

**MINUTES OF THE APRIL 1, 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  
Mr. E. Bryan Rush, Director of Emergency Services  
Mr. Tyler Greenley, 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.

**Consider Remote Participation**

**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.

- Executive Chamber Director Shotwell gave an update on the Easter Decoy Show. The attendance was the highest since 2003. They also had the highest Friday attendance in the recordkeeping since she has been with the Chamber in 2001. She thanked Mayor Leonard for attending and carving, adding that everyone loved it. She thanked Council for allowing them to have it and helping.

**Agenda Adoption**

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

## **Staff Reports**

### **General Government**

Town Manager Tolbert reported on the Septic Local Partners Program advising of the increase of \$162,390.24, bringing the fund to \$912,390.25 to be used toward the repair of failing residential septic systems. He also advised the Town was awarded \$60,000 by the VMRC's Abandoned Derelict Vessel Program to remove several abandoned vessels that are still grounded in local waters. He reported that the Town was awarded a grant by the Department of Conservation and Recreation, DCR, through their Community Flood Preparedness Fund. This project will develop and adopt a resilience plan for the Town and build resilience capacity through training and education. The \$65,000 grant was applied for in November with the assistance of ODU's Institute for Coastal Adaptation, and Resilience.

Town Manager Tolbert stated that the ACOE ordered the dredge, Murden to begin maintenance dredging of the Chincoteague federal Channel and the Curtis Merritt Harbor. This work began March 17<sup>th</sup> and proceeded for 7 days. The object was to maintain the federal channel to a depth of -10 to -12 feet mean low, low water, MLLW. The Murden completed its work which included the entrance to the Harbor to a depth of -9 feet on March 24<sup>th</sup>. He also reported that the "Name the Trolley survey" was completed on March 22<sup>nd</sup>. Each class at the Chincoteague Elementary School was presented with choices of names for the new trolley including Phantom, Pied Piper, Phantom Wings, Thunder, and Sandpiper. All were names of famous Chincoteague Ponies. Of the 13 classes at CES, Thunder was the clear winner garnering 103 of 219 votes. The name "Thunder" is the proposed name. The existing Ped Piper will be retired from regular trolley service and the Town will be working with DRPT to purchase it for the Town. That vehicle will be used for numerous worthwhile events without the restrictions that accompany DRPT funded vehicles. He also advised the regular Trolley service will begin again on May 3<sup>rd</sup> for the 2024 season and will be in full service for the Seafood Festival on May 4<sup>th</sup>.

Town Manager Tolbert reviewed the Meals and Transient Occupancy Tax collections. He also reported that after 2 years of phone calls, emails, letters writing and other such negotiations, the Town will be installing mailboxes in the Ocean Breeze development. The residents of Ocean have been required to physically visit the post office to retrieve their mail due to the lack of mailboxes installed at Ocean Breeze. The residents tried for some time to have the post office grant individual home delivery to no avail. The Town became involved a few years ago and after negotiations and a compromise using cluster boxes, the U.S. Postal Service agreed to provide the boxes and the Town agreed to install them once delivered. The boxes will be installed at the entrance of Ocean Breeze off Ridge Road. Town Manager Tolbert reviewed the Financial Report along with the Building and Zoning Report for March.

### **Police Department**

Chief Greenley reported in addition to the calls for service, that on March 7<sup>th</sup> the Chincoteague Police Department received the 3<sup>rd</sup> award for re-accreditation. The Commission met in the Town Council Chambers, where the award was presented to Chief Greenley and Administrative Assistant Lewis. He also reported that on March 11<sup>th</sup>-15<sup>th</sup> he, PFC Stevens, and Investigator Barnes attended in-service training at the CBBT Academy. On March 23<sup>rd</sup> he, SRO Carmody, and SRO Geminiani represented and promoted the Chincoteague Police Department in the local job fair at the Center. On March 26<sup>th</sup> Dispatcher Adams attended a class on Community Policing

Data Collection at the Newport News Police Department. On March 28<sup>th</sup> Cpl. Butler attended a class on accreditation management in Lynchburg, VA hosted by VLEPSC.

Councilman Taylor commented.

#### Public Works Department

Public Works Director Parks reported that during the month of March there were drainage improvements made in several areas including Accomac Street, Annamessex Lane, and others. They replaced the regulator valve on the Jetter. They performed maintenance, cleaning, painting, lights, and screens at the old fire house, added sand and topsoil, and graded and seeded the ball field. They also began curb painting on Willow Street. He stated that in April they will receive and evaluate bids for the Spring Paving Contract, spraying weeds, mowing, and continue with curb painting. He advised they will also install the trail and exercise equipment at the Brianna's Kindness Park once the excavator is repaired and they will continue routine maintenance of equipment and vehicles.

Councilwoman Bowden commented on identified ditches and maintenance.

Councilman Taylor thanked Public Works Director Parks for the work done in Brianna's Kindness Park and the ball fields in Memorial Park. He asked if the Firehouse was fully rented.

Town Manager Tolbert advised they have an ambulance bay and engine bay available.

Councilman Taylor suggested advertising.

Town Manager Tolbert read a couple of thank you notes from those in the neighborhood in Accomac Street and Annamessex Lane.

There were further comments.

#### Emergency Services

Emergency Management Coordinator Rush advised they had 12 more calls than March of last year. He advised that the new ambulance is in service. He introduced a few of the new hires: Mrs. Jean Baker, EMT-Advanced, Ms. Rose Dize, EMT, both are interested in moving up to paramedic. He also introduced Mr. Steven Wilson, EMT-Advanced and currently in paramedic school. They completed some obstetric training in March. The new hires have been going through training. They trained on the rope gun to help police and fire personnel. They continue with weather monitoring. He reported on the APEP launch for the eclipse on April 8<sup>th</sup>. There are 3 rockets that will launch around 2:15 p.m. They are also participating in the Regional Catastrophic Planning Exercise Workgroup. He added that now is the time to prepare.

Councilwoman Bowden welcomed the new hires. She stated that they have the best of the best supervisor who only hires the best of the best.

## **Committee Reports**

### **Budget and Personnel Committee**

Vice Mayor Bott advised he has nothing to report as they will be discussing the topic later in the meeting.

### **Adoption of the Minutes**

**Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the March 4, 2024, Council meeting. Unanimously approved.**

### **VTC Conference Report**

Center Director Leonard gave the Center report for March advising they had a very busy month. It was used 17 out of 31 days. She listed the uses and events. She also stated that none of the events would happen if it weren't for the Public Works staff. They moved tables and chairs and in March nearly every day. She thanked Public Works Director Parks for the work the Public Works staff does.

Center Director Leonard reported on the Virginia Tourism Corporation Visitor Center Seminar. She advised that the Town and the Chincoteague Chamber hosted the event for the week of March 12<sup>th</sup> – 14<sup>th</sup>. She explained the seminar which includes people from welcome and visitor centers across the Commonwealth. There were 96 people in attendance. She stated that to be selected for this they have to have an itinerary, and supply letters of interest. They received letters from the Town, the Eastern Shore of Virginia Tourism Commission, the Chincoteague Volunteer Fire Company, the Chincoteague Cultural Alliance, and the National Park Service.

Center Director Leonard reviewed the study-tour day. She also thanked Transportation Director King for being there to transport the visitors for the day. She thanked the Chincoteague Chamber for issuing t-shirts. She listed the stops; the Tom's Cove Visitor Center on Assateague, the Assateague Lighthouse, the Chincoteague Museum, and they met for lunch at Don's Seafood Restaurant where Mr. Tommy Clark talked to everyone about aquaculture. They went out to the LOVE chairs. She added that while half of the group went to Assateague the other half went to NASA and after lunch switched. Center Director Leonard advised that they went to RocketLab where they toured the control room which is where the rockets are being built with a 3-D printer. They then went to Wallops Island to tour the launchpad and water tower. The 3<sup>rd</sup> stop was at the NASA Visitor Center. She advised that Mr. Aiden Leonard drove home for the evening from Williamsburg for this tour regarding the ponies on Assateague, the roundup, the care the Fire Company provides to the ponies, and how the Island benefits economically from the visitors. The last stop of the day was at the Refuge Inn for a meet and greet of the ponies. Everyone was able to feed the ponies.

Center Director Leonard stated that Thursday was Seminar Day where they had virtual reality talks, Civil War History Trail talks, and planning for Virginia's 250<sup>th</sup> Celebration which is coming up in 2026. She reported that lunch started with a raw oyster buffet. Mr. Mike McGee and Mr. Jones gave a demonstration on how to shuck oysters. She stated that Bill's Prime served Chicken City chili and cornbread along with barbeque and the Channel Bass made pie. There were exhibitors; CCA, CVFC, the Mayor was carving decoys, and a representative from the Barrier Island Center. She commended Mrs. Joanne Moore for taking pictures.

Councilwoman Bowden asked if this seminar was every year.

Center Director Leonard advised it is and they have to apply each year.

Chamber Executive Director Shotwell advised that it isn't likely they'll choose the same place 2 years in a row. She added that they probably wouldn't want to as there are other centers that would want to show off their areas. She stated that it was 2015 when they had it on the Island last. She stated that Center Director Leonard started the ball rolling with the itinerary which is the hard part. The Chamber sent it in, and it was accepted. She feels everything ran well. She read a letter from Mr. Harry Jeffries with the Virginia Tourism Corporation who thanked those who planned this and stated it was a "walk-off, grand slam homerun". She commented further about the last conference in 2015.

Councilwoman Bowden stated that it is conceivable that they could come back to Chincoteague. She stated that she is thankful to see the Center being used for what it was built for and added that Center Director Leonard is doing a fantastic job. People are talking about it.

Chamber Executive Director Shotwell commented further.

### **Consider Renewal of Pump and Haul Agreement**

Town Manager Tolbert advised that the Pump and Haul Agreement for White Raven's Nest is due for renewal. He explained further.

**Councilman Taylor motioned, seconded by Councilwoman Richardson to approve the renewal of the Pump and Haul Agreement for White Raven's Nest for another 2 years.**

### **PUMP AND HAUL AGREEMENT**

This is a "Sewage Pump and Haul" Agreement by and between Burke and Kimberly Landon owners of White Raven's Nest, John Shields, property owner of 6382 Maddox Blvd., Boggs Water and Sewage, Inc. and the Town of Chincoteague, Inc. Accomack County, Virginia.

Whereas, on March 17, 2022, the Town Council of The Town of Chincoteague, Inc. authorized the town manager to take the steps necessary to make it possible for Burke and Kimberly Landon owners of White Raven's Nest to have sewage pumped and hauled from their business located at 6382 Maddox Boulevard.

Whereas, Boggs Water and Sewage, Inc. has agreed to pump and haul the sewage from the premises of White Raven's Nest for the sum of \$275 (and any future increase in tipping fees) per pumping;

Whereas, the Town of Chincoteague, Virginia is willing to guarantee to the Commonwealth of Virginia Department of Health that Burke and Kimberly Landon owners of White Raven's Nest shall comply with all applicable regulations relating to the pumping and hauling of sewage and to contract with Boggs Water and Sewage, Inc. for the pumping and hauling of sewage from the White Raven's Nest to be performed by said company;

Whereas, Burke and Kimberly Landon, owners of White Raven's Nest and John Shields, property owner, agree to indemnify, defend and hold the Town harmless against all costs and lawsuits, and to provide insurance – and proof thereof – in the minimum amount of \$100,000 for the owner and \$1,000,000 for Boggs Water and Sewage, Inc. or its equivalent as approved by the Town Attorney, naming the Town as an additional insured and to indemnify the Town of Chincoteague Inc., for any liability it may incur in connection with its contract with Boggs Water and Sewage, Inc. for the violation of any Health Department regulations pertaining to the pumping and hauling provided for herein and to reimburse the Town of Chincoteague, Inc. for any payments it may make to Boggs Water and Sewage, Inc. in connection with this agreement;

Now therefore, in consideration of the premises, this agreement witnesseth:

1. Boggs Water and Sewage Inc. will pump and haul sewage from the premises of White Raven's Nest and dispose of same properly and in accordance with every applicable state and federal regulation with all costs incurred in the pump and haul operation to be paid by the property owner, John Shields or his designated agents, Burke and Kimberly Landon. Boggs Water and Sewage, Inc. shall notify the Town within thirty (30) days if the owner or agent does not fulfill their financial obligations as outlined in this agreement.
2. The maintenance schedule for the facility shall be provided to the Town of Chincoteague prior to operations commencing and copies of all receipts for tank pumping shall be provided by the 10<sup>th</sup> of the following month.
3. Burke and Kimberly Landon, owners of White Raven's Nest and Boggs Water and Sewage, Inc. hereby agree to obey all applicable state, federal and local regulations relating to the pumping, hauling and disposal of the sewage, which is the subject of this contract.
4. The owner, John Shields and or his agents Kim and Burke Landon shall bear all costs associated with planning, design, construction and inspection or approval of the VDH required pump and haul facility as well as all costs associated with VDH compliance of such facility.
5. The owner or agent must notify the Town, in writing, immediately upon discovery of any material change in circumstances affecting the pump and haul operation, including but not limited to any information that he or she may receive that indicates or seems to indicate a violation of the General Permit or any applicable VDH regulations. The owner or agent shall also notify the Town at least sixty (60) days prior to any change of use of ownership or agent of the property.
6. A surety in the form of a bond in the amount of \$5,000 shall be provided by the property owner, John Shields for the performance of the contract and is necessary to remove or properly abandon the pump and haul system and or remediate the effects of any violation of Virginia Department of Health (VDH) regulations.

7. The owner and or the agent grants permission for the Town or its agents to enter the property for inspections as it deems necessary or to remove or properly abandon the system upon the failure of the owner or agent to do so.
8. This Agreement will terminate upon willful violation of Health Department regulations in connection with the pumping and hauling or in the event the landowner's property is condemned or upon central sewage treatment or a septic system using a subsurface drainfield becoming available to the property or upon the refusal of Burke and Kimberly Landon owners of White Raven's Nest or John W. Shields, property owner to pay sums to Boggs Water and Sewage, Inc. or upon change of ownership of White Raven's Nest or the property or termination of the lease between Burke and Kimberly Landon owners of White Ravens' nest and the property owner.
9. In the event a public sewer system should become available for use, with a proper element of its collection system located within 500 feet of the subject facility, the owner and or agent shall connect the facility to such element according to the requirements of the Town's engineer within ninety (90) days, thereby terminating the contract and the inclusion of the facility on the Town's General Permit.
10. This contract may be terminated and the facility removed from the General Permit with thirty (30) days' notice at the discretion of the Town Council. This thirty (30) day notice shall not be necessary in circumstances where violations of VDH regulations exist, if the conditions of the contract between the Town and the owner or agent are not met, or if the Town's General Permit is revoked.
11. The term of this agreement will be 2 years from the date of signing by all parties and may be renewed for an additional 2-year periods as authorized by the Town Council.
12. This agreement shall not be deemed concluded unless and until the Accomack County Health Department has inspected and approved the proposed system prior to operation. The owner or agent also agrees to maintain the pump and haul facility in accordance with the requirements of the current edition of the *Sewage Handling and Disposal Regulations* of the VDH.

Witness the following signatures:

By: \_\_\_\_\_  
John Shields

\_\_\_\_\_  
Date

By: \_\_\_\_\_

\_\_\_\_\_

Burke Landon,  
White Raven's Nest

Date

By: \_\_\_\_\_  
Phillip H. Dunn, President  
Boggs Water and Sewage, Inc.

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Michael T. Tolbert, Town Manager  
Town of Chincoteague

\_\_\_\_\_  
Date

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

#### **Consider PPEA and PPTA Guideline Adoption**

Town Manager Tolbert explained that in 1995 the state of Virginia passed a Public-Private Transportation Act and Public-Private Education Act. These acts grant responsible public entities the authority to create public-private partnerships for a wide range of different developments. He stated that this isn't something the Town has an immediate need for. He added that this would benefit the Town if this is in place and there is something they could use on short notice to do projects around the Island, or obtain property. They would be able to do this if the guidelines are already adopted. He further explained that the guidelines are structured from the Code of Virginia. The Town's attorneys have reviewed and customized it for the Town. He asked Council to adopt the guidelines to have on file as another tool.

**Councilman Savage motioned, seconded by Councilman McComb to adopt the PPEA and PPTA Guideline. Unanimously approved.**

#### **Final Adjustments – FY 25 Budget**

Town Manager Tolbert advised that this is the 3<sup>rd</sup> draft of the FY25 Budget. He explained the changes and reallocations. He advised there was an imbalance of \$118,000. He made suggestions on how to balance the budget and recommended approval of the FY25 Budget.

Councilwoman Bowden stated that all 3 expenditures that were cut could easily be inserted in the Spring.

Town Manager Tolbert advised they could. He commented further.



Vice Mayor Bott commended staff for the job they've done.

**Vice Mayor Bott motioned, seconded by Councilman McComb to approve the changes. Unanimously approved.**

Town Manager Tolbert stated they need to vote to advertise the proposed FY25 Budget in this week's paper for the public hearing on April 15<sup>th</sup>. They would have to let it sit for at least 7 days before adoption on May 6<sup>th</sup>.

**Councilwoman Bowden motioned, seconded by Councilman McComb to advertise the proposed FY25 Budget for public hearing at the April 15<sup>th</sup> Council workshop meeting. Unanimously approved.**

#### **Consider Naming of a New Private Road**

Town Manager Tolbert advised that he has received a request to name a private road off Eastside Road, "Clarkson Lane". This will not be a Town maintained road and will receive a brown street sign.

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to approve the private road name of "Clarkson Lane". Unanimously approved.**

#### **Council Comments**

Councilwoman Bowden commented that the Yankees are 4-0.

Councilman McComb commended Center Director Leonard, Chamber Executive Director Shotwell, and all those who participated in the Tourism Summit.

Councilman Taylor also commented on the Center events. He stated that you make it so they want to come back. He added that they pay for the same staffing in the winter months as they do in the summer months, and it is paid for by those who come here during the off-season.

Councilman Savage also commended all those who were involved in the Tourism Summit.

Mayor Leonard announced that the Refuge, the Town, and the Park Service is doing bi-weekly Refuge meetings for the plan to move the parking lots. The Refuge has been given money for planning to meet the new requirements and they have to redesign the parking lots north. He commented on the costs. He also stated that the Town has lost a couple of citizens. Mr. Donnie Ray Thornton, who was on the BZA for many years passed away. The Town has also lost Mrs. Maureen Derrickson who was at all the baseball and basketball games. He added that Alabama is in the Elite 8 in basketball, he concluded with "roll tide".

**Closed Meeting – In accordance with §2.2-3711(A) (1) of the Code of Virginia that the Council convene a closed session for the purpose of personnel assignment.**

**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 that the Council convene a closed session for the purpose of discussion and review of appointment and assignment of specific personnel. 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 Councilman Savage motioned, seconded by Councilwoman Bowden 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**

**Councilman McComb motioned, seconded by Councilwomen Bowden to appoint Major Tyler Greenley to the position of Chief of Police. 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