

MINUTES OF THE JUNE 20, 2024
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

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

Mayor Leonard opened the floor for public comment.

- Ms. Donna Leonard, 6415 Leonard Lane, gave Council a handout. She referred to the minutes from the June 3rd Council meeting. She advised that the minutes stated she would like to see the dock before the turntable “repaired” as it was a public hazard. She asked that the minutes be corrected to state that she would like to see it “addressed”. She continued with further comments regarding the Donald Leonard Park parking lot. She advised she recently spoke with Mr. Terry Thomas who did the landscaping at the entrance of Donald Leonard Park and he was shocked to see the parking lot there. He advised that the Garden Club of the Eastern Shore takes areas like this mixes topsoil and grass seed, covers it with them which returns those areas into a grassy area. She also requested that they not use weed killer as it could run off into the Chincoteague Channel. She suggested that Council take Mr. Thomas’s professional advice and return it to its natural beautiful state. She commented further about events that have been held there. She commented about comments from Councilwoman Bowden not stated in the minutes and asked why. She also asked how much the parking lot cost, if it was a contract job, who approved it and if there is a threshold that the Town Manager can make and spend without any approval from the Council. She hopes that Council will consider correcting the mistake and, in the fall, add some grass seed and topsoil and return it to a natural state.

Ms. Leonard referred to the pictures handed to Council and briefly explained the hang-out zone for the Brianna's Kindness Park. She continued that next was an area in the playground to add needed shade and a couple of benches along with a lending library. They were advised at that time that there wasn't enough room for the little library. She and the Library's representatives went to the Park and feel there is enough room. Ms. Leonard further discussed the hang-out zone and added that it has been a part of the plan since the beginning along with a few charging stations for cell phones.

Ms. Leonard stated that she saw that the walking trail has been put in and looks good. She again addressed the website picture of the old Memorial Park boat launch that shows a sign that states "No Kayaks" adding that you have one chance to make a first impression. She stated that she's been told that the Town website is due to be updated. She asked when. She commented on the age of the website. She commented on how to change the pictures with a click of a button. She stated that the Chamber was awarded a grant last year where they had professional photographers take over 500 pictures of the Island. She added that the Chamber has offered them to any Chamber member which would also include the Town.

Ms. Leonard then asked for a correction in the previous meeting minutes regarding the Sea Level Rise talk from Mr. Chris Hines. She stated that she asked Council to invite him back so that more people could hear the talk. She advised while watching the last meeting, she referred to the Mayor's suggestion of asking VDOT for a raised Causeway, which was a good idea. She stated that it may be necessary, adding that rocks won't help if the water level comes up above it. She then added that the minutes of the June 3rd Council meeting state that everyone should listen to Mr. Chris Hines' talk. She stated that she saw nowhere where that they could click on anything to listen to his talk. She added that when he gave his talk at the Museum it was the first time he presented that talk. She also added that there is nowhere they can go online and listen to it. She wanted the minutes changed to say that she asked that he should be invited to present that to the Council and the public. She asked if this happens that it be recorded for people who are unable to attend can listen to it.

Ms. Leonard again discussed the carnival grounds parking lot. She feels that this would be another use for the carnival grounds and would be great for rocket launches and suggested that it could be a tailgating place as you wait. She also feels there isn't enough parking for downtown events like the Poker Run. She stated that parking there for the Seafood and Oyster Festivals would be more efficient than parking at the high school. She added that just next to the Kawanis barn is a boat launch area which would be a great place to launch non-motorized boats, and lowering the riprap shoreline so that viewing sunsets would make this a very popular site. She hopes the discussion will start and possibly include the ANPDC. She commented on the planning that was done at the Robert N. Reed Downtown Waterfront Park and added that it's a beautiful asset to this Town and used each and every day by many.

- Mr. Kelly Conklin, Island Creamery, wrote a letter to Council as he was unable to attend the meeting. Town Manager Tolbert read the letter. It was regarding the carnival ground parking lot that was discussed at the last Council meeting. Mr. Conklin advised that his family owns the property immediately to the north of where the Kawanis barn is located. He wrote that they have much to be proud of on our Island. They have been blessed with forward thinking

Mayors and Councilmembers. One piece of evidence supporting his assertion is the Town's many attractive parks, boat ramps, and Harbor. He stated that access to the waterfront is limited. He encourages the Town to seize opportunities to preserve access when possible. He wrote that one opportunity is property the Town already owns, the carnival waterfront parking lot. Of all the Town-owned properties this has to be the most underutilized and least attractive. He encouraged Council to view this property as another waterfront park. He asked them to imagine a boardwalk where locals and visitors could enjoy the view of the sunsets. He continued that rocket launches could be viewed from the boardwalk, there could be a kayak launch put in to access that end of the Island, and if water depths permit a pier could be installed for folks to arrive to the carnival by boat. He is sure there are other ideas that would allow the property's potential to be maximized by citizens and visitors. He thanked Council for letting him share his thoughts on this topic.

Councilwoman Bowden suggested that Town Manager Tolbert look at the lease between the Town and the Fire Company.

Mayor Leonard asked if she thought the Fire Company would have any objections to having it improved.

Councilwoman Bowden doesn't think so, but that parking is a major deal the 13 or 14 nights they're open. She added that this is also where they dig the trench for the fireworks. She can't speak for the Fire Company, but it's something to think about.

Agenda Adoption

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

Consider Traffic Code Adoption

Town Manager Tolbert stated that this is an annual adoption that covers any changes to the State Code.

Councilwoman Bowden motioned, seconded by Councilman McComb to readopt the Traffic Code.

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, 6-20-24)

(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, 6-20-24)

Consider FY24 Budget Surplus Allocation

Town Manager Tolbert advised FY24 Budget surplus. He briefly reviewed the surplus and proposed allocation.

FY24 Surplus Funds:	\$1,793,203	
Harbor	\$20,668	Remains in Harbor Acct.
Trolley	\$155,110	Remains in General Fund
Water	\$318,362	Remains in Water Reserve
Acct		
General Fund		
- Interest Income	\$528,800	Remains in LGIP Investment
Acct.		
- Property Acquisition Reserve	\$50,000	CIP FY24 - Replaces Budget
Removal		
- Additional Paving	\$48,850	Additional VDOT Funds
- Unscheduled Water Line Repl.	\$57,950	CIP FY24, 25 Required
Critical Repairs		
- Eel Creek Culvert Engineering	\$50,000	CIP FY25, Culvert is Failing
- Mem Park Pier Repairs	\$50,000	CIP FY25, Repairs Becoming
Critical		
- Chamber Public RR Sewage	\$45,000	CIP FY26, Sewage for
Planned Restroom		
- MP Sewage Repair/Replace	\$45,000	Existing Drain Fields are
Failing.		
- Municipal Center Digital Sign	\$42,000	Council Request
- Christmas Decoration Repl.	\$50,000	CIP FY25, RR Park
Decorations		
- DJA Gym Composite Floor	\$70,000	CIP FY26, With YMCA
contractor		
- BKP Site Lighting	\$25,000	CIP FY25, Increases
Visibility and Security		
- CMH Fiber Optic @ Fuel Pumps	\$25,000	CIP FY24, Fuel Pumps more
Reliable		
- Boat Ramp Reserve	\$50,000	Current Acct. Depleted
- <u>Playground Equipment Reserve</u>	<u>\$50,000</u>	<u>Current Acct. Depleted</u>
- Remaining Unallocated Funds	\$111,463	Covers Inaccurate Surplus
Estimates		

Vice Mayor Bott motioned, seconded by Councilman McComb to allocate the predicted surplus as defined and direct staff to prepare an amendment to the FY24 Budget reflecting these allocations. Unanimously approved.

Consider FY24 Personnel Merit Increases

Town Manager Tolbert advised that in the spring of each year, each department head uses the same tool to evaluate each of their employees. He explained how the reviews are scored and the ratings which determine the increase. He recommended Council approve the raises as presented.

Councilwoman Bowden asked how the review software measures increase.

Town Manager Tolbert stated it is a computer program where each employee has an account, the department head will start with competency #1 answering questions for each skill of that competency. He stated that based on the answer there are several preprogrammed answers. Based on the answer given it assigns a number to that skill. After you've evaluated all 5 skills in that competency it averages the skills and gives the score for that competency and there are 11 competencies.

Councilwoman Bowden asked Town Manager Tolbert if he sits down with the employee.

Town Manager Tolbert stated that once this is approved the department heads will go through each employee's evaluation one-on-one with the employee. They will ask if the employee has any questions, they're given a copy, sign it, and the raise will be sent to payroll.

There was brief discussion.

Councilman McComb motioned, seconded by Councilwoman Bowden to approve the FY25 personnel merit increases as presented. Unanimously approved.

Consider Abandoned Vessel Contract Award

Town Manager Tolbert advised that the Town of Chincoteague was recently awarded \$60,000 from the Virginia Marine Resource Commission for the purpose of removing 4 derelict and abandoned vessels and equipment from local waters and a recent request was granted to include a 5th vessel near the abandoned equipment site. Town Manager Tolbert contacted the low bidder's references, and they were all good. He was sent no less than 20 pictures of jobs of equal or greater value that he has completed. He removed the sailboat from the shoal at the Inlet a year or two ago. He also reviewed the VMRC Grant Manual that stated they have to follow the State's Procurement Policy. He explained the policy.

Town Manager Tolbert advised that staff recommends that the contract be awarded to Cockrell Marine Railway Inc. as the lowest responsive bidder in the amount of \$52,000.

There was brief discussion.

Mayor Leonard stated that as disparaging as it is, he would like to give it to someone locally.

Town Manager Tolbert asked for an updated quote from Mr. Ross, Mr. Fisher, and Mr. Cockrell. He added that he asked for this ASAP. He did not receive one from Mr. Ross.

Mayor Leonard advised that Mr. Ross was out of the country.

Councilman McComb asked if they could wait until the next Council meeting and get the other revised bids.

Councilman Taylor feels that would raise red flags with VMRC where they have the bids.

Councilman McComb asked if their intent to do the 5 vessels was at the same bid.

Mayor Leonard stated that historically when they get a low bid, they get low bid work. He questioned where he would unload. He knows where the other 2 contractors would unload.

Councilwoman Bowden has a hard time, as much as she wants a local to have the contract, the due diligence has been done by Town Manager Tolbert. When you're talking about grant money, and Cockrell doesn't have an issue with the licenses, she doesn't see how Town Manager Tolbert can go back and do more than was done.

Councilwoman Bowden motioned, seconded by Vice Mayor Bott to award the contract to Cockrell Marine Railway in the amount of \$52,000. The motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: McComb

Absent: None

Mayor and Council Comments

Council Comments

Councilman Savage thanked everyone for the cards, letters, food, and everything. He stated there were a lot of acts of kindness shown during the passing of his mother. He added that he appreciated it.

Councilman Taylor stated they really are blessed. He stated they are getting ready to do Bible School and there have been many kids that she (Mrs. Savage) has been there for. Many of them have accepted Jesus as their Savior during that time. He added that every year they think; are the tourist going to come and are they still going to pay their bills. He again stated they are blessed. The Town's wages have gone up \$1.7 million since 2021, he doesn't begrudge the Town staff one dime because they're great workers. He stated that the Town doesn't know how really blessed they are. He prays that the Lord lets the storms go by and that people will still want to come to Chincoteague. It is a great place to come. He asked everyone to welcome them and pray for their safety. He asked the departments to keep it up and safe for all.

Councilman McComb thanked Ms. Leonard for the pictures of the hang-out area. He agrees it will be a great space. He also mentioned the shaded space at the Brianna's Park and asked where they were with the additional shaded space at the Dog Park.

Town Manager Tolbert advised at the request of the RCEC they have ordered another shade, it hasn't been installed yet.

Councilman McComb asked if they could put one at the Biranna's Park. He appreciated the input from Ms. Leonard on everything.

Councilwoman Bowden also thanked Ms. Leonard. She reviewed the June 3rd minutes and her comments weren't there. She added that this was disheartening. She asked why Council wasn't told about the parking lot, how much it was, and who authorized it.

Town Manager Tolbert advised that RCEC met in February where the first subject in that meeting was about the bald spaces at the Donald Leonard Park. It needed topsoil and seeding. He advised his comment was, and he listened to the meeting recording, if they add topsoil and seeding, they would need to define the parking so that cars won't drive over the money spent on topsoil and seeding. He also mentioned that a fence around the lot would be prudent so they wouldn't drive all around the parking lot onto the topsoil and grass they just seeded. There was a small discussion but no objection to that. He proceeded to instruct Public Works to put parking in there. The parking was placed on top of the original parking, the parking bumpers were already there. Surfacing was put in the same size area and in the same space where the bumpers are to identify the parking. The total cost of the parking lot was approximately \$15,000.

Councilwoman Bowden stated that the busy time is here, people are here, and they're going hard at it. It is disheartening that her Yankees were doing so well and today they're down 14-5, she's not going to say, "Go Yankees".

Mayor Leonard stated to Councilman Savage, they are sorry for the loss of his mother. He stated she was a big thing for the Baptist Church. He also stated that the traffic on the Island is crazy. He would like to get signage for "Right Turn on Red". He commented further. He added that the electronic scooters need to be reeled in a little. He feels they need to go back and get enforcement as the kids are getting younger and younger. They don't realize the power the scooters have.

Closed Meeting – In accordance with §2.2-3711(A) (1,7) of the Code of Virginia that the Council convene a closed session for the performance evaluation of staff and legal briefings by staff pursuant to pending litigation.

Councilwoman Bowden motioned, seconded by Councilman McComb to go into a closed meeting in accordance with §2.2-3712 (A) (1,7) of the Code of Virginia that the Council convene a closed session for the performance evaluation of staff and legal briefings by staff pursuant to 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 Councilman McComb to certify that to the best of each member's knowledge:**

- 1. Only public business lawfully exempted from open meeting requirements was discussed and**
- 2. Only such public business matters as 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.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager