

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 2nd 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 1st, 2023. He added that the 2nd 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 5th and 6th, 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 11th, Major Greenley and SRO Geminiani assisted Chincoteague Elementary School Pre-K with a field trip to the Chincoteague Police Department. On May 12th, SRO Carmody assisted with the Prom and after-prom party at Chincoteague High School. On May 15th, Cpl. Gladding attended an intoxilyzer recertification class in Virginia Beach. On May 17th, 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 20th, 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 15th at 8:45p.m. The ANTARES launch has been moved to August 2nd. 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 1st 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 2nd 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 2nd 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 4th 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 23rd 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 1st and May 18th, Council Meetings
Councilman McComb motioned, seconded by Councilwoman Richardson to adopt the minutes of the May 1st and May 18th, 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.

FY 2023				
Budget Amendment		Approved	Proposed	
Expenditures		Budget	Amendment	Variance
GEN. FUND TOTAL EXPENSES	\$	6,879,147	\$	8,187,040
GEN. FUND TOTAL REVENUES	\$	1,879,147	\$	8,187,040
HARBOR TOTAL EXPENSES	\$	1,135,273	\$	1,255,608
HARBOR TOTAL REVENUES	\$	1,135,273	\$	1,255,608
WATER TOTAL EXPENSES	\$	1,144,000	\$	1,086,574
WATER TOTAL REVENUES	\$	1,144,400	\$	1,086,574
CENTER TOTAL EXPENSES	\$	438,194	\$	465,237
CENTER TOTAL REVENUES	\$	438,194	\$	465,237
TROLLY FUND EXPENSES	\$	62,252	\$	227,067
TROLLY FUND REVENUES	\$	62,252	\$	227,067

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.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager