<b>\$56,285</b>
	<b>BENEFITS</b>	

308010.2001	SOCIAL SECURITY	\$4,306
308010.2101	HOSPITALIZATION	\$7,704
308010.2201	RETIREMENT	\$7,953
308010.2202	VRS LIFE INSURANCE	\$405
	<b>TOTAL</b>	<b>\$20,368</b>
	<b>OPERATIONS EXPENSES</b>	
308030.7300	OPERATIONS, MAINT.,ST. LIGHTS, ETC.	\$40,500
308030.7315	FUEL PURCHASE	\$400,000
308030.8501	SUNDRY	\$500
	<b>TOTAL</b>	<b>\$441,000</b>
	<b>CAPITAL IMPROVEMENTS</b>	
308090.9124	LONG TERM REPLACEMENT RES	\$54,000
308090.9200	INFRASTRUCTURE REPAIRS/UPGRADES	\$32,147
308090.9130	NEW FUEL SYSTEM	\$0
308090-9210	WEST SIDE RESTROOMS	\$0
308090-9300	FLOATING DOCK FINGER PIER	\$191,434
308090.9400	MEM PARK RAMP IMPROVEMENTS	\$0
308090.9410	FENCE NE SIDE	\$10,000
308090.9420	B.I.G. UPGRADES HARBOR, RR PARK	\$63,050
	<b>TOTAL</b>	<b>\$350,631</b>
	<b>HARBOR TOTALS:</b>	<b>\$868,284</b>
<b>TROLLEY</b>	<b>TROLLEY REVENUE</b>	
704501.0100	TROLLEY GRANTS	\$68,913
704501.0110	PROGRAM INCOME	\$3,892
704501.0200	RTAP REIMBURSEMENTS	\$0
704501.0300	MISC. NONPROGRAM INCOME	\$0
704501.8900	TRANSFER FROM GEN. FUND	\$28,148
	FED GRANT TROLLEY - NEW TROLLEY	\$132,400
	STATE GRANT TROLLEY - NEW TROLLEY	\$26,480
	TR FR TROLLEY CAP ACCT - NEW TROLLEY	\$0
	<b>TROLLEY TOTALS:</b>	<b>\$259,833</b>
<b>TROLLEY</b>	<b>TROLLEY EXPENDITURES</b>	
	<b>SALARIES</b>	
703010.0100	SALARIES	\$49,980
	<b>TOTAL</b>	<b>\$49,980</b>
	<b>BENEFITS</b>	
703010.2001	SOCIAL SECURITY	\$3,823
	<b>TOTAL</b>	<b>\$3,823</b>
	<b>OPERATIONS EXPENSES</b>	
703030.3401	INSURANCE & BONDING	\$3,400

703030.4400	COMMUNICATION SERVICES	\$500
703030.4401	PRINTING & REPRODUCTION	\$3,000
703030.4402	ADVERTISING	\$1,200
703030.4403	EDUCATION & TRAINING	\$1,000
703030.4404	CLEANING SUPPLIES	\$300
703030.4406	SUPPLIES, MATERIALS	\$500
703030.4407	MEMBERSHIPS & DUES	\$250
703030.4408	TRAVEL & MEALS	\$1,000
703030.4701	FUEL & LUBRICANTS	\$8,000
703030.4702	TIRES & TUBES	\$3,000
703030.4703	UNIFORMS	\$1,000
703030.4704	PARTS	\$750
703030.5201	DRUG TESTING	\$750
703030.6100	RTAP EXPENSES	\$0
703030.7302	REPAIRS/MAINT	\$6,500
703030.8505	RENT TO GENERAL FUND	\$16,000
	<b>TOTAL</b>	<b>\$47,150</b>
	<b>CAPITAL IMPROVEMENTS</b>	
703090.9001	TROLLEY & VAN PURCHASE	\$148,626
	TRANSFER TO TROLLEY CAP ACCT.	\$10,254
703090.9100	CAPITAL EXPENDITURES	\$0
	<b>TOTAL</b>	<b>\$158,880</b>
	<b>TROLLEY TOTALS:</b>	<b>\$259,833</b>
<b>WATER</b>	<b>WATER REVENUE</b>	
804101.0100	WATER RENT	\$950,000
80-4101-2200	WATER ADJUSTMENTS	\$0
804131.0100	WATERLINE EXTENSIONS	\$1,000
804131.0200	SERVICE CONNECTIONS	\$12,000
804131.0300	INTEREST ON WATER SAVINGS	\$2,000
804131.0400	MISCELLANEOUS	\$0
804131.0500	AVAILABILITY FEES	\$50,000
804701.0100	TRANSFER FR WATER RESERVE	\$0
804701-0700	TRANSFER FR GENERAL FUND	\$0
	TRANSFER FROM ARPA	\$0
	<b>WATER TOTAL</b>	<b>\$1,015,000</b>
	<b>WATER REVENUE TOTAL:</b>	<b>\$1,015,000</b>
<b>WATER</b>	<b>EXPENDITURES</b>	
	<b>SALARIES</b>	
806210.1001	SALARIES	\$255,617
806210.1003	OVERTIME	\$5,000
806210.1004	PUMP DUTY	\$19,000

	<b>TOTAL</b>	<b>\$279,617</b>
	<b>BENEFITS</b>	
806210.2001	SOCIAL SECURITY	\$21,391
806210.2101	HOSPITALIZATION	\$37,927
806210.2201	RETIREMENT	\$36,247
806210.2202	VRS LIFE INSURANCE	\$1,850
	<b>TOTAL</b>	<b>\$97,415</b>
	<b>OPERATION EXPENSES</b>	
806230.4401	OFFICE SUPP/EQUIP MAINT	\$500
806230.4403	POSTAGE	\$5,500
806230.4701	GASOLINE & DIESEL	\$7,000
806230.4704	TOOLS	\$1,000
806230.4705	CHEMICALS	\$12,000
806230.4801	TRAVEL & TRAINING	\$2,000
806230.5202	UNIFORMS	\$1,000
806230.6101	DUES/LICENSES	\$800
806230.7301	BUILDING MAINT/REHAB	\$2,100
806230.7303	SAFETY	\$1,000
806230.7304	VEHICLE MAINTENANCE	\$500
806230.7400	RAW WATER PURCHASE (NASA)	\$0
806230.7401	ELECTRICITY	\$43,000
806230.7402	LP GAS	\$550
806230.8101	DISTRIBUTION & REPAIRS	\$50,000
806230.8103	SUPPLY REPAIRS	\$10,000
806230.8202	CELL PHONE ALLOWANCE	\$900
806230.8204	MISS UTILITY	\$800
806230.8209	SUBSCRIPTION-NEPTUNE 360	\$10,000
806230.8501	SUNDRY	\$500
806230.8601	REIMBURSEMENT TO FUND 10	\$100,000
806230.8700	WATER RATE STUDY	\$0
806230.8750	REGULATION COMPLIANCE	\$6,000
806230.8770	STATE GROUNDWATER PERMITS	\$10,000
806230.8780	TOWER RENT FOR GATEWAY	\$0
806230.8900	TRANSFER TO WATER RESERVES	\$214,790
806230.9100	ENGINEERING	\$0
	<b>TOTAL</b>	<b>\$479,940</b>
	<b>CAPITAL IMPROVEMENTS</b>	
806290.9101	WATER MAIN EXTENSIONS	\$5,000
806290.9200	2017 EXPL WELL	\$0
806290.9205	NASA WELL REIMBURSEMENT	\$0
806290.9206	GENERATOR WATER PLANT	\$0

80620.9207	METERED DISTRIBUTION	\$10,000
806290.9506	WATER BONDS	\$0
806290.9507	INTEREST ON WATER BONDS	\$0
806290-9508	AMI BOND	\$86,564
806290-9509	AMI BOND INTEREST	\$16,464
806290.9600	WATER LINE REPLACE	\$0
<del>806290-9630</del>	<del>WIRELESS METERS</del>	<del>\$0</del>
806290-9635	WIRELESS METERS - GATEWAYS	\$0
<del>806290.9700</del>	<del>LAND ACQUISITION</del>	<del>\$0</del>
806290-9701	HIGH RISE TANK PAINT	\$0
806290.9703	GWST TANK PAINT	\$0
806290.9704	HIGH RISE LIFT PUMPS W/VFD'S	\$30,000
806290.9720	VFD FOR WELL #6	\$0
806290-9848	8" CHANNEL CROSSING	\$0
806290.9850	VEHICLE	\$0
906290.9710	REPLACE FILTER MEDIA - WILLOW ST.	\$0
806290-9851	DESALINATION FEASIBILITY STUDY	\$0
806290.9855	EQUIPMENT	\$10,000
806290.9856	SOFTWARE, COMPUTERS	\$0
	<b>TOTAL</b>	<b>\$158,028</b>
	<b>WATER TOTALS:</b>	<b>\$1,015,000</b>
<b>CENTER</b>	<b>CENTER REVENUE</b>	
854300.0100	FACILITY RENTAL	\$38,000
854300.0200	BAR SERVICES	\$0
854300.0300	EQUIPMENT RENTAL	\$3,000
854300.0400	KITCHEN USAGE	\$1,250
854300.0500	SPONSORED EVENTS	\$2,000
854300.0600	MISCELLANEOUS	\$400
854600.0100	TR FROM GEN FUND MEALS	\$55,000
854600.0200	TR FROM GEN FUND TOT	\$95,000
854600.0300	TR FROM LONG TERM RESERVE	\$0
	<b>CENTER TOTAL</b>	<b>\$194,650</b>
	<b>REVENUE TOTALS:</b>	<b>\$194,650</b>
<b>CENTER</b>	<b>CENTER EXPENDITURES</b>	
	<b>SALARIES</b>	
855210.1001	SALARIES	\$40,822
	<b>TOTAL SALARIES</b>	<b>\$40,822</b>
	<b>BENEFITS</b>	
855210.2001	SOCIAL SECURITY	\$3,123
855210.2101	HOSPITALIZATION	\$6,420
855210.2201	RETIREMENT	\$5,789

855210.2202	VSRS/LIFE INSURANCE	\$294
	<b>TOTAL BENEFITS</b>	<b>\$15,626</b>
	<b>OPERATIONS EXPENSES</b>	
855330.0000	ACCOUNTING FEES	\$0
855330.0000	LEGAL FEES	\$0
855330.0000	RETURN DEPOSITS	\$5,000
855330.3100	BANK FEES	\$750
855330.3401	INSURANCE & BONDING	\$7,200
855330.3450	ADVERTISING & PROMOTION	\$8,000
855330.3501	PRINTING & REPRODUCTION	\$500
855330.3550	EVENT MARKETING	\$3,000
855330.4403	EDUCATION & TRAINING	\$500
855330.4408	TRAVEL & MEALS	\$50
855330.4900	CLEANING SUPPLIES	\$2,500
855330.4920	SUPPLIES, MATERIALS	\$3,500
855330.4950	OFFICE EQUIPMENT	\$2,000
855330.4960	OFFICE SUPPLIES	\$1,500
855330.5000	CONTRACTUAL SERVICES	\$8,500
855330.6101	MEMBERSHIPS & DUES	\$500
855330.7401	ELECTRIC UTILITY	\$25,000
855330.7402	PROPANE	\$0
855330.8202	TELEPHONE	\$1,500
855330.8210	INTERNET	\$1,500
855330.8500	CONTRACT SERV. MARKETING	\$5,000
855330.8505	RENT TO GENERAL FUND	\$0
855330.8600	EVENTS EXPENSE	\$4,000
855330.8901	TR TO CENTER LT RESERVE	\$17,702
	<b>TOTAL EXPENSES</b>	<b>\$98,202</b>
	<b>CAPITAL IMPROVEMENTS</b>	
855390.9200	HVAC OVERHAUL	\$0
855390.9300	INTERIOR PAINTING	\$20,000
855390.9400	AUDIO VISIUAL SYSTEM O/H	\$0
855390.9500	KITCHEN RENOVATION	\$20,000
	<b>TOTAL CAPITAL IMPROVEMENTS</b>	<b>\$40,000</b>
	<b><i>CENTER TOTALS</i></b>	<b><i>\$194,650</i></b>

### Mayor and Council Comments

Councilwoman Richardson stated she appreciated what Ms. Nees is doing about gun violence. She commented on mental issues with school age children and feels they need to look into this.

Councilwoman Bowden referred to the budget presentation by Town Manager Tolbert. She stated that it's amazing how far the Town has come. She then commented that she has been



working on Church Street for the past few days and sees speeding there. She added that it's only going to get worse. She feels they need to do something to make the streets safe as the Island grows. She concluded with "Go Yankees!"

Vice Mayor Bott thanked Mr. & Mrs. Zoller and stated they are aware of the issues along south Main Street. He added that maybe they'll find a solution.

Councilman McComb agreed with Vice Mayor Bott.

Councilman Taylor agreed with Councilwoman Richardson. He feels they need to learn to love and respect one another.

Councilman Savage stated that he appreciated Mrs. Zoller for coming to Council and they should try to find a solution. He also stated that he can't express enough what the Town Manager and staff have done for the budget. He added that this is a great Island, and they have a great group of employees. He expressed his appreciation.

Mayor Leonard also expressed his appreciation to the students who went out and talked to the public. He stated that they saw the issues with septic and were actually concerned. He thanked everyone for coming out.

**Closed Meeting in Accordance with §2.2-3711 (A) (3) of the Code of Virginia for the discussion of real property.**

**Councilwoman Bowden motioned, seconded by Councilman Savage to go into a closed meeting in accordance with §2.2-3711 (A) (3) of the Code of Virginia for discussion of real property. 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 Savage in accordance with §2.2-372 (D) of the Code of Virginia that the Council certify that to the best of each Council Member's knowledge.**

**(5) only public business matters lawfully exempted from opening meeting requirements under this chapter and only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. All present were in favor and the motion was carried.**

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

**Nays: None**

**Adjourn**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE JUNE 5, 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 Guest**

Mr. Sammy Cooper, Accomack County Clerk of the Court, announced his official retirement at the end of the year. He stated that it's been a pleasure, honor and wonderful experience, especially with the people of Chincoteague and their support over the years. He thanked everyone for their support and respect. He stated that it has been the most wonderful 40 years. He is retiring with mixed emotions, but he has never had a day that he dreaded going to work. He then introduced his son, Sedrick, who is running for his current office. He asked God to bless all and hopes the entire community prospers.

Mayor Leonard thanked Mr. Cooper for his years of service.

Mr. Sedrick Cooper thanked everyone for supporting his father for years. He stated that it dwindled down to his family. He remembered going to the pony coral at Pony Penning. He hopes he can do the same as his father and accordingly. He added that they are extremely big

shoes to fill, and he will do his best to follow in the same footsteps. He thanked everyone for the opportunity to speak.

### **Public Comment**

Mayor Leonard opened the floor for public comment.

- Mr. David Bourne, 3380 Main Street, advised he owns the marsh property on East Side Road that was discussed at the last Planning Commission meeting. They felt this was addressed to them. He commented further stating that they bought the property to maintain its natural setting and plant flowers there. He stated that they have no intention of building anything there. He expressed his disappointment and thanked Council for listening.

- Mrs. Patricia Farley, 3243 Lisa's Lane, gave an account of the events surrounding the decision to eliminate the Town Planner Position in 2017. She then advised that she attended a Planning Commission meeting where they discussed someone building on the marsh. She continued that at a BZA meeting about a mural. She feels it is time to budget for a professional Town Planner. She stated that the BZA and Planning Commission are doing the best they can. The Town is growing, there is more visitor revenue because there's more visitors, and more demand.

- Mrs. Tammy Riley, 4460 Williams Lane, addressed Mr. Bourne's comments. She stated that Councilwoman Bowden is not to blame, that she was to blame as this piece of land was across from her mother's property. She stated that she was told that the owner was out there with one of the Town's employees to see where to put the water meter. As citizens of Eastside they went to Councilwoman Bowden to express their concerns. They would like something in the Code to protect Eastside and the view. She added that it warms her heart to know they plan to preserve the land there. She also stated that there is no need for anyone to point fingers as no one knew who they were talking about. She also stated that there were no names mentioned at any of the meetings. Mrs. Riley added that Councilwoman Bowden didn't know who it was until the meeting. She stated that she would like something in the Town Code to keep people from buying the marsh and build whatever they want that would obstruct the view. They don't want Main Street on Eastside.

### **Agenda Adoption**

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

### **Staff Reports**

#### **General Government**

Town Manager Tolbert reported on the rentals and activity at the Chincoteague Center for the month of May and upcoming events in June. He also advised the Town was not approved for the Virginia Port Authority Grant for floating dock moorings at the Robert Reed Park. He reported that the DEQ had a new program that provides ARPA funding to repair failing septic systems. This is an award for \$750,000 which provides 50% or 100% of qualifying costs based on income level. He added that the Town was the first to submit the appropriate documents, this is on a first

come first served basis. He also reported that he met with Ms. Engelbert of Congresswoman Kiggan's Eastern Shore office to discuss outstanding Town issues including the ACOE Inlet Study funding, well relocation funding, and mail delivery to Ocean Breeze. He offered a tour/cruise in August for her to see the Inlet. Town Manager Tolbert also spoke with Attorney General Miyares concerning transient occupancy taxes, third party intermediaries and their lack of reporting. He also stated that he spoke with Mr. Hildebrand and Mr. Marsh of ANEC to discuss the possibility of locating an electric vehicle charging station on the Island. He feels the Town parking lot in the center of the downtown area is a perfect place for this. They will also give a price for a 2<sup>nd</sup> charging station. He then advised he attended the inaugural meeting of the Community Resilience and Sustainability Plan Steering Committee. The Committee will be instrumental in increasing coastal resilience and protection for Eastern Shore communities, cultures, and natural habitats.

Town Manager Tolbert reviewed the financial report for May. He also explained the water billing and collection procedures. He advised that the customers are given roughly 60 days, depending on the cycle, calendar, and the water department's workload before service is interrupted. Staff spends a significant amount of time completing doorhangers for the same group of customers each month and the water department spends valuable time hand delivering the notices with little gain. He advised they will eliminate the doorhanger beginning July 1<sup>st</sup>, 2023. He added that the 2<sup>nd</sup> notice mailed to all delinquent water customers will now contain a statement that no other notice will be given prior to interruption of service. This will be announced on our website and Facebook. He then reported for the Building and Zoning Department for the month of May.

#### Police Department

Chief Fisher gave the Department's report: On May 5<sup>th</sup> and 6<sup>th</sup>, the Department provided overnight security for the Chincoteague Chamber of Commerce Seafood Festival. They also assisted on Saturday with traffic control, parking, and security during the Festival. On May 11<sup>th</sup>, Major Greenley and SRO Geminiani assisted Chincoteague Elementary School Pre-K with a field trip to the Chincoteague Police Department. On May 12<sup>th</sup>, SRO Carmody assisted with the Prom and after-prom party at Chincoteague High School. On May 15<sup>th</sup>, Cpl. Gladding attended an intoxilyzer recertification class in Virginia Beach. On May 17<sup>th</sup>, Chief Fisher attended the Awards Banquet at the Chincoteague High School where he presented 2 \$1,000 scholarships. The recipients were Keeley Volpie and Zulia Diaz Moll. On May 20<sup>th</sup>, Chief Fisher directed traffic for the CVFC oyster fritter fund raiser.

#### Public Works Department

Public Works Director Parks advised that the Public Works and Waterworks staff made repairs to water main leaks, storm drain leak repairs, and waterline inspections under the bridges. He advised that Woodland Drive and Maddox Boulevard paving is complete, and the sidewalk work on Cropper Street is also complete. He stated that in June they will continue paving operations on Cropper Street along with small quantity paving, installation of security cameras, expansion of Memorial Park Boat Ramp parking and pavement markings. He added that they plan to continue routine maintenance of equipment and vehicles.

#### Emergency Services

Director of Emergency Services Rush advised of the EMS calls for May. He reported that the next Rocket Lab launch is scheduled for June 15<sup>th</sup> at 8:45p.m. The ANTARES launch has been moved to August 2<sup>nd</sup>. He advised of the continuing education training within the department. They conducted the annual mock vehicle accident for the high school prom goers. He reported on the meetings he attended in May and the submission of annual reports. Weather monitoring continues. He reminded everyone to prepare now for storms and power outages.

### **Island Community House Report**

Mrs. Lisa Canon is the Chairman of the Board of Directors at the Island Community House. She advised that last year she was here to share information on the Village Neighbors Program. They are celebrating their 1<sup>st</sup> year. Their goal was to have 20 members at the end of their first year and they have 17. Village Neighbors is an outreach program for residents 60 years of age or better who need practical help with aging at home. They offer rides on and off the Island now, handyman & light chores, socialization, friendly home visits, etc. Everything they do is by volunteers. They now have 43 vetted, background checked volunteer Village Neighbors. They organize volunteers in a sophisticated way to promote social integration and well-being. She shared facts. The membership is \$20 per month which pays for someone to man the phone, schedule assistance, phonenumber, and computer. They don't turn anyone away if they can't pay \$20 per month, they also have sponsorships. She hopes the community will support them along with the Town.

Mrs. Katie O'Shea, Executive Director of the Island Community House stated that when you have a community where 1/3 of the residents are over 60 years old. They have members and volunteers that are members. She reviewed their business plan and programs. This program is hosted by the Island Community House.

A few of the community seniors and a volunteer spoke in support of the Village Neighbors.

### **Committee Reports:**

#### **Public Safety Committee**

Councilwoman Bowden reported they met May 2<sup>nd</sup> and discussed the unified surveillance system, a new dispatch console, and the Public Safety Reserve Account.

#### **Public Works Committee**

Councilwoman Richardson advised they met May 2<sup>nd</sup> and reviewed the Cropper Street Project and budget, the Sanitation Contract, the status of Memorial Park Boat Ramp Project, and the Trash Ordinance. She explained that the cans can't be put out before 7:00 p.m. the night before the collection and must be removed by the next day.

#### **Harbor Committee**

Mayor Leonard reported they met May 4<sup>th</sup> to discuss the Memorial Park boat ramp and additional parking. They also talked about the final floating dock at the Harbor.

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

Vice Mayor Bott advised that he had nothing to report as they addressed all of it at the workshop meeting in May.

### **Recreation and Community Enhancement Committee**

Councilman Taylor advised they met on May 23<sup>rd</sup> and discussed the Dog Park improvements and seating. He stated that the benches are in and should be placed by the end of the month. He commented on a storage container for chairs and asked Public Works Director Parks to order the shading. He also stated they're installing a basketball goal with a 40' x 40' pad at Brianna's Kindness Park. He added that Mr. David Landsberger offered to purchase the basketball goal. He expressed his appreciation to everyone and stated that anything they can do for the kids, help keep them out of trouble.

### **Adoption of the Minutes of the May 1<sup>st</sup> and May 18<sup>th</sup>, Council Meetings**

**Councilman McComb motioned, seconded by Councilwoman Richardson to adopt the minutes of the May 1<sup>st</sup> and May 18<sup>th</sup>, Council meetings as presented. Unanimously approved.**

### **Consider Vacation of Lot Line**

Mayor Leonard asked if the owners had anything to say.

Mr. Berry advised they bought 2 lots south of the high school softball field on Main Street. They want to create 1 lot keeping the wooded area. They plan to retire here. He stated that everyone here at the office has been professional and helpful. They have cleaned the cemetery. He added that he comes from municipal government and sits on many committees. They would like to do whatever they can to help the community.

Councilwoman Richardson asked about the access to the cemetery by his property as the school gate stays locked. She asked if they would be able to get to the cemetery by way of his property.

Mr. Berry advised that there is a right-of-way there and it will remain there.

Councilwoman Richardson thanked them for cleaning the cemetery.

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

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the lot line vacation of Mrs. Catherine Letteney and Mr. James Berry, lot 2 and lot 3, North Main Street. Unanimously approved.**

### **Consider FY23 Budget Amendment**

Mayor Leonard opened the public hearing. There was none and the public hearing was closed.

Vice Mayor Bott stated that at the Budget and Personnel Committee Town Manager Tolbert came up with the FY23 Amendment to the budget, it was approved by the Committee. They also discussed this at the Council workshop meeting in May.

Town Manager Tolbert reviewed the amendment.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to approve the FY23 Budget Amendment as presented.

<b>FY 2023 Budget Amendment Expenditures</b>	<b>Approved Budget</b>	<b>Proposed Amendment</b>	<b>Variance</b>
<b>GEN. FUND TOTAL EXPENSES</b>	<b>\$ 6,879,147</b>	<b>\$ 8,187,040</b>	<b>\$ 1,307,893</b>
<b>GEN. FUND TOTAL REVENUES</b>	<b>\$ 1,879,147</b>	<b>\$ 8,187,040</b>	<b>\$ 1,307,893</b>
<b>HARBOR TOTAL EXPENSES</b>	<b>\$ 1,135,273</b>	<b>\$ 1,255,608</b>	<b>\$ 120,335</b>
<b>HARBOR TOTAL REVENUES</b>	<b>\$ 1,135,273</b>	<b>\$ 1,255,608</b>	<b>\$ 120,335</b>
<b>WATER TOTAL EXPENSES</b>	<b>\$ 1,144,000</b>	<b>\$ 1,086,574</b>	<b>\$ (57,426)</b>
<b>WATER TOTAL REVENUES</b>	<b>\$ 1,144,400</b>	<b>\$ 1,086,574</b>	<b>\$ (57,826)</b>
<b>CENTER TOTAL EXPENSES</b>	<b>\$ 438,194</b>	<b>\$ 465,237</b>	<b>\$ 27,043</b>
<b>CENTER TOTAL REVENUES</b>	<b>\$ 438,194</b>	<b>\$ 465,237</b>	<b>\$ 27,043</b>
<b>TROLLY FUND EXPENSES</b>	<b>\$ 62,252</b>	<b>\$ 227,067</b>	<b>\$ (35,185)</b>
<b>TROLLY FUND REVENUES</b>	<b>\$ 62,252</b>	<b>\$ 227,067</b>	<b>\$ (35,185)</b>

**Consider Readoption of the State Vehicle Traffic Code**

Chief Fisher explained that this adopts the changes in the State Traffic Code.

**Councilman Savage motioned, seconded by Councilman McComb to adopt the State Vehicle Traffic Code. Unanimously approved.**

TRAFFIC AND VEHICLES  
ARTICLE I. IN GENERAL

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

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

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

(Code 1977, § 11-21)

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

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

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, in effect on July 1, 2023, except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the Town, are adopted and incorporated herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town. Such provisions and requirements hereby adopted, *mutatis mutandis*, are made a part of this section as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, which are adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia of 1950, as amended; (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the town.

(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-6-11, 6-4-12, 6-3-13, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 6-3-19, 7-16-20, 6-05-2023)

(b) The provisions of this section, as readopted, shall be effective as of 12:01 am July 1, 2023. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by pitot law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. Of 6-21-2001' Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 6-3-19, 7-16-20, 6-05-2023)

**Mayor and Council Comments**

Councilman Savage stated that the Public Works staff is doing a great job and he appreciates the work they're doing. The Village Neighbors are also doing a great job for the community, and he



gave kudos to them for taking time to help the seniors of the Island. He added that he is praying for the Howard family.

Councilman Taylor agreed and asked everyone to keep Mr. Terry Howard and his family in their prayers. He stated that Mr. Howard has been a blessing to the town. He commented that Mr. Howard, as councilman for the Town, kept the water bills affordable. He prays for God's support of the family.

Councilman McComb echoed the previous comments to pray for the Howard family. He also gave kudos to the Village Neighbors. He wished the CHS Girls Softball Team luck in their state conference game tomorrow.

Vice Mayor Bott concurred with all comments.

Councilwoman Bowden stated the Mr. Howard was a driving force on Council for a long time. She thanked the Village Neighbors. She agrees that the Town needs a Planner as we're moving forward and they could only be an asset. She also asked everyone to keep Councilman Savage and his family in their prayers as he just lost his father-in-law. She advised that Mr. Bob Tarr played his guitar with Patsy Kline. She then advised she's been accused of a lot of things in her life. She has done her very best to give back to this community through her 31 years with the CVFC and 7 years on Council. She has never been accused of fearmongering, spreading rumors, or getting involved in anyone else's drama. She stated that she made a promise when she ran for Council in 2016. That promise was that anyone could go to her at any time with any question and she would try to guide them to the right place. She also stated that if she doesn't have the answer, she will get an answer, and it's not always going to be the answer they want to hear, but they got the correct answer. Councilwoman Bowden stated that if she doesn't know it, someone on Council would know it, or the Town Manager would know it. She is a citizen of the Town first and foremost. They all sit on Council for \$80 a week and has to have broad shoulders. She didn't rally anyone.

Councilwoman Bowden stated that this matter was brought to her, and she suggested they go to a Planning Commission meeting. She has suggested to other people to go to the Planning Commission meetings about other subjects. She advised that she doesn't appreciate her name being slandered, especially when she didn't slander anyone. She doesn't care who owns the marsh property, as long as the right thing is done with it. She added that she will stick by that as long as she is sitting on Council. She invited anyone who can do better to run for Council as her seat is up in 2024.

Councilwoman Richardson stated that it's good to see everyone come out. She added that they all have different opinions and its always good to listen to what someone else has to say.

Mayor Leonard commented that eventually everyone will need Village Neighbors Program. He stated that summer is here, traffic is building up and patience is wearing thin. 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 JUNE 15, 2023  
CHINCOTEAGUE TOWN COUNCIL WORKSHOP 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, Emergency Management Coordinator  
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 McComb motioned, seconded by Councilwoman Bowden to adopt the agenda as presented. Unanimously approved.**

**Consider Sanitation Contract Award**

Mayor Leonard advised the Town has been using Davis Disposal for many years. He asked if there were any questions from Council.

Councilwoman Richardson stated that the Public Works Committee also voted to raise the Trash Collection Fees by \$0.20 per week from \$2.10 to \$2.30 per week beginning July 1, 2023.

Town Manager Tolbert stated that this will cover the life of the contract.

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to accept the bid for services and award contract \$1-SAN-2023 to Davis Disposal, Inc. for 5 years totaling \$2,089,064, with an increase in the trash collection fee to \$2.30 per week beginning July 1, 2023. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Bott**

### **Consider Ordinance Committee Recommendations**

Councilman Savage advised that on June 8<sup>th</sup> they met and reviewed the ongoing problem with the trash dumpsters. He stated that the proposed ordinance would require a proper cleanable base under each unit per VDH regulations and each dumpster to remain closed at all times. Further, this ordinance would require all dumpsters within sight of adjacent properties or a public right of way to be completely screened within one year of the enactment of this ordinance. He advised the proposed ordinance is in the packet.

Town Manager Tolbert stated that there is one stipulation that was omitted in the packet, that non-profit organizations are exempt from the enclosures if their dumpsters are locked at all times.

Councilman Taylor asked if screening was just screening to the neighbors and open so the business can use it. He feels as long as it's blocked to the neighbors it should be open for the business staff to use.

**Councilman McComb motioned, seconded by Councilman Savage to adopt the ordinance with the addition that non-profit organizations are exempt from the enclosures if their dumpsters are locked at all times. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Bott**

### **Sec. 46-69. Commercial Solid Waste Collection.**

- (a) As used in this section, the term "commercial businesses" shall mean all businesses licensed by the town. Garbage to be removed from commercial businesses will be picked up by the town only when all trash has been placed in proper containers, as described in [section 46-62](#)
- (b) All commercial businesses that use commercial dumpsters for garbage storage and disposal are required to maintain each dumpster and its surrounding area in a clean and safe condition. All dumpsters and other solid waste containers must be equipped with properly functioning covers and doors and be maintained so that no solid waste material can escape the dumpster or container. Business owners that contract with a private disposal company to provide and service a dumpster

located on their property are responsible for maintaining the dumpster and its assigned location in a clean and safe condition in compliance with all Virginia Health Department regulations.

(c) *Dumpster standards.*

- (1) Dumpsters shall be placed in a location that is clearly accessible to the servicing vehicle.
- (2) No dumpster shall be placed directly on the ground. Dumpsters shall be placed only on a base of concrete, asphalt or other cleanable material per 12VAC5-421-2600.
- (3) Dumpster Lids and doors must be operational and remain closed at all times per 12VAC5-421-2640.
- (4) No dumpster, regardless of the contained material, may be located closer than 5' from any property line or right of way.
- (5) Within one year of the enactment of this ordinance, all dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:
  - a. Persons located within any dwelling unit or space on residential or commercial property; or,
  - b. Occupants, customers, or others located within any building or property other than where the dumpster is located; or,
  - c. Persons traveling on any public street, sidewalk or other public way.
- (6) When dumpster screening is required under this section, screening shall be on three sides with a six-foot high opaque screen of masonry, brick, stone, block, wood, vinyl or chain link fencing, or other opaque materials approved by the zoning administrator. Screening may be less than 6' high if it exceeds the height of the enclosed dumpster. The fourth side shall be equipped with an opaque gate capable of being latched and locked, of not less than the height of the other 3 sides.
- (7) Dumpster enclosures shall not be located in front of the main building unless approved by the zoning administrator. A no cost zoning permit shall be obtained prior to locating and constructing a dumpster enclosure and must contain a site plan of the proposed location.
- (8) Dumpster enclosures shall be maintained in a structurally sound and attractive manner.
- (9) Within the downtown business district, reasonable exceptions to the enclosure requirements may be granted if at the zoning administrator's discretion, circumstances require such an exemption.
- (10) Any enclosure that is in existence at the time of the adoption of this ordinance may remain unless:
  - i. It is determined by the zoning administrator that the enclosure is in such disrepair that it must be replaced; or,
  - ii. The owner chooses to replace the enclosure; or,
  - iii. The enclosure is damaged by any causality to an extent exceeding 50 percent of the structure.

In any such case, the enclosure must be replaced to meet the guidelines of this section.
- (11) Non Profit Organizations as recognized by the IRS shall be exempt from dumpster enclosures if their dumpsters are locked at all times.

Vice Mayor Bott is now in attendance.

**Consider CVFC MOU**

Town Manager Tolbert advised that Emergency Management Coordinator Rush created this and is present for questions.

Councilwoman Bowden feels this is very well thought out and she thanked Emergency Management Coordinator Rush. She stated that it will help the Town and the Fire Company.

Councilwoman Richardson asked if there was a form of this years ago. She thought that in it the Town would support the Emergency Medical Services and the Fire Company would support the firefighting services.

Emergency Management Coordinator Rush advised that was during the Fire Tax.

Councilwoman Richardson asked if this MOU is different than that one from years ago.

Emergency Management Coordinator Rush advised it is. He stated that this allows his staff to get in any pieces of equipment based on the MOU with an agreement between the Town and the Fire Company.

Mayor Leonard asked if the Fire Company has voted on this or approved this.

Emergency Management Coordinator Rush responded they have not. He added that after Council's approval, Town Manager Tolbert will send it to the Fire Company for review and approval as a binding MOU.

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

**Memorandum of Understanding between**  
**The Town of Chincoteague, Inc.**  
**and the**  
**Chincoteague Volunteer Fire Company, Inc.**  
**Regarding**  
**Operation of Designated Fire Equipment**

**I. Purpose**

This Memorandum of Understanding (MOU) is made and entered into by and between the Town of Chincoteague, Inc. and the Chincoteague Volunteer Fire Company, Inc. for the purpose of authorizing the operation of fire apparatus that are not licensed EMS vehicles by the Virginia Department of Health Office of EMS; and

**WHEREAS**, the Town of Chincoteague, Department of Emergency Services provides Emergency Medical Services staffing within the Chincoteague Volunteer Fire Company station and those staff providers are required to move fire apparatus to complete daily duties including cleaning and maintenance; and,

**WHEREAS**, EMS staff employees whom are designated by the Chincoteague Volunteer Fire Company, Fire Chief and who's names are recorded separately from this memorandum and updated at the request of the Fire Chief or Director of Emergency Services, may at the Fire Chief or his/her designee's request, respond fire apparatus to emergencies within the primary service area of the Chincoteague Volunteer Fire Company, Inc; and,

**WHEREAS**, the Town of Chincoteague, Inc. seeks to safeguard its emergency response staff and provide for the emergency needs of the Chincoteague Volunteer Fire Company, Inc., and the community which they serve; and,

**WHEREAS**, Town of Chincoteague, Inc., Department of Emergency Services and the Chincoteague Volunteer Fire Company Inc., need clear and concise direction of fire apparatus use to effectively carry out the daily and emergency functions that staff employees cannot avoid while working in a fire station,

**NOW THEREFORE**, the Town of Chincoteague, Inc. and the Chincoteague Volunteer Fire Company Inc., understand and mutually agree to the extent possible, with consideration to daily activities within a fire station and the emergency needs of the public, to allow Town of Chincoteague Inc., Department of Emergency Services personnel to operate fire apparatus and give assistance in accordance with the provisions of this MOU.

**II. Definitions:**

1. EMS Staff Employee: a director, supervisor, full-time or part-time career employee of the Department of Emergency Services.
2. Fire Chief: a Chincoteague Volunteer Fire Company Inc., member who has been elected to the position of Fire Chief by the membership according to the company by-laws.
3. His/her Designee (Fire Chief): a member elected as an operations line officer (Deputy Chief, Assistant Chief, or Chief Engineer)
4. Fire Apparatus: Any apparatus designated as a fire engine, tanker/tender, ladder, quint, squirt, rescue, or utility vehicle wholly owned or operated by the Chincoteague Volunteer Fire Company, Inc.

**III. Liability**

It is understood that neither of the parties to this agreement waive any of their sovereign or statutory immunities and that the approved operators maintained on the

aforementioned list will be covered under the vehicle insurance policy of the Chincoteague Volunteer Fire Company, Inc. unless the vehicle is operated outside the limitations of the scope of this MOU at which time the Town of Chincoteague, Inc., will be responsible for any related damages.

#### **IV. Scope**

For the practical completion of daily duties, training and emergency response as authorized by the Fire Chief or his/her designee, it is assumed the Town of Chincoteague, Inc, Department of Emergency Services staffing will be required to start, move, relocate or respond fire apparatus.

To complete assigned tasks, EMS personnel may enter, start, move, relocate or respond apparatus as under the following conditions:

- a. Staff member has, at a minimum, completed EVOC 3.
- b. Staff member has completed a basic orientation and operation session for that particular apparatus to the satisfaction of the EMS supervisor or director.
- c. Staff member is recorded on a separate list from this MOU which designates the specific activity and apparatus they are permitted to perform.
- d. A spotter is used whenever backing equipment.
- e. For the purpose of apparatus bay cleaning.
- f. For the purpose of refueling apparatus.
- g. For Emergency response in primary service area at the request of the Fire Chief or his/her designee and when EMS response needs are not met.

#### **V. Responsibilities**

##### **A. Chincoteague Volunteer Fire Company (CVFC)**

1. Maintain an active list in concurrence with the Town of Chincoteague Department of Emergency Services as to what apparatus can be moved/operated by each designated employee.
2. Inform the operations line officers of the MOU and its intended purpose.
3. Inform the general membership of the MOU and obtain approval by a majority vote before enacting or changing MOU.
4. Maintain appropriate operator's insurance for employees operating designated vehicles.
5. Inform the Director of Emergency Services of operator issues of concerns as they arise.

**B. The Town of Chincoteague, Inc.**

1. The Town of Chincoteague, Inc., Director of Emergency Services will provide the Fire Chief with an updated list of employees at their hiring and/or separation.
2. The Director of Emergency Services will provide the Fire Chief with a roster of EMS personnel listing specific equipment and activities they have qualified to operate. The Fire Chief will have the final authority to grant operations to listed EMS employees. The Fire Chief shall have no authority to approve unqualified EMS employees.
3. The Director will monitor equipment operations, conduct training and ensure the Town's responsibilities are met in this MOU.
4. The Director will recommend changes to the MOU as necessary to the Town Manager.
  5. Town of Chincoteague, Inc. Department of Emergency Services employees will follow all applicable laws, regulations, and policies with regard to apparatus operations and this MOU.
  6. Any discipline resulting from failure to adhere to this MOU, applicable laws and policies shall be administered as per the Town of Chincoteague Employee Handbook.

**VI. Points of Contact**

- **Chincoteague Volunteer Fire Company:**

Primary Point of Contact:

Name: Robert Lappin Jr.

Title: Fire Chief

Telephone: 757-894-3586

E-mail: [lap2585@hotmail.com](mailto:lap2585@hotmail.com)

Alternate Point of Contact:

Name: Harry Thornton

Title: Deputy Chief

Telephone: 757-894-0440

E-mail: [harleyhogs23336@verizon.net](mailto:harleyhogs23336@verizon.net)

- **The Town of Chincoteague, Inc.**

Primary Point of Contact:

Name: E. Bryan Rush

Title: Director of Emergency Services

Telephone: 757-894-3552

E-mail: [brush@chincoteague-va.gov](mailto:brush@chincoteague-va.gov)



Alternate Point of Contact:

Name: Michael T. Tolbert

Title: Town Manager

Telephone: 757-894-2785

E-mail: [mtolbert@chincoteague-va.gov](mailto:mtolbert@chincoteague-va.gov)

- **Duration of the Agreement**

The effective period of this Memorandum of Understanding begins on the date of signature and remains in effect indefinitely unless so modified, changed, amended or terminated in writing by either party with a 30-day notice or at the election of a different Fire Chief by the Chincoteague Volunteer Fire Company at which time the MOU will be re-executed within 60 days of his/her election. Either party may request a review of the Memorandum of Understanding at any time.

- **Modification, Change, Amendment, or Termination**

Modifications, changes, or amendments to this agreement must be in writing, and are contingent upon approval by both the Chincoteague Volunteer Fire Company and the Town of Chincoteague, Inc.

- **Miscellaneous**

This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any party against the parties, their parent agencies, or the officers, employees, agents or other associated personnel thereof.

This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the parties hereto of the tasks and methods for performing the tasks herein. Unless otherwise agreed in writing, each party shall bear its own costs in relation to this MOU. Expenditures by each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies.

- **Concurrence**

It is agreed that this written statement embodies the entire agreement of the parties regarding this affiliation, and no other agreements exist between the parties except as expressed in this document. All parties to this agreement concur with the level of support and resource commitments that are documented herein.

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Robert Lappin, Jr.  
Fire Chief, Chincoteague Volunteer Fire Company

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Michael T. Tolbert  
Town Manager, Town of Chincoteague

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Date

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Date

### **Mayor and Council Comments**

Councilman asked to keep everyone in your prayers. He mentioned the kids at church, and everyone has things going on.

Mayor Leonard advised that they lost Mr. Terry Howard, he asked everyone to remember him and what he did for the Town keeping them straight and on the narrow path. He also stated that at the last meeting, they had someone blame Council for spreading rumors. He stated that doesn't remember too much from high school. But he does remember a lesson from his English teacher. His teacher started a rumor in front of the classroom, each student in the classroom was to pass that rumor back and forth down the rows. By the time it got around to the 15 students in that room, it was completely wrong. Mayor Leonard stated that when Council gets blamed for spreading rumors it takes him back to that time in school. He stated that it's part of Council's job to listen to the public, whether the public is right, wrong, or it's a bad rumor. It irritated him to be accused of spreading rumors. He concluded that summer is coming, and then carnival, and then Christmas.

Councilwoman Richardson advised that Mr. Howard was the only Councilmember that served 32 years.

Mayor Leonard would like a plaque on the picture in the Council Chambers.

**Closed Meeting in Accordance with §2.2-3711 (A) (3,7) of the Code of Virginia for the discussion of real property for a public purpose and briefing by staff on pending litigation.**

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (3,7) of the Code of Virginia for discussion of real property for a public purpose and briefing by staff on pending litigation. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: None**

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

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

only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. All present were in favor and the motion was carried.

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

Nays: None

### **Adjourn**

Councilwoman Bowden motioned, seconded by 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 JULY 5, 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.

## **Agenda Adoption**

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

## **Staff Reports**

### **General Government**

Town Manager Tolbert reported on the Chincoteague Center events and activities for June reminding that they are preparing for the Blueberry Festival and Buckaroo Bingo. He reported that the HVAC project small equipment has been delivered and the larger equipment will be shipped this week. He advised that the Curtis Merritt Harbor is full. The recent surveillance camera installations are providing excellent coverage including the fueling facility and boat ramp. He also reported that Mr. Marsh with ANEC advised they are ready to begin the pilot phase of their EV charging station project. They met earlier today to select the location and the chargers will be shipped in the next few weeks. Town Manager Tolbert also reviewed the Financial Report. He reviewed the Building and Zoning report. He also gave an update on the sewage treatment plant.

Councilman Taylor asked if the vehicle owner would be responsible to pay for charging their vehicles.

Town Manager Tolbert advised they would. He added that ANEC is creating a subsidiary who will run and operate the chargers.

### **Police Department**

Chief Fisher gave the Department's report. He also advised he attended the graduation for Pfc. Matthews and Pfc. Renas on June 6<sup>th</sup>. On June 15<sup>th</sup> DMV Program Manager, Mr. Dwight Jenkins conducted a grant site visit with Major Greenley and Cpl. Gladding. On June 20<sup>th</sup>, Major Greenley and Town Manager Tolbert attended an Accomack County School Board meeting to request the resigning of the MOU for School Resource Officers. On June 22, Chief Fisher attended the Pony Swim meeting with Town officials. All officers were fitted for new bullet proof vests that were obtained through an ARPA grant. He reported that they are able to get a new police vehicle with the ARPA grant. On June 24<sup>th</sup>, Chief Fisher, Investigator Barnes, and SRO Carmody assisted with traffic control for the American Legion Legacy Ride. He added there were between 250-300 motorcycles here. On June 29<sup>th</sup>, Chief Fisher, Captain Greenley, and Investigator Barnes had training on how to handle people with mental illness.

Mayor Leonard asked if there has been an uptick in overdoses.

Chief Fisher advised lately they have had 2 which is rare.

There was further discussion.

### **Public Works Department**

Public Works Director Parks advised that he and Waterworks Supervisor Quillen attended training on Lead and Copper Rule Revisions. They are required to replace all lead pipes. He

advised that there are none left, and gooseneck lines don't count. He added that they are requiring the Town to inventory all lead pipes.

Town Manager Tolbert explained the requirement further. He asked what the deadline was.

Public Works Director Parks advised they have until October 15, 2024.

Councilwoman Bowden asked how they identify the lines.

Public Works Director Parks responded that they would have to dig. They can rule out properties that were built after 1983 as lead was banned. The Town would be responsible for the replacement of the water mains.

Public Works Director Parks reported that the Cropper Street project is complete, the Maddox Boulevard paving and markings are complete, the width is now 37' leaving a 7' bike lane on each side. He reported that 37 security cameras have been installed and operational.

There was discussion regarding the camera placements, views, storage, and nighttime views.

Public Works Director Parks added that the Public Works staff also held safety meetings. He added that for July they are planning for Pony Penning, weed control and right-of-way cutting, complete Memorial Park boat parking and pavement markings, and continue maintenance of equipment and vehicles.

#### Emergency Services

Director of Emergency Services Rush advised of the EMS calls for June. They had dual training with CPD. He showed pictures of a helicopter patient pickup with Thunderbirds in the background. He also advised they attended fireworks planning, Pony Swim planning meetings. He reported that the Antares launch is scheduled for August 1<sup>st</sup>. They're still working on POD-X. They're watching tropical storm activity. He summarized that June's calls for service were up, the AEDs are back ordered, and he reminded everyone to be weather aware. He added that he is working with Accomack County on staffing and standby while both ambulances are out. He reminded everyone that fireworks will be on July 29<sup>th</sup> and Antares launch is August 1<sup>st</sup>.

#### **Committee Reports:**

##### **Public Works Committee**

Councilwoman Richardson advised they met June 6<sup>th</sup> and this was discussed at the last Council meeting.

##### **Ordinance Committee**

Councilman Savage reported they met June 8<sup>th</sup> to consider commercial dumpster regulations and parking regulations.

Town Manager Tolbert further explained that the Committee reviewed the Health Department regulations pertaining to dumpsters and the Committee decided to adopt ordinances that parallel

the regulations. He reviewed the changes. He was asked to send notification to all business owners along with notice about flags.

Councilwoman Bowden asked if letters were sent to Highland Park residents.

Town Manager Tolbert advised they have not, but signage has been ordered for each entrance.

There was further discussion about parking part way in the ditches, ditch maintenance, and filling ditches. They continued discussion about the dumpster ordinance.

### **Adoption of the Minutes of the June 5<sup>th</sup> and June 15<sup>th</sup>, Council Meetings**

**Councilman Savage motioned, seconded by Councilwoman Bowden to adopt the minutes of the June 5<sup>th</sup> and June 15<sup>th</sup>, Council meetings as presented. Unanimously approved.**

### **Mayor and Council Comments**

Councilwoman Bowden commended Director of Emergency Services Rush, Chief Fisher and Public Works Director Parks and their departments for a fantastic job with the 4<sup>th</sup> of July events. She stated that she sees it all in the information stand and she stated that they looked fantastic. She also stated that the Town needs to get on the bandwagon and hire a planner. She feels they're getting too much, too quick, too soon and feels a planner will give direction and guidance.

Vice Mayor Bott agreed and felt there are 2 good examples here with parking and dumpsters. Their job would be to research all angles of things. He feels it will be an invaluable benefit.

Councilman McComb concurred on hiring a planner and he also concurred on the 4<sup>th</sup> of July planning, adding that it went well.

Councilman Taylor stated they are very blessed with the employees. He added that you don't know what you've got until they're gone, and he wants to take care of what we have with the Town. He stated that when July is gone, he bets they'll beat or be close to the 2021 levels. He also wants to show the employees that they appreciate them.

Councilman Savage gave kudos to the staff for doing a fine job. He expressed his appreciation for what they're doing. He also stated that he appreciates the Town Manager for what he's doing. He too agreed that they need a Town planner.

Mayor Leonard stated that he had a couple of conversations over the last couple of days to readdress the golf cart issue. He also understands that there have been calls in the office as well. He feels the traffic light at Maddox and Chicken City is causing problems in the afternoon.

There was discussion.

### **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 AUGUST 7, 2023**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**  
**The Chincoteague Center**

**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  
Mr. Wes Parks, Public Works Director  
Mr. E. Bryan Rush, Director of Emergency Services

**Call to Order**

Vice Mayor Bott called the meeting to order at 7:00 p.m.

**Invocation**

Councilman Taylor offered the invocation.

**Pledge of Allegiance**

Vice Mayor Bott led in the Pledge of Allegiance.

**Public Comment**

Vice Mayor Bott opened the floor for public comment.

- Mr. Fred Gers, 6292 Highland Park Drive, thanked Town Manager Tolbert for explaining the reason behind “No Parking” in Highland Park. He doesn’t feel it’s a public safety issue. He stated that if it was for safety reasons then all other streets on the Island would be “No Parking”. He heard it was because someone was blocking a driveway. He added that if this were the case then communicate with your neighbor. He feels steps were skipped. He advised that Mr. and Mrs. Lappin went around the neighborhood and talked to people, and no one had any problems with parking. He is sorry that some people were put out of the way and unable to use their driveway. He wants to take a step back and work it out as a neighborhood. He asked Council not to bring up public safety as an excuse. He thanked Council for their time.

- John Sparkman, 6258 Highland Park Drive, advised he has owned his house for 36 years and has resided full time here for 18 years. He stated that he has never had a parking issue and was shocked to receive the letter. He doesn’t have the benefit of a large driveway. He added

that there is a process if someone blocks the driveway. He stated that Chester Park and Circle Drive don't have restrictions. He doesn't know where his family would park. He asked Council to reconsider.

- Mr. Robert Lappin, Jr. 6377 Highland Park Drive, thanked Council and advised he wants to save Highland Park to keep parking. He has been a Highland Park Resident for over 24 years. He stated that he received the "No Parking" letter, and the signage was installed within a few days. He doesn't know of any issues. Highland Park is a family-oriented community; his children grew up there. When his children turned 16 vehicles were bought and taxes paid to the Town. He stated that he has 4 vehicles and 2 parking spaces on his property. A neighbor allows him to use their driveway so he wouldn't block the neighbor across the street, because it's the neighborly thing to do. He stated that his neighborhood has always looked out for each other. The average lot size in Highland Park is 60' x 100' with most drain fields located in the front yard. He was able to purchase his home at the age of 22. He advised that he called Town Manager Tolbert who advised he received complaints. He asked why residents weren't contacted. He was advised that it was his decision. He responded that there are many other streets on the Island that are far worse than Highland Park. He reached out to his neighbors, and most were against the Town's decision, except for a few. He explained the time he drove the firetruck to his home to pick up his son off the school bus. He advised there was plenty of room for the firetruck and school bus on the road. He also stated that the only incident that he could recall happened recently. There were no vehicles on the roadway, it was simply an accident and bad timing. He asked about the local lawncare workers having to park along the side of the road. He asked if the Town would make exceptions as to what is ok and not. He also asked the Town Manager about Christmas and Thanksgiving and was advised that an exception would be made. He asked how many rules and exceptions would be made. He also advised that one of the neighbors had to ask her son not to come visit her because he would have to park along the street. He asked Council why the Town is getting involved in something so small when they have bigger problems to deal with. He asked why the Town didn't contact the residents to resolve the problem. Mr. Lappin presented Council with a petition that represents the majority of Highland Park residents that disagree with this matter. He also gave Council the survey. He asked Council to take it to a discussion. He feels that when he wants his family to come over, he should dictate that and not have someone dictate that for him.

- Mrs. Amy Lappin, 6377 Highland Park Drive, advised she normally sits back and lets the Town officials tend to their many responsibilities without complaint. She stated that she and Mr. Lappin have been married for 27 years and were able to buy a home on the Island. They chose Highland Park for many reasons. She stated that they raised their children with old school values. She described her neighborhood. She stated that the Town officials advised there have been many complaints. She reported on the number of vehicles along the street during the day. She advised that no one from the Town reached out to them to make them aware. She wished someone would have reached out to resolve the issue, not be excluded. She commented further that the Island used to be a place that no matter what income, you could buy anywhere and over the years it's become harder. She added that many homes are being bought and rented which doesn't leave many options for the local youth. Because of the high prices her son was forced off the Island and daughter could only afford to rent. Because of this her children frequently visit and need to park in front of their home and at no time do they block anyone from leaving their driveway. She stated that most of the neighborhood signed the petition to remove the "No



Parking” signs. She discussed a suggestion about putting in a sidewalk. Because of limited parking residents would still have to park in front of their homes. None of the residents are asking the Town to supply parking. They were told that safety was the issue and she asked why they didn’t ask her husband, the Fire Chief, for help. She asked Council not to make her chose between family visitations. She was told exceptions would be made for holidays, and asked who gets to determine what those exceptions are. She asked for the right to be included in this decision. She asked what to do, sell the vehicles or not allow visitors.

- Ms. Kathy Vitek, 7442 Eastside Road, came before Council to express concerns about The Pearl. She advised that she purchased her home for the tranquil location. She has enjoyed dining at Etta’s and looked forward to a more casual dining experience within walking distance. They weren’t concerned when they heard the new owners wanted to use the property as a live music venue. She was surprised to see a text about loud music from a 27-year-old friend who was staying at her home. While watching the pony swim they watched 2 jet skis race out of the dock at The Pearl past the “No Wake Zone” sign. Following the swim, a pontoon party boat pulled up there with music so loud that people couldn’t have a conversation. They left the pontoon and went inside The Pearl leaving the music blaring. Calls to The Pearl went unanswered, and someone went over to complain. The music was turned off. She explained the continued noise issues. She feels that no one should have to get out of bed, walk down the street, go into a bar, and ask them to turn the music down. They are aware of the decibel meter apps they can download but don’t feel they should have to do that. The burden shouldn’t be on the residents to ensure that the world complies with the noise ordinances. Ms. Vitek stated that it seems too late for a zoning review because The Pearl is more bar and less restaurant. She questioned The Pearl maintaining a liquor license and added she wants The Pearl to be good neighbors.

- Paula Nees, 6417 Canal Lane, thanked everyone that took part in Pony Penning week that made it a success. She advised she has lived here for 5 years and is the first year she volunteered to help on the Pony Shuttle. She stated she had a blast, everyone on the bus was kind, and enjoyed their visit. She asked Council to consider reinstating the Adopt-the-Road Program.

### **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:**

**Nays:**

**Absent: Leonard**

### **Staff Reports**

#### **General Government**

Town Manager Tolbert reported on The Center’s July rentals. He gave an update on the HRSD advising the target for completion of the plant design is mid-September with completion of construction by August 2024. He also reported on the well relocation. He stated that in July Senators Kaine and Warner proposed an amendment to the National Defense Authorization Act (NDAA) which would have authorized NASA to enter into an agreement with the Town to reimburse us for the relocation of our wells. The proposed amendment had to clear the Senate

Commerce Committee prior to being included in the NDAA. It failed to include the language in this amendment. Representative Kiggans was able to secure a promise to include the legislation in the next NASA reauthorization bill.

Town Manager Tolbert also advised that A & N Innovative Solutions will operate the new charging stations to be located on Post Office Street in the downtown parking lot. He is reviewing the lease agreement which will govern Solution's use of the property for a term of 5 years at \$1 per year. The cost of installation and maintenance of the facility will be completely absorbed by this subsidiary. He reviewed the financial report for July. He advised that Ms. Jennifer Debruhl, Director of DRPT came to discuss the Town's program with him and Transportation Director King. He then gave the Building and Zoning report for July.

Vice Mayor Bott asked for details outlining Highland Park.

Town Manager Tolbert advised he received 3 distinct complaints from residents of Highland Park about blocked driveways. He agreed that this should have been resolved in the neighborhood. The complaint was that the parties could not access their driveway because of cars parked across the street at different times of the day. He stated that he looked into this and looked at "No Parking" as a solution. He added that there are several other streets on the Island that are narrower. He stated that the difference is he hasn't received complaints on other streets on the Island. He added that the complaints he received about this have been going on for years. He reported that one gentleman stated that we have a Police Department. He added that it isn't against the law to park along the side of the street and if residents weren't doing something against the law the police could make a request that they move. He continued that they have made it illegal to park there and police can now do something about it. He stated that this is the reason for making both sides of the street "No Parking". He made the decision but did make Council aware.

Councilman McComb asked if the Transient Occupancy Tax deficit of \$10,000 was related to the difficulty with online bookings and collecting.

Town Manager Tolbert hopes not. He stated that the problem is in the paperwork. He spoke with an expert from Staunton, VA. He explained that the law was created by state legislatures to collect more money but doesn't have a clue the Town is collecting what we're supposed to collect. The 3<sup>rd</sup> party intermediaries are required by law to submit the check with the owner's name and property address. They issue a check in a lump sum with no information. He stated that certain citizens that rent their homes are advising that they've overpaid the Transient Occupancy Tax, but we have no way to know this. Some 3<sup>rd</sup> parties have a dashboard that the homeowner can print the report and send it to the Town, but most do not. He reported that he spoke with the Attorney General.

Councilman Taylor stated that the July financial report is from June's rentals. He feels they will catch up.

Police Department

Chief Fisher introduced the new officer, Officer Bradley Taylor who worked for the Northampton County Sheriff's office. He started in the jail, then went on the road as an Animal Control Officer and then became a road Deputy. He introduced Officer Taylor's wife Carrie, who has been hired as a dispatcher. He stated that she has worked as a dispatcher in Northampton County for 13 years. He added that they recently moved to Atlantic. He reviewed the Department's report for July. They conducted crowd and traffic control for the carnival, July 4<sup>th</sup> fireworks, the Beach Walk, Pony Swim and swim back, and July 29<sup>th</sup> fireworks. He reported on meetings and training. He added that the officers were trained in decibel meters and given copies of the new ordinances.

Councilwoman Bowden stated that they have had issues with low-speed vehicles. She read an excerpt from the Code of Virginia; Low-Speed vehicles required equipment. She feels that some people are throwing a tag on some of them. She asked if the Police are stopping to ensure they all have what they're supposed to.

Chief Fisher advised they do not. He stated that the weekend before Pony Penning, he was off duty when he saw a low-speed vehicle with a split windshield and no wiper in the bicycle lane. He inquired with the DMV and was given the Federal Code section. He doesn't feel it's fair that the DMV is issuing plates.

Councilwoman Bowden doesn't believe they are.

Chief Fisher commented further about some of the differences between the State Code and the Federal Code.

Vice Mayor Bott asked staff to contact an attorney for a definitive answer regarding the action between the State vs. Federal Codes.

Brief discussion continued.

Councilman McComb asked how many decibel meters the Police Department has.

Chief Fisher advised they have 1 and will be purchasing another. He added that one was down for recalibration.

There was discussion about putting the decibel meters on a 6-month recalibration cycle.

#### Public Works Department

Town Manager Tolbert advised that Water Works Tech Savage went to training for Water Plant Operator Class 3. They repaired a leak at the water plant, paved the basketball court at Brianna's Kindness Park, the trees have been trimmed around the power lines near the water tower, dump trucks damaged sidewalks on Willow Street during the paving operation on Cropper Street. He also reported that the contractor replaced the sidewalk in a timely manner at no charge. They conducted support activities for July 4<sup>th</sup> fireworks, Pony Penning, and the Rocket Launch. They caught up on weed control and right-of-way mowing, pavement marking is complete at

Memorial Park, routine equipment and vehicle maintenance continue, and they held safety meetings.

Councilwoman Richardson asked where the basketball goals were going on the new asphalt.

Town Manager Tolbert advised on the eastern end toward the Baptist Church.

### **Emergency Services**

Emergency Management Coordinator Rush reported they had the most calls ever in a month. He advised they had 152 calls for service in July. He highlighted the U.S. Coast Guard's open house. He gave a report on his recent meeting in Richmond for the State EMS Advisory Board, adding that the Board is coming to the Eastern Shore at the end of September. They are continuing weather monitoring. He worked on the After-Action Reports and preparing for the POD exercise. He gave a hurricane season update. He also stated that Pony Penning is an all-hands on event, with the volunteers, cowboys, fire, State Police, Public Works employees, office staff, EMS, an all-hands event. He stated that swim day starts at 5:00 a.m. He added they had 24 buses, and the last bus left the back of the carnival at 12:45pm. The Trolley also ran that week which helped. They held an all-hands hotwash (meeting) for the After-Action Report. He gave kudos to all employees. He also reminded everyone to prepare now for hurricane season. The Save Station AEDs will be here Wednesday. He stated that there will be no big launches in the short term, but there will be smaller launches.

### **Adoption of the Minutes**

**Councilman Savage motioned, seconded by Councilman McComb to adopt the minutes of the July 5<sup>th</sup>, 2023 regular Council meeting. All present were in favor and the motion was carried.**

**Ayes:**

**Nays:**

**Absent: Leonard**

### **Joint Public Hearing for Zoning Changes**

Vice Mayor Bott opened the joint public hearing for zoning changes at 8:05p.m.

Town Manager Tolbert advised there are 3 proposed zoning changes this evening. He explained the reason behind height regulations for new homes. This addition to the Code will require the height of any new structure in an existing neighborhood, which takes advantage of the "average setback rule" to force you to consider the height of the structure. This is to match the heights of surrounding structures more closely. He read the verbiage.

Town Manager Tolbert reviewed the proposed zoning changes to Section C. RC Resource Conservation in the Town Ordinances. There are also proposed structural changes to the RC zone to further protect this and other shorelines surrounding the Island. He stated they are proposing to rezone certain areas as well and he reviewed the proposed zoning maps.

Vice Mayor Bott opened the floor for public comment on the changes.

- Mrs. Theresa Bulger, 3380 Main Street, advised she owns marsh property and they all have a common goal. They have been buying marshland and own marshland all over the Island. She stated that they intend to create a park to possibly donate to the Town or garden club. She advised she has no issue with 99% of the proposed ordinance. She feels the conservation zone doesn't go far enough and should extend all the way around the east side of the Island and extended to the west side of the Island as well. She mentioned that there is already a commercial kayak business there and doesn't care as she isn't involved in the tourism business. She commented further stating that they decided to buy up marshland to conserve and preserve. She also advised that she considered the possibility of using her property and having a nonprofit ecotourism kayak business. She feels "kayak" should be stricken or adding "nonprofit" kayak businesses. She took issue with not allowing a flagpole on the property. She feels that a flagpole in the marsh shouldn't be banned. She commented further adding that Council should form a committee and she would volunteer to serve on that committee. She feels they shouldn't have property become more valuable when they control someone else's. She advised they bought one of the properties from a Councilman.

- Mr. David Bourne, 3380 Main Street, stated they recently bought marshland on Eastside. He feels there is a conflict of interest and procedural issues. He commented that he received the letter Saturday for the Monday night meeting. He feels there's procedural problems. He feels there is a sense where the neighborhood should come together. He agreed with his wife's idea of a committee. He suggested that Council think in a more evenhanded way. He purchased the Eastside lots from a Councilman and feels there is discrepancy in procedure. He feels the Councilmember should recuse himself from the vote. He suggested a moratorium and come up with a plan that is evenhanded, and they would be the biggest supporters.

- Mrs. Tammy Riley, 4460 Williams Lane, stated that she is on the same page about conservation. She commented on the property purchased across from her mother. She stated that if there was land there, she wouldn't be able to tell anyone what they can do with it. She added that there is no land there, only marsh and she doesn't agree with a parking lot there adding that it isn't a piece of land. She apologized if her kayak business bothers anyone, and she doesn't have a problem with anyone else having a kayak business on Eastside. She has a problem with filling in the marshland. People who drive down Eastside Road should be able to see the beauty.

Vice Mayor Bott closed the public hearing. He asked the Planning Commission for a recommendation on the proposed zoning changes.

Planning Commission Chairman Rosenberger asked the Planning Commission for a motion on the proposed Ordinance pertaining to area height.

**Mr. Dendler motioned, seconded by Mr. Shendock to approve the proposed Ordinance pertaining to the area height. Unanimously approved.**

Planning Commission Chairman Rosenberger asked the Planning Commission for a motion on the proposed Zoning change.

**Mr. Katsetos motioned, seconded by Mr. Dendler and Mr. Shendock to approve the proposed Zoning change. Unanimously approved.**

Planning Commission Chairman Rosenberger asked the Planning Commission for a motion to modify the Resource Conservation District.

**Mr. Shendock motioned, seconded by Mrs. Cherrix to approve the modification of the Resource Conservation District. Unanimously approved.**

Planning Commission Chairman Rosenberger advised Council that the Planning Commission recommends approval of the proposed changes.

Vice Mayor Bott asked for Council comments on the proposed changes.

Councilman Taylor advised he is on the Accomack County Wetlands Board. He stated that the guidelines go past what is allowed by right. He added that if someone buys a piece of property, it has certain rights to it. He stated that if he voted to put this in the Conservation Zone it then changes the use. He is all for putting your own property in the Conservation Zone. He feels people should have the rights. He asked Building and Zoning Administrator Bowden if anyone on Chincoteague tried to build a house on the marsh.

Building and Zoning Administrator Bowden advised they have put building on wetlands, but building on the marsh is harder.

Councilman Taylor commented further adding that there are already restrictions on marshland. He feels that if the neighbors want to control something then they should buy it. He mentioned the Beebe Ranch where people didn't want a development there, so a group of people bought it.

Councilwoman Bowden added a disclaimer that she doesn't, never have, and never will own marsh on Eastside Road, she owns property on Rosedale Drive and that's it. She expressed that she disagrees with Councilman Taylor that people are putting their money where their mouth is and conserving things. She commented that a kayak business is not in the marsh. She explained that if you look at the maps of New York City back in the 1600s, all of New York City was marsh. She feels they have to be progressive to the future of Chincoteague Island. The changes have been insurmountable and, in some instances, too fast, too soon, and too quick. She stated they have to ask what they are doing for the kids or grandkids down the line. She also stated that they have to be responsible about growth because once it's gone you can't get it back. She appreciates everything the Planning Commission has gone through with this.

**Councilwoman Bowden motioned, seconded by Councilman McComb to go forth with the Planning Commission's recommendation to approve the Code and Zoning changes as presented. The motion was carried.**

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

**Nays: None**

**Abstain: Taylor**

**Absent: Leonard**

### **Sec. 3.3. Area regulations.**

3.3.1. *Lot size.* The minimum lot size for permitted uses shall be 15,000 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

3.3.2. *Setback.* Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived and the setback line may be the average setback of the structures on either side. This rule shall be known as the “average setback rule” and shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

#### *3.3.3. Open space.*

- (1) The minimum side yard setback for each main structure shall be 15 feet.
- (2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

#### *3.3.4. Height regulations.*

- (1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies. Structures using the “average setback rule” as referenced in 3.3.2 must not exceed the average height of structures on either side of the proposed structure. The building official may make minimum allowances for compliance with applicable flood zone and building code requirements.
- (2) No accessory building or structure shall be more than 25 feet in height.
- (3) Roof area extending above the maximum three-story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.
- (4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.
- (5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).
- (6) Parapet walls shall not extend more than four feet above the maximum building height for nonresidential structures.

#### *3.3.5. Corner lots.*

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

- (2) The side yard abutting or next to the street shall be 35 feet for both the main and accessory buildings/structures excluding steps, and a landing not greater than five feet by five feet.

(Ord. of 4-3-95; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 4-13-98; Ord. of 4-5-99; Ord. of 5-17-2001; Amended 10-19-2007, 3-22-2012, 4-2-2012, 5-4-2015, 12-5-2016)

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## PART II - CODE OF ORDINANCES

### Appendix A - ZONING

#### ARTICLE V. - OTHER DISTRICTS

##### *SECTION C. RC RESOURCE CONSERVATION*

*Statement of intent.* The resource conservation district is established for the specific purpose of conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly zoning amendment process in accordance with the review procedures and standards specified in this ordinance.

#### **Sec. 5.7. Uses permitted by right.**

The following uses shall be permitted in the RC resource conservation district, subject to all other provisions of this ordinance:

5.7.1. Game preserves and conservation areas.

5.7.2. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.

5.7.3. Drainage, erosion and flood control devices.

5.7.4. Wells, water reservoirs and water control structures.

~~5.7.5. Accessory structures.~~

~~5.7.5. Seafood and shellfish landing and receiving areas. storage and shipping facilities.~~

~~5.7.6. Aquaculture and mariculture facilities and activities.~~

~~5.7.8. Commercial kayak and boat rental facilities.~~

~~5.7.7. Public parks and recreational areas. marinas and other public buildings.~~

~~5.7.10. Lodges, hunting clubs, boating clubs.~~



### 5.7.8. Fences.

- (1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90-degree angle) to the fence line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.
- (2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90degree angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.
- (3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

### 5.7.12. Public utilities.

## **Sec. 5.8. Special exceptions; special use permits; conditional use.**

5.8.1. Public utilities generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.

5.8.2. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the town council as a conditional use in accordance with article IX of this appendix.

## **Sec. 5.9. Area regulations.**

### ~~5.9.1. Lot size.~~

- ~~(1) The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.~~

~~5.9.2. Setback. Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from the edge of any street right of way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.~~

~~5.9.3. Open space.~~

~~(1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.~~

~~(2) The minimum side yard for accessory structures shall be 30 feet or more.~~

~~5.9.4. Height regulations.~~

~~(1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.~~

~~(2) No accessory building or structure shall be more than 25 feet in height.~~

~~(3) Roof area extending above the maximum three story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.~~

~~(4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.~~

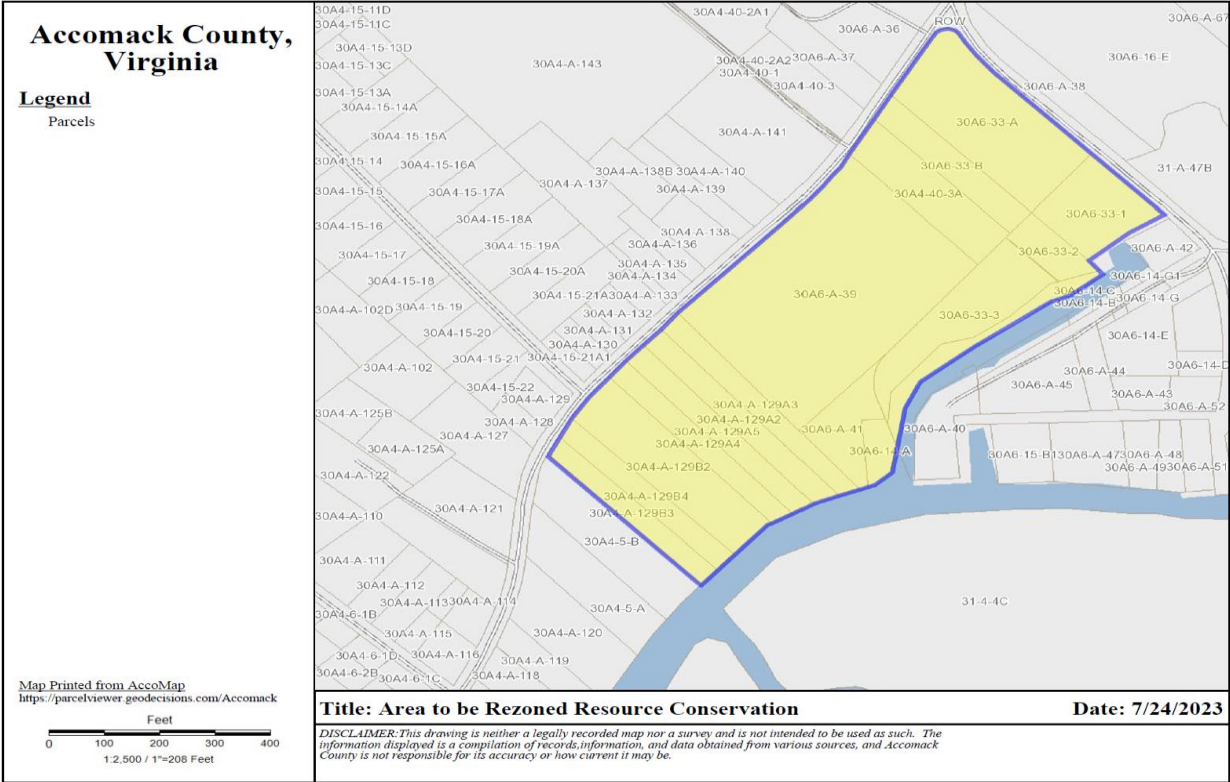
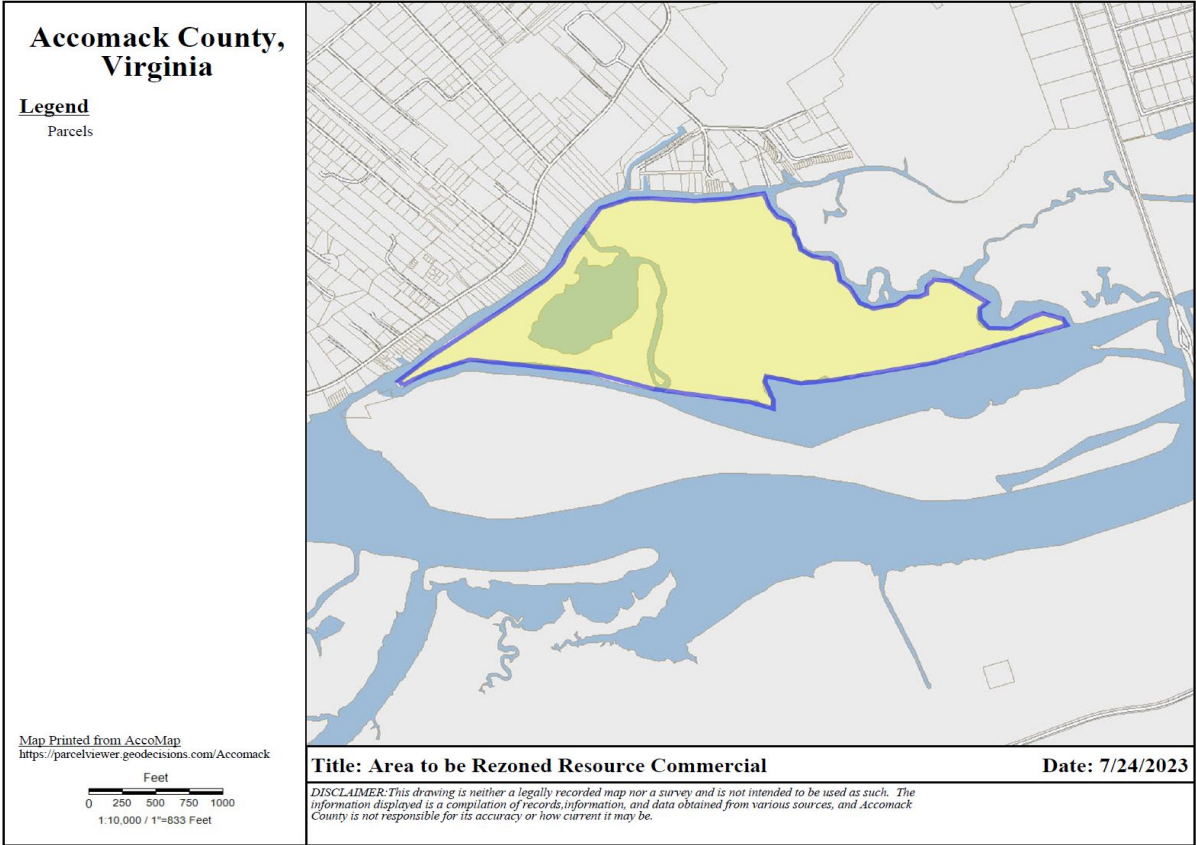
~~(5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).~~

~~(6) Parapet walls shall not extend more than four feet above the maximum building height for nonresidential structures.~~

~~5.9.5. Corner lots.~~

~~(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.~~

(Ord. of 2-5-2001; Amended 4-2-2012, 5-4-2015, 12-5-2016)



### **Consider Change Order to FY23 Spring Paving Contract**

Councilwoman Richardson advised that the Public Works Committee reviewed the Fall Paving Projects, South Main Street, 4 roads in Ocean Breeze, and pavement marking. VDOT granted an increase in the Urban Maintenance monies due to the addition of 4 Ocean Breeze roads. They also discussed drainage improvements on South Main Street, Seashell, Seashore, and Seaweed Drives. They agreed to extend the contract with Paragon Paving to the end of 2023 which allows the Town to take advantage of existing pricing and accomplish the South Main Street Paving Project.

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to approve the extension of the 2023 Paving Contract with Paragon Paving. All present were in favor and the motion was carried.**

**Ayes:**

**Nays:**

**Absent: Leonard**

Councilwoman Bowden asked if drainage structures were included in the South Main Street Paving Project.

Town Manager Tolbert advised it does, but they will not replace the box culverts at that time. He added they do not have money enough to replace those in the FY24 budget. He hopes to add this to next year's budget. The only drainage not included in the price is the 2 box culverts.

There was brief discussion.

**Councilwoman Richardson motioned, seconded by Councilman McComb to approve adding the paving of South Main Street from the vicinity of Beebe Road to the Curtis Merritt Harbor in the FY23 Spring Paving Project. All present were in favor and the motion was carried.**

**Ayes:**

**Nays:**

**Absent: Leonard**

### **Council Comments**

Councilman Savage stated he appreciated all comments made this evening. He gave kudos to the Town Manager and staff, volunteers, and 1<sup>st</sup> responders for July 4<sup>th</sup> and Pony Penning. He added that looking at the amount of people that were here, it is incredible that our people can handle that. He appreciated everything.

Councilman Taylor appreciated everyone for the civility.

Councilman McComb asked about the Adopt-a-Road Program.

Finance Director Lewis advised that this was done in the past and over time those sponsors moved, passed away, or just stopped cleaning their portion of the road. She stated that it can easily be reinstated. She explained the process and advised she will work it.

Councilman McComb agrees that the marsh should be protected in other areas around the Island as well. He referred to the comment about forming a committee and stated that they have the Planning Commission which is no better vehicle in making this sort of change. He added that it's worth looking into making sure we protect the marsh across the board because they have lost a lot of ground over the last few years. He feels it's an urgent matter. He thanked all departments for their work in Pony Penning.

Councilwoman Bowden agreed with Councilman McComb that the marsh protection could be expanded. She added that with Pony Penning, she and Mr. Bobby Lappin go way back, 31 years, in the Fire Company. They've watched Pony Penning grow to a point where you don't know how it gets bigger. She stated that it takes everyone, the Fire Company, staff, and the community. She commented that there are 150 animals on the beach keeping their heads down eating, and don't know what's going on, and they control the entire economy on the Island and Eastern Shore. She added that it is with great pride this event continues to go each year. She appreciates all of the Town and Town staff for making things happen the way it happens so that when they are involved in the Pony Swim, Beach Walk, or whatever else they know other things are running smoothly. She also commented that she has friends that have vacation rentals here, and their rentals are down. They wondered if it was that the world has opened up again and people are going to other places. She agrees with Councilman Taylor that they will make up for it especially after the last few weeks. She congratulated our pickleball group who won the state championship. She would also love to see the road cleanup (Adopt-a-Road Program) be reinstated. Councilwoman Bowden stated that for Highland Park, she feels for everyone who lives there. She stated that they pay the Town Manager to make decisions. She feels they were shortchanged in annexation and hopes everyone can come together to make everyone happy.

Vice Mayor Bott feels the decision the Town Manager made on the parking in Highland Park was wrong and wants Council to take it up. He will add this to the agenda of the next meeting. He added that when there is a drastic decision such as this, Council should be involved. He feels this was done in a discriminatory basis and not thoroughly evaluated before it was done. He asked Councilmembers to contact him about it and that this matter should be on the next meeting agenda.

### **Adjourn**

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

**Ayes:**

**Nays:**

**Absent: Leonard**

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Christopher D. Bott, Vice Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE SEPTEMBER 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.

### **Consider Remote Participation**

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

### **Public Comment**

Mayor Leonard opened the floor for public comment.

- Mr. John Sparkman, 6258 Highland Park Drive, advised he came to Council last month with a number of citizens who signed a petition by the majority of the residents in Highland Park who are opposed to the “No Parking” along the street. He added that he knows of others that are willing to sign as well. He wanted to let Council know he opposes this.
- Mr. Bobby Lappin, 6377 Highland Park Drive, stated that last month he presented a petition. He advised there are 41 residences and 25 signatures. He stated that this is the majority of residents who want parking. He added that as elected officials who represent them it is their duty to do the bidding of the majority of the residents to allow parking in Highland Park. He feels it shouldn't have been done. He mentioned other neighborhoods that have it worse than Highland Park. He doesn't feel any community should be singled out. He stated that it should be a community outreach from Council. He stated that the rest of the neighborhood shouldn't have been changed for 3 people. He asked Council to reconsider.

## **Agenda Adoption**

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

## **Staff Reports**

### **General Government**

Town Manager Tolbert gave the Center report for August advising that the upgrade in the HVAC system will be in November. He also advised that on August 18<sup>th</sup> the Town officially notified the owners of the property at Sunset Bay of their intent to file a “Certificate for Condemnation of Land and Property Interest” for the purpose of obtaining the lot adjacent to the sewage treatment plants and bordering Main Street. The Town now has 30-45 days to file with the court which they intend to do at the earliest possible date of September 18<sup>th</sup>. They are hopeful that since all parties are in agreement to the terms of the condemnation, a quick court date will be set and can complete the transfer of the plants to HRSD without delay. The current lease to the previous owner expires upon the transfer to HRSD on December 31<sup>st</sup>, 2023, whichever occurs first. He also reported that the Curtis Merritt Harbor was busy in August with the White Marlin Open, and sub-leasing for the summer was similar to last year. The Waiting List at the Harbor is down to 4 and greatly attributed to the floating docks. They plan to propose the installation of a floating dock structure at the Robert Reed Park again this year for the Virginia Port Authority. There have been very few issues with parking, but they still plan to add parking in the future by extending the pavement at the southern lot and reconfiguring the spaces. The fuel sales for the month are about 20,000 gallons for all products. They have a few minor issues with the pumps resulting in some downtime but not enough to significantly affect fuel sales. The fuel sales provider offers 24/7 support. They expect 8-10 conch boats this Fall and have had other inquiries from commercial fishing vessels on the western shore.

Town Manager Tolbert also reported on the electric vehicle charging stations. A & N Innovative Solutions is still in the legal state of formation and not quite ready for operations. Installation of the new stations will take place as soon as the legal work is complete. He continued with the financial report. He advised that the new trolley arrived this month. It was ordered in June of 2021 and originally scheduled for delivery in the Fall of 2022. However, the effects of COVID played a large part in the manufacturing delays. They have not determined the name for the new trolley. They plan to surplus one of the older trolleys in the Spring. He also gave the Building and Zoning report for August and reviewed the new Permit Fee Report from the iWorQ permitting tool.

### **Police Department**

Chief Fisher gave the monthly report for August. He added that on August 1<sup>st</sup> they assisted in parking at the Curtis Merritt Harbor and viewing locations for the ANTARES launch. On August 2<sup>nd</sup> he, Investigator Barnes, and Assistant Chief Greenley attended the After-Action meeting at the firehouse to review Pony Penning and fireworks events to help improve the plans. He announced that the annual Ride for Kids Poker Run will be this Saturday, September 9<sup>th</sup> beginning at 9:00a.m. at the Harley Davidson in Salisbury and there will be a block party with Front Page News.

### Public Works Department

Public Works Director Parks stated that all of the Council Chamber/EOC renovations, except for the electrical work, was done by the Public Works staff. They will also build 2 wings connecting to the Council table and replace the laminate. He also advised the basketball goal and court at Brianna's Kindness Park along with the bathrooms are close to completion. The concrete pad has been installed at the Chamber for the kiosk. There were repairs to the sewer line at the old firehouse. The sidewalk repairs are now being done by the Public Works employees. The equipment pads were poured at the Community Center for the HVAC replacement. They plan to install drainage on South Main Street, paving on South Main Street, and continue with ditch maintenance in September.

Mayor Leonard advised that he received a message and asked Public Works Director Parks to check into the equipment at the Brianna's Kindness Park and possibly add more base materials.

### Emergency Services

Emergency Management Coordinator Rush reported they ended August with 108 calls which is up 8 calls from August 2022. They have had serious issues with ambulances over the summer. Currently all 3 are back in service. Greenbackville loaned Unit 2-2, which is their secondary ambulance, and was a life saver. They are getting a new ambulance, and when it arrives, they plan to give it to Chincoteague at the cost of 12 tires. Chincoteague will then have 4 ambulances: 2 regular duty and 2 reserve units. He is working on the upcoming Rescue Squad Assistance Grant. They are continuing with weather monitoring. They completed the After-Action Report for the Pony Swim, fireworks, and ANTARES launch and were able to fine tune the events. He thanked all of the Town staff for doing a great job. They did their Homeland Security Large Events for 2024. There will be a tabletop POD exercise next week at the Accomack County EOC/Training Center.

Emergency Management Coordinator Rush reported that as of 5:00p.m. today there was an upgrade to Hurricane Lee. He explained the 7-day cone and possible tracks and feels the Shore will feel the effects by the end of next week but will have a better handle on it by Monday. He added that it could be a category 5 storm but feels it will weaken as it moves north. He cautioned the potential of tidal issues especially with the new moon. He urged everyone to prepare now for Hurricane Season and advised what they would need. He reported that the AEDs are in, and the Public Works staff will be installing them. He reminded everyone to be weather aware.

### **Adoption of the Minutes**

**Councilwoman Bowden motioned, seconded by Councilman Savage to adopt the minutes of the August 7<sup>th</sup>, 2023, regular Council meeting. Unanimously approved.**

### **Consider Donation to Mural Project**

Town Manager Tolbert advised that at the Budget and Personnel Committee meeting they discussed and recommended a donation in the amount of \$1,500 for the downtown mural project.

**Vice Mayor Bott motioned, seconded by Councilman McComb to approve a donation in the amount of \$1,500 for the Downtown Mural Project. Unanimously approved.**



## **Committee Reports**

### Public Works Committee

There was no report as this discussion was approved in the first meeting in August.

### Budget & Personnel Committee

Vice Mayor Bott advised he had nothing to report.

### Recreation and Community Enhancement Committee

Councilman Taylor advised that on August 22<sup>nd</sup> they had a RCEC meeting. He thanked the Public Works staff for the Brianna's Kindness Park basketball court, for setting the benches at the Dog Park, and installing the spinner at the Veterans' Memorial Park. He thanked them for all they do. He commented on keeping the beach south as long as possible.

### **Review No Parking Zone – Highland Park**

Councilwoman Bowden reviewed her notes about Highland Park. She stated she has relatives on both sides of Highland Park. She also stated that since the last meeting, she rode around there in her LSV. She recalled a comment made at the last meeting about someone who didn't have a big parking lot at all, but this individual has a 60'–70' long driveway. She also stated that neighbors there wanted to settle it amongst themselves. She asked Town Manager Tolbert if any of the residents presented a plan to him about this issue.

Town Manager Tolbert advised they have not.

Councilwoman Bowden stated that there were 4 people who signed the petition that do not live in Highland Park. She asked them to be honest about it.

Councilman Taylor advised he spoke with Town Manager Tolbert. He commented about someone who put a pipe in the ditch to give her more parking.

Town Manager Tolbert advised that this was several years ago when she extended the culvert in her driveway another 20' or so and covered to gain an additional parking space.

Councilman Taylor stated that it may cost the homeowners money, he suggested culvert pipes across the properties there so they can park off of the road. He asked how much this would cost.

Town Manager Tolbert advised this has been done in other communities. The Town could do this at cost. He added that the caveat is that in a severe storm an open ditch would hold more water than a culvert will.

There was further discussion.

Councilwoman Bowden stated that Mr. Lappin advised he has 60' across and asked how much this would cost.

Town Manager Tolbert responded that they would have to check how much pipe they need and the adequacy of the current driveway pipe which would impact the cost.

Councilman Taylor asked Town Manager Tolbert and Public Works Director Parks to get a price for the installation of culvert pipes. He feels this would help.

Vice Mayor Bott stated he has a problem with the “No Parking”, and the majority of the residents don’t want it. He would like to see it removed.

**Vice Mayor Bott motioned to eliminate the “No Parking” zone in Highland Park. There was no second, and the motion died.**

Mayor Leonard stated that Highland Park was developed long before incorporation. It was developed for maximum sales. He added that back then families had 1 vehicle, and now have multiple vehicles. He feels they need to think of an alternative for this neighborhood.

Councilman McComb asked if it could be tabled until the October meeting to get the cost to put the pipe in.

Mayor Leonard advised the signs are up but not being enforced and could be tabled until the next meeting.

Councilwoman Bowden stated that the whole road is a 50’ right-of-way, she asked what that means if they can’t use it for anything.

Town Manager Tolbert advised the ditches are in the right-of-way as well as the pavement. He doesn’t have a current survey of the property. According to Accomap the right-of-way appears to be 50’. He stated to find where the property markers are they could get an original plat from the County, find the markers and have it surveyed. He added that the ditches on either side are in the right-of-way. The original designer of the neighborhood did a good job. He added that he didn’t single out this community, there were complaints. If parking along the side of the road is not illegal, then all the Police can do is ask to move the cars. He asked if they wanted the police to enforce it, it has to be against the law. Depending on the prices, filling in the ditch would help.

Councilwoman Bowden advised of a lady who paid to install a pipe to add a new parking space. She agrees with Councilman McComb and asked for the cost.

Vice Mayor Bott interjected that if the Town imposes “No Parking”, then the Town should maintain the road and the right-of-way from overgrowth and keep it clear.

Councilwoman Bowden agreed.

Councilman McComb asked that they look at other roads as well.

**Public Hearing – Resolution of Condemnation**

Mayor Leonard advised through a clerical error this was not advertised properly. They can still have a hearing tonight but will not vote on it.

Town Manager Tolbert explained that the public hearing was to provide comments to authorize condemnation and a certificate of deposit to acquire in accordance with Chapter 3 of Title 25.1 Et. Seq. and Chapter 19 of Title 55.1, Et. Seq. of the Code of Virginia, Land and Property Interests on or about Sunset Bay Condominium for Public wastewater treatment facilities. The Town has been in negotiation for a few years with the developer of Sunset Bay who gave the Town both sewage treatment plants. They also received permits for an extra 37,000 gallons per day of overboard sewage discharge. HRSD service area extended to the Maryland line. The Town negotiated with HRSD to take over and operate the plants at their costs. The issue was that the HOA at Sunset Bay doesn't own the property but owns the covenants and restrictions of the land the plants are on. The Town had to get the property by eminent domain so the covenants and restrictions would no longer be in play. As of 12/29/22 the Town owns the property and the plants. HRSD needs easements to service the outfalls, pump stations, ingress, and egress. The price of the lot in front of the USCG tennis courts, currently being used for boat parking, was negotiated with the HOA which is \$150,000. Once the eminent domain suit and property acquisition is free and clear with HOA, HRSD will take possession. HRSD also agreed to expand or create enough capacity in renovation or replace the plants to service the extra 37,000 gallons per day per the extra permit. The Town will use ARPA funds to construct a collection system on Main Street from Sunset Bay down Main Street to Maddox Blvd. and cover Maddox Blvd. as well with a system, and sign-up customers to use the extra capacity. This presents options to the Downtown businesses and businesses along Maddox Blvd. to have sewage options rather than trying to obtain enough property for an alternative system.

Town Manager Tolbert feels it's a good deal. HRSD has worked with them every step of the way. They have a Master Agreement and are ready to move forward which is why they have the resolution tonight.

Mayor Leonard opened the public hearing at 7:58p.m.

- Mr. Ernest Dale Holston, 3842 Main Street, asked why adjoining neighbors were not notified. He explained that when the Town required him to get a variance for 6" of land, he had to notify everyone within 1,000 feet. He had to send certified letters. This plant is across the street, and he didn't receive a letter, he read it in the newspaper. He asked why the public wasn't notified.

Town Manager Tolbert responded that he didn't know the circumstances to his variance. He stated that a public utility is permitted by right and notification isn't required. He added that this has been talked about for the last year and mentioned 4 times in Council meetings as it was included in his monthly report. He stated that negotiations were 1<sup>st</sup> behind closed doors properly. It was made public over a year and a half ago and it has been in the paper two times since then. He stated that the Town isn't hiding anything, but they did not notify the neighboring properties.

Mr. Holston asked when the Key West Cottages went online and if the Town knew they were tied into a broken-down system.

Town Manager Tolbert replied that it was repaired and corrected.

Mr. Holston advised that they are pumping every day. He explained that they are transferring excess off the Island and asked if it was being hauled legally.

Town Manager Tolbert stated that they are leasing the plant to the original operator, Sunset Utilities. They are discharging, per the discharge permit, and when they exceed the capacity for that, they do pump and haul off some sewage. This is why HRSD will be renovating.

Mr. Holston stated that they are pumping and hauling every day.

There was discussion back and forth about what was going to be done with the lot that the boats are stored on.

Town Manager Tolbert advised that they are giving the property to HRSD who plan to replace the plant in the same place they are now. The lot is to access the back lot. He advised he original plan was to make the plant look like a house, and quiet, and neighborly. But they thought that plan was too expensive, so now they are going to replace the 2 plants in exactly the same spot. He stated that Mr. Holston's response to this when advised was that would be fine.

Mr. Holston stated that this was correct, but he wants it documented.

Again, discussion and question went back and forth of what HRSD is going to do with the property.

- Mr. Rob Tye, 3832 Main Street, stated that he lives next to Mr. Holston and across from the plant. He has lived there for 20 years and listened to that thing for 20 years. He feels that since the Key West Cottages has been online it has gotten louder. His concern is the increased noise and how to mitigate it. He stated that if the plant is going to be demolished then this could be the opportunity to give foresight of how to make it quieter and compatible for the residential neighborhood. He feels it's noise pollution. He reviewed the Town Ordinance for noise levels. He begged Council to do something about it and he expressed his concern that the noise will increase. He stated that he looked at the Virginia Code that gave recommendations. He stated that access noise is adverse to people's health. He also stated that the operational noise should be a consideration in the design phase. He pleaded with the Town to do something about it. He gave suggestions. He thinks sewage is a good thing. He suggested more public awareness. He added that developers that are putting in the packing units should be codified to levy the contractors. He gave Council a copy of his talking points.

Mayor Leonard advised they would pass this on to the Planning Commission.

Councilwoman Bowden understands where Mr. Holston and Mr. Tye are coming from. She stated that there have been lengthy discussions. There were a lot of questions. She asked that in

the talks with HRSD when they said they were going to put in a treatment plant where they were and use the front lot for access, she asked if this is in writing.

Town Manager Tolbert advised it is not in writing. He can talk to HRSD, the Master Agreement is complete, and all sides are in agreement after about 3 months of work. He read through the agreement twice today and it does not say specifically that we are allowing or preventing you from doing anything with the front lot. All of the conversations they had with HRSD centered around replacing the plants where they currently are. The easiest thing to do is to put the new plants back where the existing plants are. It does not say in writing that they can't put them anywhere. This lot is in a C2 District and the entire area is a C2 District which allows public utilities by right which is why there has been no variance requested and no notification to adjacent property owners.

Councilwoman Bowden stated that this is a big project. She stated that they have seen other things in town and other projects, they do need to be good neighbors with it all. It's people making investments, not just businesses, but homeowners as well. She hopes they can quell their fears with everything.

Town Manager Tolbert added that during the initial design meeting, HRSD being neighborly, advised that environmental impact and neighbor impact were the criteria listed for this. He added that there was fencing, screening, smell, and all of that was on the table for attention with the design people.

- Mr. Ron Jordan, 6321 Captain's Lane, advised he is on the HOA Board. He is the point person on the Board for this project. He stated that they have been negotiating with the Town and staff for a year and a half. He advised that the Board is strongly in support of this project. He also advised his place is on the sewer plant side. He added that the noise isn't the Sunset Bay plant, it's the USCG's plant. He stated that even if HRSD builds a quieter plant they will still have the noise from the USCG's plant.

Town Manager Tolbert stated that HRSD is in negotiations with the USCG to accept their sewage and discharge permit. If successful, their plant will go away.

Mr. Jordan stated that they have notified all of their members at the annual meeting last fall. They updated them in the newsletter this spring.

Councilman McComb stated that as far as HRSD in the design phase and the folks that neighbor the property, he asked if there was any avenue where they can give input as far as what they would like to see or not like to see.

Town Manager Tolbert stated he could arrange this and HRSD has been very cooperative. They treat sewage in a vast area compared to Chincoteague. They are no strangers to being good neighbors. He thinks he can arrange a meeting with their project managers and the neighbors easily.

- Mieke Ter-Poorten, 3828 Main Street, advised she contacted HRSD adding that they

couldn't have been better at explaining things and being good neighbors. She knows there are other people who have concerns and encouraged Council to have HRSD at a meeting. She stated that it is very noisy and feels HRSD will be good neighbors. She encouraged Council to have them at one more meeting to talk about their concerns. She agreed that to have it in writing has more meaning. She is concerned about the sound and smell. She offered conversation with Council. She is in support of this project and how it will impact the people.

Mayor Leonard closed the public hearing at 8:24p.m. He advised they will discuss this again at the work session.

### **Council Comments**

Councilman Taylor thanked all of the employees and their leaders. He added that they are very blessed.

Councilwoman Bowden stated they got through another busy summer. She stated she can't say enough about everyone who helps the Town run from top to the bottom. She added that it isn't easy when you're faced with stuff that's challenging, and you're not going to make everyone happy. She appreciates all employees working every day. She appreciates all the people who live here that want to be involved and come to the meetings. She also appreciates the visitors that come here to enjoy their time. She is glad things are getting ready to slow down so they can catch their breath and take care of some business over the fall and winter. Councilwoman Bowden also advised that this past week we lost one of the former businessmen of the Town, Mr. Mike Bernstein. His family was here with the shirt factory. Mr. Bernstein grew up in that business along with his brothers and sister. He also had the Purple Pony for years. She added that he was an honorary member of the Fire Company. She asked to keep his family in their thoughts.

Mayor Leonard stated that he read a letter from a visitor who expressed gratitude to the Island. She visited the Island between her daughter's chemo treatments. She stated that the Island has restored her faith in humanity and kindness. He reiterated how good the Island is. He added that the Island is going through growing pains. The property the Town discussed on South Main Street has seen a lot of change on the Island, it went from a seafood processing plant with refrigeration trucks running 24/7 with cranes and trucks running. Then it was an establishment with entertainment where residents complained to Council about the entertainment. It's all part of growing pains. He feels for the people that live there. Council makes a promise they will work with them. They have had multiple meetings about sewage and are working to move forward. They promise they won't step on toes but will move forward. He concluded with "Roll Tide".

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

**Councilwoman Bowden motioned, seconded by Councilman McComb to go into a closed meeting in accordance with §2.2-3712 (A) 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**

**Councilwoman Bowden 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**

**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 SEPTEMBER 21, 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.

**Consider Remote Participation**

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

**Public Comment**

Mayor Leonard opened the floor for public comment.

- Mrs. Pat Farley, 3243 Lisa's Lane, addressed Council regarding the parking ordinance.

She explained parking problems she has at her studio at 6282 Cleveland Street where people block or partially block her driveway. She feels the ordinance doesn't go far enough. She also suggested repainting the yellow curbing. She asked Council to pass the ordinance but requested to make it tighter.

### **Agenda Adoption**

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

### **Public Hearing – Resolution of Condemnation**

Mayor Leonard opened the public hearing at 6:10 p.m. He read the rules for the public hearing.

- Mr. Brian Jordan, 6321-Unit 101 Captain's Lane, advised he is on the Sunset Bay HOA Board. He stated that all members and residents are very supportive of this project. He explained their concerns prior to the project as the current plant needs a lot of work. They feel this deal provides a good long-term solution with a well-known and reputable entity in HRSD. It allows the HOA to leverage an underutilized asset of the Main Street lot. He also explained the reason for imminent domain.

- Mrs. Patricia Farley, 3243 Lisa's Lane, advised she is in support of the development of central sewage. She also stated that the public does not have a lot of information. She doesn't know or understand what's going on in Sunset Bay. She commented on the property at the south end of Main Street and feels it wasn't handled correctly. She is worried about the aesthetics of a new treatment plant. She asked if it was going to be in the same place as the old plant or built up. She asked Council to consider restrictions on what HRSD does with the property they're purchasing. She explained they are in a well-traveled community of beautiful historic homes, and it should remain that way so as not to disrupt the neighborhood. She added that this is another example of why they need a full-time professional Town Planner.

- Mr. Ernest Dale Holston, 3842 Main Street, asked for clarification of a point he made with Town Manager Tolbert. He asked if the plant was going to be enlarged.

Town Manager Tolbert responded the plants will be replaced where they are and with greater capacity. He is unsure if they would be larger.

Mr. Holston wanted to know what HRSD plans to do with the property they're acquiring. He asked for clarification and wants everything out in the open. He asked about the plant being leased.

Town Manager Tolbert advised the Town owns the plant, which is currently leased to Sunset Bay Utilities, the previous owners.

Mr. Holston reiterated that Mr. Burbage gave it to the town and the Town is now leasing it back to Mr. Burbage. He feels that Councilman Taylor should abstain as it would be a conflict of interest.



- Mr. Charles Bott, Director of Water Technology and Research with HRSD advised that he is the Technical Director for the organization. HRSD is the wastewater utility service in SE Virginia. They service almost 2 million people, and now have 15 treatment plants, he gave gallons per day for them as well. He added that they generally try to do things right with respect to odor, noise, and visual aesthetics. The Virginia Beach plant has an odor issue now and they are in the process of designing a \$75 million project to fix it. They deal with odor issues and are cognizant of this along with noise issues. He explained that what is currently at Sunset Bay is worthless and there is nothing salvageable. They plan is to replace both package plants. One of the issues is building it and keeping it open. One way is to demo the small package plant, putting in its place a system ideally with more space than what is there, while keeping the other plant open.

Mr. Bott advised they will also need a temporary easement for the area of the USCG tennis courts. The plan is to eventually purchase the tennis court property from the USCG which will take a long time. The short-term is to get an easement to do the construction. If they are unable to get the easement, they will have to use the front lot for construction purposes. He reiterated that they would use the tennis court for construction, and they would use the front lot for nothing. He added that in the future if there is a need for expansion, they may build something at the location of the tennis courts. He gave the current discharge permit amounts and the plans for expansion which would be based on need. They would build a security fence to hide the treatment plant as well as they can. He also advised that noise is also coming from the blowers at the USCG plant. He stated that HRSD uses blowers that have sound enclosures and silencers on them and would be much quieter. He addressed odor control as well. He also stated that the outfall should be rerouted to the easement to go straight out from the plant.

Mayor Leonard stated that there is a lot of noise coming from the USCG plant. He added that the plans are to do away with the USCG plant.

Mr. Bott stated that part of the deal with the USCG is to take their treatment plant and shut it down. This will give HRSD more permitted discharge, provide the USCG sewage service, and in return HRSD gets the tennis courts and more discharge.

Mr. Rob Tye, 3832 Main Street, asked about the discharge increase.

Mr. Bott stated that the discharge would increase only if or when necessary and it would be up to the Town.

Mr. Tye asked if the noise would be increased as well.

Mr. Bott advised that the blowers are much quieter, they will have sound enclosures and silencers. He stated that the Onancock plant has the same style of blowers in a much larger plant.

Mr. Tye asked if they would do an audible analysis.

Mr. Bott advised it wasn't necessary. He added that they aren't cheap blowers.

Mr. Holston stated that the front lot would only be used for construction, and once the construction is done there wouldn't be anything there.

Mr. Bott agreed.

Mr. Holston asked about the easement by the antique shop.

Town Manager Tolbert showed a plat of the property.

Mr. Holston asked what happens to the easement when the Town gives HRSD the property.

Town Manager Tolbert advised the easement will convey with the property up front. He added that it doesn't show as an easement, it shows as part of the property. This has been researched by lawyers and surveyors, but he doesn't see an easement in that area.

Mr. Bott stated they will pay closer attention to the noise concerns.

Mr. Tye asked if they would be able to review the design before it goes out for bid.

Mr. Bott stated they will provide the opportunity.

Mayor Leonard stated that HRSD is huge. The equipment will be much better than what is currently there. He feels they will do a good job and keep the public informed.

Town Manager Tolbert explained the Resolution. He stated that the Town is giving authority to the attorneys to file an imminent domain suit that was negotiated with the HOA for a fair price. If sold outright the covenants would convey with the property. Imminent domain is the only way to remove covenants and restrictions. They have a friendly imminent domain suit where all are in agreement with the price and land it conveys along with the easement. HRSD has the easements and property they need to replace the plants. The HOA is getting compensated for the property they're giving up, and the Town is getting the benefit of HRSD's expertise and expansion of the plants with additional sewage capacity. Approval of the Resolution allows the attorneys to move forward with the condemnation process.

Councilwoman Bowden asked how long it would take once approved.

Town Manager Tolbert advised it should be within 60 days. He stated that Mr. Holston rightfully asked why the Town leased the plant back to Mr. Burbage. He explained that it takes time to do the imminent suit. The Town took possession of the property last December and did not want to spend taxpayer's money to operate the plant all summer. Mr. Burbage is leasing the plant for \$1. He is footing the bills, and the lease runs out December 29<sup>th</sup>. The Town's plan was to get the plant transferred to HRSD within the year so the Town wouldn't incur any cost to operate it.

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the Resolution of Condemnation for Tax Parcel No. 30A5-35-CA. The motion carried.**

**Ayes: Bott, Bowden, McComb, Richardson, Savage**  
**Nays: None**  
**Abstain: Taylor**

**MOTION: Councilman McComb**  
**SECOND: Councilwoman Bowden**

**September 21, 2023**  
**Town Council Meeting**

**RE: AUTHORIZE CONDEMNATION AND CERTIFICATE OF DEPOSIT TO ACQUIRE, IN ACCORDANCE WITH CHAPTER 3 OF TITLE 25.1, ET SEQ. AND CHAPTER 19 OF TITLE 55.1, ET SEQ. OF THE CODE OF VIRGINIA, LAND AND PROPERTY INTERESTS ON OR ABOUT SUNSET BAY CONDOMINIUM FOR PUBLIC WASTEWATER TREATMENT FACILITIES**

**ACTION: APPROVED**

**WHEREAS**, the Town identified the need for improved and expanded wastewater treatment facilities (the “Project”); and

**WHEREAS**, Sunset Bay South Condominium Association, Inc., on behalf of itself and as attorney-in-fact on behalf of all the unit owners and slip unit owners (collectively the “Association”); Sunset Bay, LLC (“Sunset Bay”), Sunset Bay Utilities, Inc. (“Sunset Bay Utilities”), and Chincoteague Sunsets, L.L.C. (“Chincoteague Sunsets”) (Sunset Bay, Sunset Bay Utilities, and Chincoteague Sunsets are referred to collectively as “Developer Entities”) have various land and property interests related to the Project; and

**WHEREAS**, The Sunset Bay South Condominium (“Condominium”) was created by recordation of the DECLARATION OF CONDOMINIUM OF SUNSET BAY SOUTH CONDOMINIUM (the “Declaration”), made by Sunset Bay dated March 9, 2007, and recorded March 12, 2007, in the Clerk’s Office for the Circuit Court of Accomack County, Virginia, as Instrument Number 200701300, as amended, and such Condominium is subject to the Declaration and certain other condominium instruments; and

**WHEREAS**, The affairs of the Condominium are governed and administered by the Association; and

**WHEREAS**, One of the Condominium units is Commercial Unit A (“Unit A”) on which are located two package wastewater treatment plants (collectively the “Existing Plant”) that serve the Condominium and other users. Unit A and the Existing Plant are located generally within “Area 1” as shown on the plat entitled “Plat of Tax Map #30A5-35-CA and Tax Map #30A3-A-6,” etc., prepared by JMT and last revised August 9, 2023, a copy of which is attached hereto as Exhibit A (the “Plat”); and

**WHEREAS**, The areas on the Plat labeled “Area 2” and “Area 3” are a part of the common elements of the Condominium and will be referred to herein as the “Vacant Land.” The Vacant Land includes a portion of the common element adjacent to Unit A on which a portion of the Existing Plant is located. The Vacant Land is not separately subdivided; and

**WHEREAS**, Hampton Roads Sanitation District (“HRSD”) has expressed a willingness to assume ownership and operation of the Existing Plant, and to provide continued uninterrupted service to the Association and other existing customers as well as future capacity that would be developed for other Town users, pursuant to an agreement with HRSD (the “HRSD Agreement”) after the Town acquires the Existing Plant and other land and property rights taken by condemnation; and

**WHEREAS**, The Town entered a Letter of Intent with HRSD and Chincoteague Sunsets for the Project in February 2022; and

**WHEREAS**, The Town entered a subsequent Memorandum of Understanding with the Association, the Developer Entities and HRSD for the Project in December 2022; and

**WHEREAS**, The goal of all parties is an arrangement in which HRSD owns and operates the treatment plants with sufficient capacity to handle existing flows, new flows from the Town pursuant to the applicable VPDES permits and such additional permitted capacity as may be obtained and flows from the U.S. Coast Guard Station installation adjacent to the Condominium community; and

**WHEREAS**, To this end the Town, Developer Entities, and Association entered into an agreement effective December 21, 2022, attached hereto as Exhibit B (the “Master Agreement”), pursuant to which Chincoteague Sunsets agreed to convey all its right, title, and interest in and to Unit A and the Existing Plant to the Town; and

**WHEREAS**, Chincoteague Sunsets conveyed fee simple title to Unit A and the Existing Plant to the Town by Deed of Gift effective December 29, 2022, and recorded in the Clerk’s Office of this Court as Instrument 230000048. The property and rights conveyed to the Town, as described in the Unit A Deed, are collectively called the “Unit A Property”; and

**WHEREAS**, The Town ratified the acceptance of the donation by Resolution dated January 3, 2023; and

**WHEREAS**, Sunset Bay Utilities also entered into a Lease and Operation Agreement with the Town, effective December 29, 2022, under which Sunset Bay Utilities leases Unit A and the Existing Plant from the Town to operate the Existing Plant to provide time for the Town and HRSD to implement the HRSD Agreement, and for this condemnation proceeding of certain land, easements and property interests (collectively, the “Property Interests”) necessary for the Public Use; and

**WHEREAS**, As part of the Project and implementation of the HRSD Agreement, it is necessary for the Town to acquire (i) the Vacant Land; (ii) the easements shown on the Plat as “Easement Area 1” and “Easement Area 2” on the lands of the Condominium and “Easement Area 3 for Future Outfall,” a portion of which is on the land of the Condominium and a portion of which is on the waterfront lot (tax map #30A3-A-6) (collectively, the “easements); and (iii) the residual

property interests of the Association, Sunset Bay, Sunset Bay Utilities, and Chincoteague Sunsets appurtenant or relating to Unit A; and

**WHEREAS**, The Town obtained a title search of the property and the report was provided to the owners; and

**WHEREAS**, based on an independent appraisal of the required land and property interests, and negotiations with the owners, the Town offered just compensation in the amount of \$150,000.00 to acquire the additional necessary land and Property Interests, including certain easements, as shown on the plat attached hereto; and

**WHEREAS**, The Town made a bona-fide but ineffectual effort to acquire the necessary land and Property Interests; and

**WHEREAS**, Due to limitations on the ability of the Association to terminate certain rights associated with land and Property Interests that are subject to the Condominium, the parties agreed that the Town will take certain land and Property Interests by eminent domain to extinguish the Condominium regime and its easements, restrictions, reservations, and rights-of-way burdening Unit A and the land and Property Interests to be taken by eminent domain; and

**WHEREAS**, The Town held various open meetings, including on February 17, 2022, October 20, 2022, and January 3, 2023 for the Project; and

**WHEREAS**, A public hearing has been duly advertised for the purpose of acquiring the land and Property Interests which was conducted on September 21, 2023, and all interested citizens were heard; and

**WHEREAS**, \$150,000.00 is currently available in the budget for acquisition of the land and Property Interests;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council hereby finds that public necessity exists for the condemnation of the land and Property Interests for the Project;

**BE IT FURTHER RESOLVED** that the Town Council hereby authorizes the Town Manager to enter into the Agreement After Certificate in substantial conformance with the draft attached hereto as Exhibit C;

**BE IT FURTHER RESOLVED** that the Town Council hereby authorizes the Town Manager and Town Treasurer, or their designees, to sign the Certificate of Deposit necessary for filing in the Circuit Court for the County of Accomack (the "Court") in substantial conformance with the draft attached hereto as Exhibit D, and to disburse the amount of \$150,000.00 for the land and Property Interests in accordance with the order of said Court;

**BE IT FURTHER RESOLVED** Michael L. Sterling Esq. is authorized to file a Petition to Confirm Agreement After Certificate of Deposit and such other pleadings as appropriate to

facilitate the condemnation of the required land and Property Interests for the Project as provided by law;

BE IT FURTHER RESOLVED that the Town hereby authorizes the Town Manager, or his designee, to execute such documents that are necessary to effect the intent of the Resolution and are approved as to form by Michael L. Sterling, acting as the Town Attorney for that purpose.

ATTACHMENTS: Ex. A, The Plat  
Ex. B, Master Agreement dated December 21, 2022  
Ex. C, Agreement After Certificate  
Ex. D, Certificate of Deposit

Votes:

Ayes: Bott, Bowden, McComb, Richardson, Savage

Nays: None

Abstain: Taylor

Absent from Vote: None

Absent from Meeting: None

ATTEST: \_\_\_\_\_  
Town Clerk

**Consider Changes to Parking Ordinance**

Councilman Savage reported that on September 14<sup>th</sup> the Ordinance Committee met to consider proposed changes to the Parking Ordinance.

Town Manager Tolbert explained that there is a proposed change in the wording of Section 58-166 “Parking Prohibited in Specified Places” of the Town Code. The changes were proposed to address recent complaints concerning limited access to private properties from parked vehicles. The proposed ordinance changed the wording of Section 58-166,2 as per the following:

- (a) *No person shall park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:*
- (1) *On a sidewalk.*
  - (2) *In front of or in the vicinity of a public or private driveway or right-of-way so as to block or restrict access to the associated property.*
  - (3) *Within an intersection...*

Councilman Savage advised that the Ordinance Committee voted unanimously to recommend these changes to Council.

Councilwoman Bowden asked Chief Fisher how this would be enforced.

Chief Fisher advised that if they see something blatant, they will issue a ticket and contact the owner. He added that normally it would be by complaint. He feels they need to educate everyone about the change.

Councilwoman Bowden stated that it would be in the best interest for the Public Works staff to repaint the yellow curbing.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the modifications to the Parking Ordinance as presented. Unanimously approved.**

### **Council Comments**

Councilman Savage expressed his appreciation to Mr. Bott with HRSD for coming this evening and clarifying the plans. He feels certain, because of HRSD's history of doing fantastic work in the sewage treatment environment they'll continue to do that. He reminded the citizens that because of the storm coming, they should take heed and be prepared.

Councilman Taylor stated that he prays for safety for everyone. He thanked the representatives from HRSD adding that it is nice they have someone to call with their concerns.

Councilman McComb thanked HRSD for making the trip. He stated he is praying for everyone's safety as the storm moves through over the weekend.

Vice Mayor Bott stated this is a momentous occasion. He advised that one of the reasons the Town went in this direction was so that the Town maintains control of the sewage on Chincoteague. This is a big plus for the Town as well as the citizens, as opposed to a for-profit entity coming here and going in their own direction. They elected to team up with HRSD so that the Town and, in part, the citizens of Chincoteague could control how this is done. He also stated that it's a wonderful alliance and he looks forward to continuing it. He asked Town Manager Tolbert to add something to the website to keep everyone up to date and informed.

Councilwoman Bowden agreed with everything everyone else said. She thanked HRSD. She reminded everyone to be safe this weekend. She added that this was another hurdle to get over with Town business and she appreciates everyone's hard work in all of this as it has been a long time coming.

Councilwoman Richardson also thanked the HRSD representatives for coming and clarifying the plans in depth.

Mayor Leonard agreed and thanked HRSD as well. He stated they he is sure they will be talking more in the future. He concluded with "Roll Tide".

### **Adjourn**

**Councilman Savage 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 OCTOBER 2, 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.

**Consider Remote Participation**

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

**Public Comment**

Mayor Leonard opened the floor for public comment.

- Mrs. Talia Taylor, Candidate for Accomack County Clerk of Court, came before Council to introduce herself and give her career background. She listed the organizations and committees in which she serves. She feels that her background gives her the experience to be the perfect candidate. She reported that there are 27 Clerks of Court that are retiring in Virginia. She stated it's a new beginning and it isn't about change; it's about moving the office forward. She mentioned new technology, making things more accessible to the public. She asked for



everyone's support and vote. She urged everyone to get out and vote and thanked Council for their time.

- Mr. Bryce Vanstavern, 3525 Accomac Street, advised he is before Council this evening on behalf of the Island Library Board of Directors. He thanked Council for their continued support. He reviewed the programs and spoke of the most popular, the Tales for Tots Program. He stated that he was able to read to the children. He encouraged everyone to volunteer to read to the children. He thanked volunteers, staff, and those who donated. He gave Council a new brochure and thanked Council for their continued support.

- Mrs. Jane Peake, 7156 Piney Island Road, advised she is the Chairwoman of the Board of Directors of the Chincoteague Island Arts Organization. She invited Council and staff to an event on November 5<sup>th</sup>. She gave some history of the Island Theatre from 2012 where the CIAO restored the theatre. She advised that the theatre and annex are classified as a performing arts center. She listed some of the movies and events they've sponsored. On November 5<sup>th</sup> CIAO will host a remembrance and recognition event for Ms. Jillian Poole who passed away this past spring. She, her husband, and family had a home on the Island for many years. Her vision was to transform the Island Theatre to its former role as the anchor point on Main Street. She solicited support and founded the CIAO. She advised they will recognize Ms. Poole on November 5<sup>th</sup> with doors opening at 2:30 p.m. where you can meet with her family who will be presenting a gift to the Island Theatre. She encouraged staff and Council to join them. She concluded that this is in recognition of the visionary founder of the Chincoteague Island Theatre and Arts Organization.

- Mrs. Paula Nees, 6417 Canal Lane, advised she saw the Adopt-a-Road Program in the agenda and thanked Council for bringing it back. She also thanked the Island Library and suggested they volunteer to read to the children.

### **Agenda Adoption**

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

### **Staff Reports**

#### **General Government**

Town Manager Tolbert gave the Center report for September adding the upcoming events for October. He reported that on September 21<sup>st</sup>, at the workshop meeting, Council approved a resolution to permit an eminent domain suit for the purpose of obtaining the vacant lot and removing the HOA restrictions at Sunset Bay. On September 26<sup>th</sup>, the attorneys filed the final paperwork with the Circuit Court to begin the legal process. He hopes to obtain a quick date and court approval of this non-contested procedure. Once the court has ruled on this matter, the Town will be signing the agreement with, and transferring all Sunset Bay properties to HRSD. The current lease on the property to Sunset Bay Utilities becomes null and void upon the transfer of the property to HRSD. He stated that they published a request for proposal on September 1<sup>st</sup> for the design of a sewage collection system. Six engineering firms have responded and should be submitting proposals for the design of the system that will be servicing the Sunset Bay Plants.

Proposals were due October 2<sup>nd</sup>. The ARPA funds will be used for the design and construction of this system.

Town Manager Tolbert reported that after a few requests from the public to reestablish the Adopt-a-Road Program, Finance Director Lewis redeveloped the Program. The new program encourages Island residents and organizations to sponsor a road for cleanup of litter and other debris. The program is open to individuals, nonprofit organizations, businesses, and government entities. Sponsorship is for a 3-year period and the Town will erect a sign on the subject road to recognize the individual or group sponsor. Sponsors may adopt up to 2 roads with longer roads or streets being divided into sections. He added that the Town will begin taking applications for sponsors on December 1<sup>st</sup>. This will be advertised on the Town's website and Facebook page.

Councilman Savage asked if this was for public and private roads.

Town Manager Tolbert advised there are a total of 281 roads on the Island, and this is for public and private as long as it has public access. If they are private driveways or have no public access, and private property, they can't be sponsored. He also reported that the electric vehicle charging station will be installed next week and should be completed the next week. He reviewed the Cigarette Tax collection to date. He stated that for the first 8 months of this tax 142,920 packs of cigarettes were sold for a total tax of \$53,223 through the end of August. He also reviewed the Meals and Transient Occupancy Tax revenues for September.

Town Manager Tolbert advised that the Town currently allows paying water bills and taxes online with a credit card at our website. He stated that Finance Director Lewis has done a lot of research on the subject, and they have selected Payment Services Network, Inc. as the new vendor to provide online payment services. PSN will provide a secure link to pay water bills and taxes from the Town's website. New features with this service will include e-billing and autopay. These are 2 services that customers request frequently, and we expect them to be very popular. PSN will not only make it more convenient for our customers, but they have an existing relationship with Southern Software, our financial software provider. PSN's system will interface with Southern supporting batched posting that allows any processed transaction to post automatically through a batch deposit. This will eliminate the posting of individual bills by our staff, a time-consuming and tedious process especially during tax season. We are working to have the system up and running prior to the start of this tax season. He then gave the financial report and the Building and Zoning report for September.

Vice Mayor Bott asked about the request for design for the sewage collection system and how much HRSD will help with it.

Town Manager Tolbert explained that the Town is responsible for building the collection system. ARPA funds are dedicated to this. HRSD's policy is to take over, own and operate the collection system once it's constructed and to their specifications. When we build it, it belongs to the Town until HRSD sees fit to take it over. He stated that they will not accept at any time a low pressure forced main collection system, which is what is currently in place with a limited amount down Main Street. He also advised that they plan to select an engineering firm to design a collection system by the end of October. They plan at that time to get started right away in

figuring out what would extend the system and whether HRSD will take over which will be a major consideration when they start talking to the engineer about this and what type of system to design. They are not currently accepting any collection from a municipality.

Councilman Taylor asked if they would accept the vacuum system and if the Town would get the prices for both.

Town Manager Tolbert stated they will accept a vacuum system as long as it is built to their specifications. He commented further about not foreseeing a lot of maintenance cost.

#### Police Department

Chief Fisher gave the monthly report for September. He also advised that on September 9<sup>th</sup> the Department held its annual Poker Run for the Kid's, on September 12<sup>th</sup> he and Major Greenley attended the POD Tabletop exercise with other Town staff at the Fire Training Center. On September 18<sup>th</sup> SRO Geminiani and SRO Carmody attended an online class for Conducting School Base Drills, and on September 26<sup>th</sup>, he attended a Radio Committee meeting in Melfa. He reported that the dispatch console will be exactly like the new 911 Center consoles. He also added that this will be paid for through a grant. However, the Town may be responsible for some of the maintenance costs. This is a 15-year contract. The 911 Commission may pay for the maintenance, but he is unsure.

Councilwoman Bowden asked if the new patrol vehicle was outfitted and on the road yet.

Chief Fisher advised it is not. They are waiting for proposals. He added that they were able to get the Durango with ARPA funds.

Councilwoman Bowden asked how many patrol vehicles they have.

Chief Fisher advised 5. He corrected, they have 7 with the Durango and the pickup.

#### Public Works Department

Public Works Director Parks reported that the Water Department repaired/replaced 11 service line leaks and 3 new services were installed as well. They had a successful inspection by DEQ of the backwash pit operation. The only had 2 items to correct, one was the calibration of the thermometer. They repaired the roof at the old town garage. A new drainage inlet and pipe was installed on South Main Street. The paving on South Main was completed on September 30<sup>th</sup> and the pavement markings are scheduled for October 9<sup>th</sup>. They attempted to repair the box culvert/headwall on Beebe Road and plan to complete it this week. He then reviewed the upcoming projects planned for October.

Councilwoman Bowden asked if the Public Works staff was mowing on North Main Street today because someone left the debris in the street.

Public Works Director Parks advised they were mowing today, and he would check into it and have it cleared.

There was also discussion about the drainage on South Main Street.

Councilwoman Bowden stated that it looks nice.

### Emergency Services

Emergency Management Coordinator Rush reported on the calls in September. He stated that the EMS staff had their yearly EVOC and CPR refresher/update. He stated that the greatest thing to save a life is CPR. They hope to hear about the Rescue Squad Assistance Fund Grant which will be announced by the first of the year. He also reported that the Safe Station AEDs were all 100% paid for through the Virginia Department of Health Grant. There are 6 on the Island. He listed the locations, the Dog Park, Brianna's Kindness Park, the Town Dock, Robert Reed Park, the Curtis Merritt Harbor and Memorial Park. He showed the models and advised that there is a camera in each of them. He stated that when the door is open a loud siren alerts and an internal camera takes a picture of the person who opened the door. The AED then sends out an emergency alert notification which gives the location of the alert. He also advised they will conduct routine and notification required maintenance as well. He added that it is also climate controlled. He stated that there will be a ribbon cutting ceremony on October 16<sup>th</sup> with the VDH on World Start-a-Heart Day to get folks accustomed with the AED. He thanked Public Works Director Parks for setting time aside for staff to install the AED stations.

Emergency Management Coordinator Rush advised they are continuing with weather monitoring. He expressed how blessed they were last weekend with Tropical Storm Ophelia. He reminded everyone that hurricane season runs through November. He added that most of our events post hurricane season are nor' easters going well into the winter. He advised of the VDOT tabletop exercise scheduled for this week. He reviewed the tide tables during TS Ophelia. He reported on the County's POD exercise at the EOC and feels Ophelia was a good exercise for planning. He reminded everyone to prepare now. He also suggested that everyone could learn CPR which could save a life.

### **Committee Reports**

#### Ordinance Committee

Councilman Savage reported that they met September 14<sup>th</sup> regarding a change in the Parking Ordinance. The Committee approved and forwarded the changes to Council who voted to adopt the changes at the workshop meeting.

#### **Adoption of the Minutes**

**Councilman Savage motioned, seconded by Councilwoman Richardson to adopt the minutes of the September 6<sup>th</sup> and September 21<sup>st</sup> Council meetings as presented.**

**Unanimously approved.**

### **Council Comments**

Councilwoman Bowden asked if they could discuss how to utilize the Cigarette Tax at the next Budget and Personnel meeting. She would also like to discuss the possibility of hiring a Town Planner before getting into next year's budget. She concluded that no one will ever hear her say this again, "Go Orioles".

Councilman McComb stated that he was in shock with Councilwoman Bowden’s last statement.

Councilman Taylor feels Mrs. Peake was 100% correct and they don’t thank people. He added that it’s hard to save Island treasures, but people stepped up and we don’t thank them enough. He thanked them and all the volunteers and apologized for taking them for granted.

Councilman Savage agreed they are in need of a Town planner. He added that the Island wouldn’t run as sufficiently as it does without volunteers and listed the theatre, the arts, the museum, and the Fire Company. He thanked all those who volunteer. He added that they were blessed regarding the storm, but our people were ready and prepared for this. He commented on people riding through Memorial Park during the flooding of the high tides. He asked if they could put signage stating that it is salt water.

Mayor Leonard reminded everyone to think of those who are not in good health and are struggling. He asked everyone to keep them in their thoughts and prayers. He added that it’s been a frustrating year, but it’s still football season and he concluded with “Roll Tide” and “Go Birds”.

**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.**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE OCTOBER 19, 2023  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

J. Arthur Leonard, Mayor  
Christopher D. Bott, Vice Mayor  
Denise P. Bowden, Councilwoman

**Council Members Absent:**

William T. McComb, Jr., Councilman  
Ellen W. Richardson, Councilwoman  
K. Jay Savage, Councilman  
Gene W. Taylor, Councilman

**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 McComb 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. Edward Charles (Buddy) Walker**

**WHEREAS, Mr. Walker was be honored by relatives and friends on the occasion of his 96<sup>th</sup> birthday; and**

**WHEREAS, Mr. Walker was born on June 16, 1927, and has been a lifelong and valued citizen of the Town of Chincoteague; and**

**WHEREAS, On February 2, 1946, Mr. Walker married Elizabeth Hill Walker and had 2 children, 3 grandchildren, 5 great-grandchildren and 7 great-great grandchildren: and**

**WHEREAS, Mr. Walker worked in the seafood industry and as a carpenter and painter in the Island's construction industry until the age of 90 where over the many decades he has worked on every notable building on the Island; and**

**WHEREAS, Mr. Walker is a member and loyal supporter of the Union Baptist Church and an active, 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. Edward Buddy Walker, with sincere congratulations and best wishes for many more happy and productive years.**

**Presented this 19<sup>th</sup>, day of October 2023.**

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

**Attest:**

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



**CERTIFICATE OF RECOGNITION**

**PRESENTED TO**

**Mrs. Elodie Fish**

**WHEREAS, Mrs. Fish was honored by relatives and friends on the occasion of her 91<sup>st</sup> birthday; and**

**WHEREAS, Mrs. Fish was born on October 8<sup>th</sup>, 1932, and has been a lifelong and valued citizen of the Town of Chincoteague; and**

**WHEREAS, On in, 1948 Ms. Fish married Mr. Wilmer Russel Fish and had 2 sons and 1 granddaughter; and**

**WHEREAS, Together with her Husband and former Mayor of Chincoteague, Mr. Russel Fish Sr., Mrs. Fish owned The Russel Fish Company from 1968 to 1990; and**

**WHEREAS, Mrs. Fish was a member of the original Chincoteague Volunteer Fire Company Ladies Auxiliary and a charter member and loyal supporter of the reorganized auxiliary for 53 years.**

**NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mrs. Elodie Fish on the occasion of her 91<sup>st</sup> birthday, with sincere congratulations and best wishes for many more happy and productive years.**

**Presented this 19<sup>th</sup>, day of October 2023.**

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**Mayor John A. Leonard**

**Attest:**

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**Michael T. Tolbert, Town Manager**

### **Council Comments**

Councilwoman Bowden expressed what a blessing it is to live here on the Island, especially looking out at the world today and the suffering going on with Russia and Ukraine, and the Israelis and Palestinians. She added that the news is showing children's faces who have no say in what's happening. She stated she doesn't know how anyone can not see that and she prays for resolve soon. She feels blessed every day where we are. Anything can happen at anytime and anywhere. It's a great joy to live here and not in some of those other places where there is so much conflict, and the suffering is on both sides. She hopes something gets resolved soon for the whole world.

Councilman Taylor commented that this is our refuge, and we can't take it for granted. He recalled the news regarding Israel, adding that was their refuge and oasis. He added that we can't take it for granted. He thanks God every day for what they have, and they have a lot.



Councilman Savage also expressed how blessed they are on the Island and have been for many years. He stated to be thankful for the refuge here and the people.

Councilwoman Richardson feels the same way. She told of a 2<sup>nd</sup> grade Russian student on her bus who was upset over the war. She stated that a 2<sup>nd</sup> grade child had to bear this and broke her heart. She also stated they are blessed and lucky, but the tables could turn. She asked everyone to keep one of the high school seniors in their prayers. She explained that she and her brother lost their dad today. She added that they are blessed they were raised here in America.

Councilman McComb echoed the sentiments.

Mayor Leonard also echoed what was said. He reported that they had a Washington D.C. writer who came here about the flamingo. He signed up for a cruise to see it but was unable to. He was shocked to see how friendly Chincoteague was. He was at the Harbor, and everyone wanted to talk. He stated that everywhere he went the people were super friendly and made him feel at home.

**Closed Meeting – In accordance with 2.2-3711(A) (1,5) of the Code of Virginia for the discussion of prospective business opportunities and evaluation of staff.**

**Councilman Savage motioned, seconded by Councilwoman Bowden and Councilman McComb to go into a closed meeting in accordance with §2.2-3712 (A) (1,5) of the Code of Virginia for the discussion of prospective business and evaluation of staff. 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.**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**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

**Council Members Absent:**

William T. McComb, Jr., Councilman  
Ellen W. Richardson, Councilwoman  
K. Jay Savage, Councilman  
Gene W. Taylor, Councilman

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Robby Fisher, Chief of Police  
Mr. Wes Parks, Public Works Director

**Call to Order**

Mayor Leonard called the meeting to order at 7:00 p.m.

**Invocation**

Councilman Taylor offered the invocation.

**Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**Public Comment**

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 14<sup>th</sup>. 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 8<sup>th</sup>. 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 1<sup>st</sup>. 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 5<sup>th</sup>. 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 2<sup>nd</sup> - 5<sup>th</sup> Major Greenley, Dispatcher Supervisor Lewis and Dispatcher Adams attended the VLEPSC Accreditation Conference in Charlottesville. October 4<sup>th</sup>, Chief Fisher attended a VDOT tabletop exercise with several other Town employees at the Community Center. October 7<sup>th</sup>, the Department assisted the Chincoteague Chamber of Commerce with traffic and crowd control at the Oyster Festival. October 13<sup>th</sup>, Chief Fisher, and SRO Carmody assisted with the Homecoming Parade and football game. October 16<sup>th</sup> – 20<sup>th</sup>, Chief Fisher, Cpl. Butler, and SRO Carmody attended Law Enforcement in-service training at the Chesapeake Bay Bridge Tunnel. October 19<sup>th</sup>, SRO Geminiani Attended Tales for Tots where he read to the kids and had a show and tell with the police vehicle. October 23<sup>rd</sup> – 26<sup>th</sup>, SRO Carmody attended school threat

assessment training in Hampton. October 25<sup>th</sup>, 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 15<sup>th</sup> 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 Deer 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 5<sup>th</sup> through 11<sup>th</sup>, 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 6<sup>th</sup> day of November 2023.

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John A. Leonard, Mayor

ATTEST:

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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 2<sup>nd</sup>, and October 19<sup>th</sup> 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 6<sup>th</sup> 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.**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**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 91<sup>st</sup> 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 91<sup>st</sup> birthday, with sincere congratulations and best wishes for many more happy and productive years.**

**Presented this 16<sup>th</sup> day of November, 2023 .**

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**Mayor John A. Leonard**

**Attest:**

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**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 16<sup>th</sup> 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

### **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.**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE DECEMBER 4, 2023  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

Christopher D. Bott, Vice Mayor  
Denise P. Bowden, Councilwoman  
William T. McComb, Jr., Councilman

**Council Members Absent:**

J. Arthur Leonard, Mayor

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

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. E. Bryan Rush, Director of Emergency Services  
Mr. Tyler Greenley, Acting Chief of Police  
Mr. Wes Parks, Public Works Director

**Call to Order**

Vice Mayor Bott called the meeting to order at 7:00 p.m.

**Invocation**

Councilman Taylor offered the invocation.

**Pledge of Allegiance**

Vice Mayor Bott led in the Pledge of Allegiance.

**Proclamations**

Vice Mayor Bott read the proclamations:



**CERTIFICATE OF RECOGNITION**

**PRESENTED TO**

**Mr. Herbert J. Jester**

**WHEREAS, Mr. Jester will be honored by relatives and friends on the occasion of his 91<sup>th</sup> birthday; and**

**WHEREAS, Mr. Jester was born on December 6, 1932, and has been a lifelong and valued citizen of the Town of Chincoteague; and**

**WHEREAS, Mr. Jester married Ms. Shirley Walker and had a Son a grandson a great grandson and great granddaughter; and**



**WHEREAS, For decades Mr. Jester designed, built and sold the famous Jester Craft Scow a make synonymous with the term Chincoteague boat and also founded and operated, with his wife Shirley, the Sunrise Motor Inn; and**

**WHEREAS, Mr. Jester has supported the citizens and institutions of Chincoteague and is an active, lifelong and proud member of the community.**

**NOW, THEREFORE, by virtue of the authority vested in me as Vice Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mr. Herbert J. Jester on the occasion of his 91<sup>st</sup> birthday, with sincere congratulations and best wishes for many more happy and productive years.**

**Presented this 4<sup>th</sup> day of December 2023.**

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**Vice Mayor Christopher D. Bott**

**Attest:**

---

**Michael T. Tolbert, Town Manager**



**CERTIFICATE OF RECOGNITION  
PRESENTED TO**

**Mrs. Nancy Bennett Conklin**

**WHEREAS, Mrs. Conklin was born on July 8, 1933, and has been a lifelong and valued citizen of the Town of Chincoteague; and**

**WHEREAS, On June 10, 1950, Mrs. Conklin married Mr. Henry Conklin and had 3 sons, 2 grandsons and a granddaughter; and**

**WHEREAS, Together with her Husband Bob, Mrs. Conklin opened, owned and operated The Sea Shell Motel, Mr. Chocolate and; and**

**WHEREAS, Mrs. Conklin was a founding member of the Island Library and continues to serve on its board today and is a strong advocate for its literacy programs: and**

**WHEREAS, Mrs. Conklin was elected to The Chincoteague Town Council in May of 2000 and served loyally for 12 years and through her diligence has significantly contributed to the development of Chincoteague Island;**

**NOW, THEREFORE, by virtue of the authority vested in me as Vice Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mrs. Nancy Bennett Conklin, with sincere congratulations and best wishes for many more happy and productive years.**

**Presented this 4<sup>th</sup> day of December, 2023 .**

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**Vice Mayor Christopher D. Bott**

**Attest:**

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**Michael T. Tolbert, Town Manager**



**CERTIFICATE OF RECOGNITION  
PRESENTED TO**

**Mr. Henry James “Bob” Conklin**

**WHEREAS, Mr. Conklin was born on June 15, 1930, and has been a lifelong and valued citizen of the Town of Chincoteague; and**

**WHEREAS, On June 10, 1950, Mr. Conklin married Mrs. Nancy Lee Bennett and had 3 sons 2 grandsons and 1 granddaughter; and**

**WHEREAS, Mr. Conklin served his country in the United States Navy and Coast Guard; and**

**WHEREAS, Together with his wife, Nancy, Mr. Conklin opened, owned and operated The Seashell Motel, Mr. Chocolate; and**

**WHEREAS, Mr. Conklin has served his community through multiple civic organizations and is a 70-year member of Accomack Lodge #243; and**

**WHEREAS, Mr. Conklin was elected to the Chincoteague Town Council in September of 1974 and served loyally for 4 years and through the contribution of his time and talents has significantly contributed to the development of Chincoteague Island.**

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

**Presented this 4<sup>th</sup> day of December, 2023 .**

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Vice Mayor Christopher D. Bott

**Attest:**

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**Michael T. Tolbert, Town Manager**

**Public Comment**

Vice Mayor Bott opened the floor for public comment.

- Mrs. Evelyn Shotwell, Executive Director of the Chincoteague Chamber of Commerce, thanked the Town, the Police Department, everyone who helped, and the volunteers for a successful parade. She gave a big shout-out to everyone who participated. She added that those who made the floats did an outstanding job.

**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.**

**Consider Remote Participation**

**Councilman Taylor motioned, seconded by Councilman McComb to allow remote participation by Mayor Leonard. All present were in favor and the motion was carried.**

## **Staff Reports**

### **General Government**

Town Manager Tolbert gave the Center report for November advising that the Center has been closed to the public to allow the HVAC renovation to begin. The new system is up and running and working well. He stated that on November 11<sup>th</sup>, Judge Revell Lewis signed the Imminent Domain Order so that the Town could obtain the front lot on Main Street for the sewage treatment plant. He reported that on November 13<sup>th</sup> a committee conducted interviews of engineering firms who submitted RFPs. The interviews have been done and are currently in negotiations and they should have a recommendation within the next couple of days. This is being paid for with the ARPA funding which has to be committed by December 31<sup>st</sup>, 2024, with a completion date of December 31<sup>st</sup>, 2026. He also reported that A&N Innovative Solutions reported that the EV charging station located in the municipal parking lot downtown has been completed, tested and operational.

Councilwoman Bowden asked if directional signage would be installed for the EV charging stations.

Town Manager Tolbert advised that they would put additional signage. He then gave the November report for Meals and Transient Occupancy Tax collections. He also advised that the tax collections are running a little ahead from last year at this point. He reviewed and explained the financial report, and he also gave the Building and Zoning report for November.

There was further discussion about the type of system, maintenance fees, Town responsibilities, customer responsibilities, and requirements.

### **Public Works Department**

Public Works Director Parks advised that the Water Department repaired a leak on Eastside Drive. He added they had 12 overnight callouts, 8 of which were Thanksgiving weekend. They installed a concrete driveway on Main Street at Burgess Lane. They also removed concrete bases at Brianna's Kindness Park which was replaced with pressure treated lumber platform under the mulch. The old firehouse has been power washed and the trim freshly painted. He added that the Christmas lights have been repaired and installed. Public Works Director Parks reported that for December they plan to complete the restrooms at Brianna's Kindness Park, inventory curbs that need painting, order and install signs for Main Street, and continue routine maintenance of equipment and vehicles.

Councilwoman Bowden thanked the Public Works Department for looking out for and fixing the Christmas lights before they were installed.

### **Police Department**

Acting Assistant Chief Greenley gave the monthly report for November. He also reported that on November 1<sup>st</sup> they assisted with Trick-or-Treating in Sunnywood and the Downtown area. On November 1<sup>st</sup> – 3<sup>rd</sup> they had their accreditation mock assessment, which went well with small modifications. The actual assessment will be in January. On November 8<sup>th</sup> they had their physical training and firearms training. On November 15<sup>th</sup> they held the annual Senior Luncheon at the firehouse. He commended Don's Seafood on the delicious meal. He gave a shoutout to Don's staff as well. He added that they had a big turnout and was well received. On November 21<sup>st</sup> Pfc. McGee graduated from the Hampton Roads Criminal Justice Training Academy. He is currently in the field training with Cpl. Gladding.

### Emergency Services

Emergency Management Coordinator Rush reported that the calls for November were up 15 from last year. He also reported on the status of the new ambulance. He stated that staff made a small float for the Christmas parade. He gave the EMS Advisory Board update. He reported that they are having a financial crisis with the Department of EMS. He advised that grants will not be awarded in Virginia. This puts localities at a disadvantage. He stated that the pediatric apps. were being paid for with state funds and they will no longer fund this as well. He also advised that weather monitoring continues. He reported that Rocket Lab will have a rocket launch no earlier than February 27<sup>th</sup>. The AAR from Trick-or-Treating has been completed. He reminded that everyone still needs to prepare for nor'easters, snowstorms, etc. He wished everyone a Merry Christmas.

### **Committee Reports**

#### Curtis Merritt Harbor

Vice Mayor Bott advised this was discussed at the workshop meeting.

#### Ordinance Committee

Councilman Savage stated that they met in November and reviewed the Metal Detector Ordinance, the Dumpster Ordinance, and reviewed ordinances cleanup for the Center Authority. These items will be discussed later in the meeting.

#### Budget and Personnel

Vice Mayor Bott advised that they discussed the Town Planner Position and adding it in the budget.

### **Adoption of the Minutes**

**Councilman Taylor motioned, seconded by Councilman McComb to adopt the minutes of the November 6<sup>th</sup>, and November 16<sup>th</sup> Council meetings. All present were in favor and the motion was carried.**

### **Consider Ordinance Modifications**

#### Center Ordinance Modifications

Town Manager Tolbert explained the modifications to the Center Ordinance sections: Sec. 54-262. Allocation of funds. (a) Beginning July 1, 2007, subject to annual appropriation, an amount established by council each year on all revenues collected by the town in accordance with this article shall be distributed to the ~~Chincoteague Recreation and Convention Center~~

~~Authority~~ **allocated** for the operation and maintenance of a Community Center as long as it functions as such.

Sec. 18-95. Special event vendors, carnivals, and circuses. (a) Notwithstanding the provisions of sections 18-91 and 18-92 and the license requirements enumerated therein, any person, firm, or corporation engaged as an itinerant vendor or operating a carnival or circus at a special event conducted or sponsored by a local "charitable nonprofit organization" or a local nonprofit organization, as herein defined, or the Chincoteague ~~Recreation and Convention~~ Center Authority shall be exempted from such license tax, unless such person, firm, or corporation is otherwise required to be licensed in accordance with this chapter.

~~Sec. 54-263. Responsibility for tax funds dedication. The Chincoteague Recreation and Convention Center Authority pursuant to the Public Recreational Facilities Authorities Act (Code of Virginia, tit. 15.1, ch. 29) as amended, is created for the purpose of the improvement, operation and maintenance of such facility.~~

**Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the changes, additions, and deletions to Sec. 54-262, Sec. 18-95, and Sec. 54-263 as presented pertaining to the Center Ordinance. All present were in favor and the motion was carried. Ayes: Bowden, McComb, Richardson, Savage, Taylor  
Nays: None  
Absent: Leonard**

#### Dumpster Ordinance

Town Manager Tolbert explained the changes to Sec. 46-69. Commercial Solid Waste Collection. He also explained the violations.

Sec. 46-69. Commercial solid waste collection

- (a) As used in this section, the term "commercial businesses" shall mean all businesses licensed by the town. Garbage to be removed from commercial businesses will be picked up by the town only when all trash has been placed in proper containers, as described in [section 46-62](#)
- (b) All commercial businesses that use commercial dumpsters for garbage storage and disposal are required to maintain each dumpster and its surrounding area in a clean and safe condition. All dumpsters and other solid waste containers must be equipped with properly functioning covers and doors and be maintained so that no solid waste material can escape the dumpster or container. Business owners that contract with a private disposal company to provide and service a dumpster located on their property are responsible for maintaining the dumpster and its assigned location in a clean and safe condition in compliance with all Virginia Health Department regulations.
- (c) *Dumpster standards.*
  - (1) Dumpsters shall be placed in a location that is clearly accessible to the servicing vehicle.
  - (2) No dumpster shall be placed directly on the ground. Dumpsters shall be placed only on a base of concrete, asphalt or other cleanable material per 12VAC5-421-2600.

- (3) Dumpster Lids and doors must be operational and remain closed at all times per 12VAC5-421-2640.
  - (4) No dumpster, regardless of the contained material, may be located closer than 5' from any property line or right of way.
  - (5) Within one year of the enactment of this ordinance, all dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:
    - a. Persons located within any dwelling unit or space on residential or commercial property; or,
    - b. Occupants, customers, or others located within any building or property other than where the dumpster is located; or,
    - c. Persons traveling on any public street, sidewalk, or other public way.
  - (6) When dumpster screening is required under this section, screening shall be on three sides with a six-foot high opaque screen of masonry, brick, stone, block, wood, vinyl or chain link fencing, or other opaque materials approved by the zoning administrator. Screening may be less than 6' high if it exceeds the height of the enclosed dumpster. The fourth side shall be equipped with an opaque gate capable of being latched and locked, of not less than the height of the other 3 sides.
  - (7) Dumpster enclosures shall not be located in front of the main building unless approved by the zoning administrator. A no cost zoning permit shall be obtained prior to locating and constructing a dumpster enclosure and must contain a site plan of the proposed location.
  - (8) Dumpster enclosures shall be maintained in a structurally sound and attractive manner.
  - (9) Within the downtown business district, reasonable exceptions to the enclosure requirements may be granted if at the zoning administrator's discretion, circumstances require such an exemption.
  - (10) Any enclosure that is in existence at the time of the adoption of this ordinance may remain unless:
    - i. It is determined by the zoning administrator that the enclosure is in such disrepair that it must be replaced; or,
    - ii. The owner chooses to replace the enclosure; or,
    - iii. The enclosure is damaged by any causality to an extent exceeding 50 percent of the structure.

In any such case, the enclosure must be replaced to meet the guidelines of this section.
  - (11) Non-Profit Organizations as recognized by the IRS shall be exempt from dumpster enclosures if their dumpsters are locked at all times.
- (d) Failure to comply with the terms of a notice issued and served as provided in this section within the time prescribed in such notice shall be subject to penalties in accordance with the following:

- (1) The penalty for any first violation occurring within a period of 12 consecutive months shall be a warning.
- (2) The penalty for a second violation not arising from the same set of operative facts as a violation previously cited shall be a civil penalty of \$50 if such violation occurs within 12 consecutive months of the first violation.
- (3) The penalty for subsequent violations not arising from the same set of operative facts as a violation previously cited shall be a civil penalty of \$200 if such violation occurs within 12 consecutive months of the first violation.
- (4) Each business day in which the same violation is found to have existed shall constitute a separate offense; provided, however that all violations arising from the same set of operative facts shall be subject to the same civil penalty.
- (5) In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties which exceed a total of \$1,000 in a period of 12 consecutive months.

There was brief discussion about the violations and fines.

**Councilman Savage motioned, seconded by Councilman McComb to adopt the changes to Sec. 46-69. Commercial Solid Waste Collection as presented. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Leonard**

### **Review FY22 Audit Report**

Town Manager Tolbert stated they received the FY22 Audit Report and there was nothing that shows a significant violation of policy or general accounting practices. The auditors insisted that the Town adopt the GASB 75 protocol which requires the Town to look at the pension liabilities that the Town pays. He advised that Finance Director Lewis did an outstanding job putting together the GASB 75 report. She knew nothing about this going in and was able to complete it and the auditors signed off on it. He added there was nothing unusual in the audit.

Vice Mayor Bott stated that a commendation should go out to the Town staff for doing so well in the audit. He added that it was a detailed process and according to the report they did well.

### **Consider Budget and Personnel Committee Recommendation**

Vice Mayor Bott stated that at the Budget and Personnel Committee meeting they found the solution to allocate Cigarette Tax revenue to Emergency Service salaries.

**Vice Mayor Bott motioned, seconded by Councilwoman Bowden to reallocate the Cigarette Tax from the Public Safety Reserve for Emergency Service salaries. All present were in favor and the motion was carried.**



Vice Mayor Bott advised they also need a motion to allocate \$352,351 from the Public Safety Reserve to the General Budget for EMS and CPD Personnel salaries.

Town Manager Tolbert added that they looked at the Accomack County recent Comprehensive Compensation Study. The County is adjusting compensation for all employees' salaries, especially the Sheriff's Department and Emergency Services. He feels that the Town needs to keep pace to retain current personnel. Town Manager Tolbert, Acting Chief Greenley, and Director of Emergency Services Rush took the time to grade personnel to see what the increase would be. He added that it doesn't quite bring salaries up to Accomack County, but they feel it will retain current personnel. He stated that the Budget and Personnel Committee directed the Town Manager to review personnel and make the allocations accordingly. The total cost would be \$352,351 and to begin the increase January 2024.

**Vice Mayor Bott motioned, seconded by Councilman McComb to allocate the funds from the Public Safety Reserve account for the Police Department and Emergency Services Department salaries and direct the Town Manager to employ the increases January 1, 2024.**

Councilwoman Bowden stated she would like to see this begin retroactive to December 1<sup>st</sup>, 2023.

**Prior to the vote, Councilwoman Bowden motioned, agreed by Vice Mayor Bott and seconded by Councilwoman Richardson to amend the motion to make the increase retroactive to December 1st, 2023. All present were in favor and the motion was carried.**

### **Council Comments**

Councilwoman Richardson asked if there was going to be an employee Christmas party.

Town Manager Tolbert advised it will be Thursday, December 21<sup>st</sup> at noon.

Councilwoman Bowden stated that she is glad Council could approve the increases to the Police and EMS Departments. She hopes they can help out other departments as well. She stated that she can't say enough about all of the Town employees. She thanked all Town employees from the bottom of her heart. She hopes everyone has a wonderful holiday.

Councilman McComb wished everyone a Merry Christmas. He congratulated Town Manager Tolbert and staff. He added that he's sure there will be a celebration after tomorrow's tax deadline. He thanked them for all their hard work.

Councilman Taylor wished everyone a Merry Christmas. He commented that it was nice to see what it means for people to be honored. He commented on the Police and EMS positions stating that they make sacrifices and miss birthdays and other things because they're on an ambulance or a fire call. He stated that they don't see the Public Works employees out at night working. He added that everyone is in his prayers. He wished everyone a Merry Christmas. He concluded with "Stay Strong and may God Bless".

Councilman Savage also wished everyone a Merry Christmas especially the Town employees. He stated that the Public Works staff has done an incredible job at the Brianna's Kindness Park. He gave kudos to all the Town employees for a job well done. He congratulated Mr. Herb Jester, Mr. Bob Conklin, and Mrs. Nancy Conklin, adding they are Chincoteague strong.

Vice Mayor Bott wished everyone a Merry Christmas. He thanked Chamber Executive Director Shotwell for all the work on the parade and the community involvement. He stated that it seems everyone is doing well. Putting together a float for the Christmas parade is a clear indication of a healthy organization as it is no small task.

**Closed Meeting – In accordance with §2.2-3711(A) (1) of the Code of Virginia for the review and discussion of performance of employees.**

**Councilwoman Bowden motioned, seconded by Councilman McComb to go into a closed meeting in accordance with §2.2-3712 (A) (1) of the Code of Virginia for the review and discussion of performance of employees. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Leonard**

**Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia Councilwoman Bowden motioned, seconded by Councilman McComb to certify the Closed Meeting was in accordance with §2.2-3712 (D) of the Code of Virginia. All present were in favor and the motion was carried.**

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

**Nays: None**

**Absent: Leonard**

**Adjourn**

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

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Christopher D. Bott, Vice Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE DECEMBER 11, 2023  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Town Office Conference Room**

**Council Members Present:**

J. Arthur Leonard, Mayor

Christopher D. Bott, Vice Mayor

**Council Members Absent:**

Denise P. Bowden, Councilwoman  
William T. McComb, Jr., Councilman  
Ellen W. Richardson, Councilwoman  
K. Jay Savage, Councilman (Remote)  
Gene W. Taylor, Councilman

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager

**Call to Order**

Mayor Leonard called the meeting to order at 6:00 p.m.

**Public Comment**

There being no public in attendance, no public comment was heard.

**Agenda Adoption**

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

**Consider Recommendation of the Public Works Committee**

Town Manager Tolbert thanked members of council for attending the special meeting and stated that the purpose of this meeting was to approve a recommendation of the public works committee to contract with Davis Bowen and Friedel Consultants for the design of the new commercial public sewer system. By approving the contract at the earliest possible date the council would be supporting the tight schedule for the design and construction of this project.

Three firms responded to the Town's RFP and were interviewed for the project. The review committee consisting of Councilwoman Richardson, Town Manager Tolbert and Mr. Parks interviewed all three and ranked them as, DBF, MSA and Bowman. In accordance with Va. procurement law, negotiations were begun with DBF who was ultimately selected by the committee. The cost of the negotiated contract would be \$283,600. The committee would like to reserve 10% of that cost as a contingency for the design work which will include construction administration and inspection services.

Councilman Taylor asked if DBF had performed this work on other islands in Va. Since the only other inhabited island in Va. is Tangier and their sewer system was designed in the 1970's the answer was no.

Town Manager Tolbert explained that a preliminary engineering review would not be necessary due to the straightforward nature of the project and the narrowing of the scope provided by the Town. He also explained that the Committee has requested the construction of the project be divided into 3 phases and so as to provide the Town with affordable options for construction. The phases would be Main Street from Sunset Bay to Maddox, Maddox from Main Street to Eel Creek and Maddox from Eel Creek to the Island Museum.

Councilwoman Bowen asked about the schedule.

Town Manager Tolbert responded that Construction documents should be ready for bidding in September of 2024.

Councilman Taylor asked if DBF had ever applied for and received a DEQ permit. Staff was unsure of that specific answer.

Councilman Savage asked how the laterals would be handled.

Town Manager Tolbert responded that the customer would be responsible for all laterals located on private property.

Councilman Savage asked about the level of inspection.

Town Manager Tolbert responded that DBF anticipates one inspector for 6 months during construction.

Public Works Director Parks advised he would review the inspection process.

Councilman. Savage also asked about the location capabilities of the new pipe.

Public Works Director Parks responded that a tracer wire would be installed with all pipe for location purposes.

**Councilwoman Bowden motioned, Seconded by Councilman McComb to approve the proposed contract contingent on DEQ confirming that DBF has experience obtaining a permit from that agency. Unanimously approved.**

### **General Discussion**

Town Manager Tolbert presented a quick overview of the court proceedings earlier that day concerning the new noise ordinance.

Council discussed the effectiveness of the pumping station located at the traffic circle.

### **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