

MINUTES OF THE JULY 7, 2025
CHINCOTEAGUE TOWN COUNCIL REGULAR MEETING
Council Chambers
7:00 p.m.

Council Members Present:

Denise P. Bowden, Mayor
J. Nicholas Howard, Vice Mayor
William T. McComb, Jr., Councilman
Gene W. Taylor, Councilman
Christopher D. Bott, Councilman
Ellen W. Richardson, Councilwoman
K. Jay Savage, Councilman

Council Members Absent:

Staff Present:

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

Call to Order

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

Invocation

Councilman Savage offered the invocation.

Pledge of Allegiance

Mayor Bowden led in the Pledge of Allegiance.

Agenda Adoption

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

Public Comment

Mayor Bowden opened the floor for public comment.

- Mr. Joe Rogers, 6423 Annamessex Ln, expressed his concerns about the state of the dock at Robert Reed Park. He mentioned the poor condition being a safety concern as one of the planks he stepped on raised completely up on the other side when his weight was applied. He noted that most of the visitors to Chincoteague stop at Robert Reed Park and the downtown area would be more welcoming if this were improved.

Mayor Bowden requested Public Works Director Parks to have some of his crew assess the situation sometime this week.

Adoption of Minutes for June 2nd and June 19th, 2025, Council Meetings

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

Consider Consent Agenda

Mayor Bowden briefly spoke about the Consent Agenda. She noted it was previously determined that the Committee Reports would be included with the Consent Agenda going forward. She asked if anyone on Council has a question for Public Works Director Parks, Chief of Police Greenley, or Director of Emergency Services Rush after they read their Packets.

Councilman Bott asked Town Manager Tolbert if there is research being conducted as to why the Meals Tax figures were not where they were expected to be.

Town Manager Tolbert advised that due to the timing of the End of the Year closing, the Town Office was unable to post items for a period of several days. He explained that while Meals Taxes and Transit Occupancy Taxes are both due by the 20th of each month, many businesses do not meet that deadline, especially this time of year.

Mayor Bowden asked Public Works Director Parks about the costs of addressing the roads in Ocean Breeze.

Public Works Director Parks recounted the information that he found. He noted that Sea Gull Drive is 450 feet in length, and the current width is 17 feet. He received a quote of \$182,400 to widen the road to 30 feet in width. That quote breaks down to \$13.50 per square foot. The next street in Ocean Breeze that he discussed was Seahorse Drive, which is also 450 feet in length. He advised that Seahorse Drive does not have any structure to it so it would need to be completely rebuilt. Since there are less homes on Seahorse Drive, the quote that he received was the same per square foot as Sea Gull Drive. He commented that none of the streets in Ocean Breeze are identical. He calculated the cost to overlay the existing structures that are in good condition at a cost of \$34,000. He noted that VDOT will not accept a 17-foot-wide road for their U-1 Grant.

Discussion continued.

Mayor Bowden asked if the Public Works Committee could discuss the figures and possibilities further.

Town Manager Tolbert advised that they could.

Councilman Taylor noted as the Chairman of the Recreation and Community Enhancement Committee that they discussed the condition of the tennis courts at Memorial Park. He noted the concern that they have is due to the cracks in the cement and grass growth occurring within those cracks. He asked Public Works Director Parks to have a conversation with the contractor who resurfaced the courts a couple of years ago to determine pricing on getting these issues fixed.

Consider Available Lifeguard Service

Town Manager Tolbert advised that an emergency procurement for lifeguard services was recently completed. He reviewed the two bids that were received. He noted that both bids include staffing the beach with four lifeguards a day, seven days a week until the 2nd week of August, at which time the coverage would switch to weekends only through Labor Day, September 1st.

He advised that USA Management only hires local lifeguards, but they did not have any local lifeguards yet and could not offer a starting date if selected. He explained that the other quote came from Coastal Event Medical Management and that they also would hire local lifeguards, but they have existing staff who would commute from across the Bay until local staff could be hired and trained. He noted that they can offer a starting date of July 14th with their existing, trained staff.

Town Manager Tolbert explained that the Accomack County Board of Supervisors has agreed to participate in this project with the Town of Chincoteague up to the 50% cost of either contractor. He has already had the Town's Attorney review the drafted contract with the National Park Service. He's reviewed the insurance policies for both companies who bid on providing lifeguard services. He has also spoken with our insurance company to confirm that our insurance rates will not change if we assist with paying for lifeguard services on Assateague Island.

Mayor Bowden expressed that she does not feel that you can put a price on someone's life. She commented on an event that occurred the previous day that could have turned deadly. She expressed that these services are greatly needed. She then opened the topic to Council discussion.

Councilman Taylor noted it's his understanding that Director of Emergency Services Rush is familiar with Coastal Event Medical Management and that all their people have a background in emergency services. He expressed the thought that if we are going to do it, we do it right, and we do it as quickly as possible. He stated the lifeguards from the list have likely found other jobs since the Park Service had not hired them yet and we are already into July. He noted that the other company could have people on site as soon as Monday. He expressed positive comments about using Coastal Event Medical Management for the lifeguard service.

Councilman Bott articulated apprehension about the Town's liability in the event of a botched rescue.

Town Manager Tolbert noted that USA Management had in their contract that we would hold them harmless for any negligence. He stated that we would not be held liable in the event of a botched or negligent rescue. He said that if they were sued for something that was not negligent on their side, then they could opt to include us in their suit. He concluded by saying that any legal action would likely involve the Town of Chincoteague and if the County's offer is accepted, then it would likely involve the County of Accomack as well.

Councilman Bott continued expressing concern over the timing of the receipt of the contract information and Council's inability to fully read over the contract documents prior to the meeting.

Discussion began.

Councilman Bott and Vice Mayor Howard questioned if the Town has jurisdiction to handle this project, as they both felt the responsibility lays with the County.

Town Manager Tolbert advised he also sent the documents to Mike Mason with Accomack County that same day.

Vice Mayor Howard stated he knows we are taking the lead due to our level of concern; however, he feels with it being the County's jurisdiction that they need to take the lead.

Councilman Taylor expressed that we could opt to offer the County the same arrangement that they were offering us. He said that we could offer to cover up to fifty percent of the costs of securing either contractor for the lifeguard services and they could take all the responsibility for arranging it.

Discussion resumed.

Mayor Bowden expressed her hope that this is only an issue this particular year and that the Federal Government has figured things out for next year.

Councilman Bott remarked that lifeguards are needed, as there are a lot of rip currents which will get worse as the summer goes on, and we have had lifeguards on Assateague forever. He expressed that Assateague Island is in the County's jurisdiction, so they need to take the lead in arranging this service because it is in their territory. His apprehension is that there is a lot of verbiage within the document and there hasn't been sufficient time to read it. He commented that he doesn't believe it has been properly vetted or looked at.

Councilman Taylor asked Town Manager Tolbert's opinion about returning the issue to Accomack County.

Discussion recommenced.

Vice Mayor Howard agreed that we need to have lifeguards, especially after what happened the other day. He observed that it's a sad time on a National Park when the smallest governmental entity must step in and take the lead for safety and life-saving measures when the Federal, State, and County entities did not do so. He continued his comment to remark that we are left paying the bill to take care of people.

Councilman Bott noted that we have 3,500 citizens and we are asking them to put lifeguards on the beach for the National Park Service and Chincoteague National Wildlife Refuge. He inquired what is being done on the Maryland side of Assateague Island.

Town Manager Tolbert remarked that he spoke with the Superintendent who confirmed that the Maryland side does not have lifeguards this year either. He said that Maryland visitors with concerns about the lack of lifeguards have been recommended to visit the Maryland State Park instead because they do have lifeguards.

Councilman Taylor motioned, seconded by McComb to offer to pay ½ of the monetary cost of lifeguard services if Accomack County takes the lead on arranging the services.

Ayes: Howard, McComb, Richardson, Taylor, Savage

Nays: Bott

Absent: None

Motion passes five to one.

Town Manager Tolbert was directed to contact Accomack County the morning following the Council meeting about the County taking the lead on attaining lifeguard services on Assateague as soon as possible. He was also directed to work with Accomack County on getting the name changed on the agreement with the National Park Service.

Mayor and Council Comments

Councilman Taylor offered prayers for the people in Texas. He said to pray for the upcoming storm to pass us by. He remarked about how great the Town employees are.

Councilman McComb asked if concluding his telephone call with Accomack County the day following the Council Meeting if Town Manager Tolbert would reach out to the Park Service to get an updated memo in the works so it'd be ready for the next Board of Supervisors Meeting on the 16th of July. This was in the event the County agrees to add consideration of this request to their upcoming meeting's agenda.

Town Manager Tolbert advised the signature lines would need to be reassigned to the County rather than the Town. He noted that the County has its own Attorney on Staff who could review the contract for execution.

Vice Mayor Howard noted that the Police Department and EMS did an excellent job handling all of the people who were on Chincoteague for the Fourth of July. He said Public Works did a great job moving things around to keep everyone safe, and everyone who attended the Carnival had a great time. He noted an appreciation for the volunteers at the Carnival and spoke about how vital the Carnival is to the Community of Chincoteague.

Councilman Bott remarked that the Fire Company did an excellent job getting everything ready for the Carnival. He asserted that it was good to see all the people down there and the number of volunteers each year.

Mayor Bowden expressed an understanding over Council's thoughts about the County needing to take the lead with the lifeguard service arrangement, but she articulated feeling sorrow over

Council's inability to come to an agreement and get someone in place as soon as the following week. She noted her hope that the County and the National Park Service won't take too long to get the arrangement worked out. She noted this was the busiest Fourth of July weekend that she's experienced in her 34 years of working at the Carnival. She said everyone was respectful, and there were zero issues. She said the fireworks show was great, and she appreciates everyone coming out to experience it.

Closed Meeting – In accordance with 2.2-3711, A1,19 of the Code of Virginia for the discussion of plans to protect public safety. Councilman McComb motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 A19 of the Code of Virginia for the discussion of plans to protect public safety. Unanimously approved.

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

Adjourn

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

Denise P. Bowden, Mayor

Michael T. Tolbert, Town Manager