



TOWN COUNCIL REGULAR MEETING

July 05, 2023 at 7:00 PM

Council Chambers – Town Municipal Center

AGENDA

CALL TO ORDER – *Mayor Leonard*

INVOCATION – *Councilman Taylor*

PLEDGE OF ALLEGIANCE – *Mayor Leonard*

PUBLIC COMMENT – *Mayor Leonard*

1. [Rules for Public Comment](#)

AGENDA ADOPTION – *Mayor Leonard*

STAFF REPORTS - *Mr. Tolbert*

2. [General Government - June Report](#)
3. [CPD - June Report](#)
4. [Public Works - June Report](#)
5. [EMS - June Report](#)

COMMITTEE REPORTS – *Council*

6. [Public Works Committee Minutes](#)
7. [Ordinance Committee Minutes](#)
8. [Planning Commission Minutes](#)

ADOPTION OF MINUTES -- *Mayor Leonard*

9. [June Council Meeting Minutes](#)
10. [June Council Workshop Minutes](#)

MAYOR AND COUNCIL COMMENTS – *Mayor Leonard*

ADJOURN

Town of Chincoteague, Inc.



Rules for Public Comment:

1. All attendees wishing to speak shall sign up on the provided roster.
2. Speakers must preface all comments by stating their name and 911 address.
3. Comments shall be limited to (4) minutes per speaker.
4. A speaker cannot reserve or transfer time to another speaker.
5. Speakers must not use profanity, threatening language or otherwise be abusive of Council members or staff.
6. Speakers shall not address specific personnel matters which involve individual employees in a public meeting.
7. Members of the Council will not answer questions directly or engage with speakers.
8. Specific questions shall be directed to the Mayor who shall at his discretion, solicit a response from the appropriate staff member.

Chincoteague Center:

Occupancy at the Chincoteague Center for the month of June included 6 community service events, 1 non-profit and 2 commercial events. July bookings include 4 commercial, 4 community service and 1 non-profit event. The Cubes in space Rocket fest event was held for 4 days beginning June 18 with students from around the world and by all accounts was a huge success. Cubes intends to book this event again for 2024.

July events will include the very popular Blueberry Festival the week before Pony Penning.

Our HVAC equipment is working nominally so far. The contractor has received some of the new equipment with the rest due to ship this week. The installation project is scheduled to begin on August 14 and be completed within 3 weeks. No booked events were rescheduled to allow this work.



Curtis Merritt Harbor of Refuge

Harbor Operations are in full swing. As usual all slips are currently rented and the Harbor Master reports a brisk business subleasing slips to seasonal boaters. Fuel sales are also brisk. The recent surveillance camera installations are providing excellent coverage in critical areas including the fueling facility and boat ramp.



2023-06-30 04:11:37 PM



Harbor Boat Ramp Item 2.

Harbor Fuel Dock

2023-06-30 04:11:02 PM



Electric Vehicle Charging Stations:

Robie Marsh reports that ANEC is ready to begin the pilot phase of their EV charging station project. The chargers themselves will ship in the next few weeks and ANEC will then proceed with installation as long as all agreements are in place. I met with Robie this morning and selected the exact location for the stations in the Town's downtown municipal parking lot. The stations, once installed will eventually be operated by an ANEC subsidiary.

I am hopeful that the stations will be operating before the summer is over.



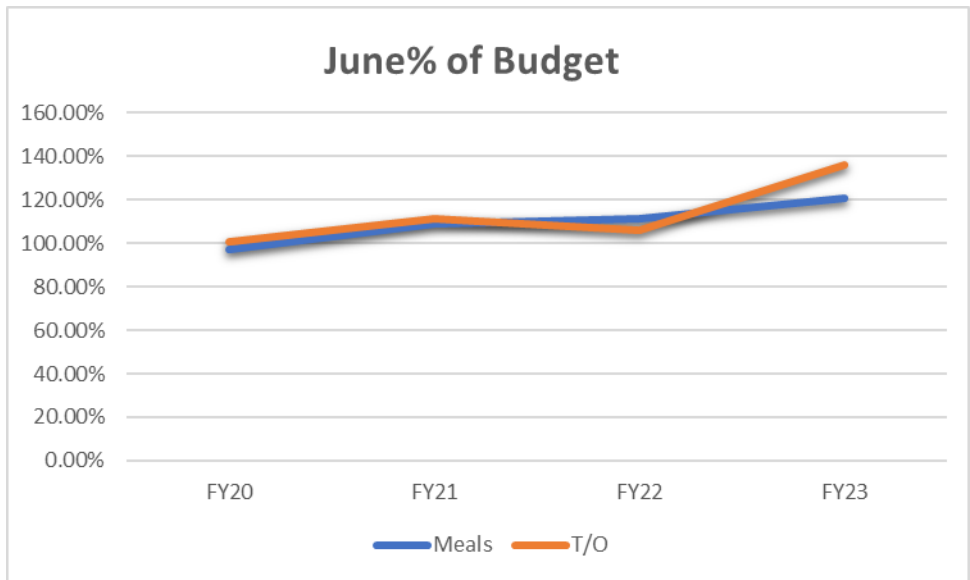
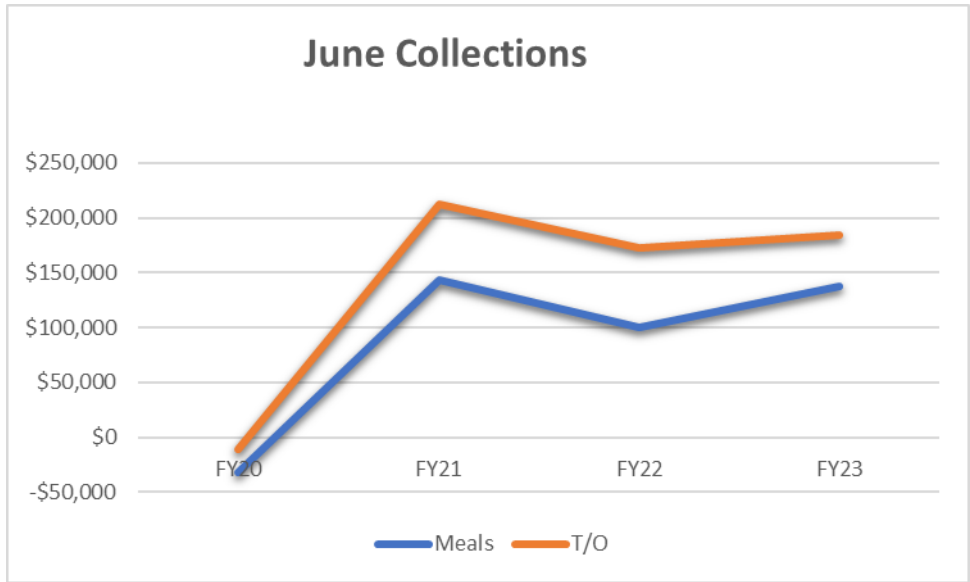
Meals and TOT:

The data in the table below represent collections for the month of June which reflect the level of business by food and lodgings establishments in Town for the month of May. Both taxes showed positive gains in June year over year however have subsided from the post COVID bubble in FY21.

Figures shown are for accounts posted by 06-30-23

Meals and TOT May (May Activity)					
June Collections			Fiscal Year		
Meals Tax	Tax Collected	3 year average	Budget	YTD	% of Budget
FY20	-\$32,187	\$70,475	\$900,000	\$871,424	96.82%
FY21	\$143,021		\$1,040,000	\$1,132,533	108.90%
FY22	\$100,591		\$1,250,000	\$1,393,953	111.52%
FY23	\$137,803		\$1,200,000	\$1,447,768	120.65%
Deviation from 3 yr. Meals Tax Avg.		\$67,328			
T/O Tax	Tax Collected	3 year average	Annual Budget	YTD	% of Budget
FY20	-\$10,703	\$124,927	\$1,120,000	\$1,129,026	100.81%
FY21*	\$212,435		\$1,450,000	\$1,612,089	111.18%
FY22	\$173,049		\$2,125,000	\$2,253,813	106.06%
FY23	\$184,114		\$1,700,000	\$2,309,346	135.84%
Deviation from 3 yr. T/O Tax Avg.		\$59,187			
*Increase in T/O Tax from 4% to 5% effective 1-1-21					

Both TOT and Meals taxes showed moderate increases in June year over year.



Financial Report

The summary below reflects the Town's overall budget picture as of June 30, 2023. It however does not yet indicate end of year transfers including those from the Harbor and Water Fund. Delay of the Center HVAC project is also not reflected in this chart. These funds will be carried over to FY24.

Budget vs. Actual - June 2023							
Period Ending 06/30/2023							
	FY23 BUDGET	FY22 MTD	FY23 MID	FY22 YTD	FY23 YTD	VARIANCE	%
10 GENERAL FUND							
GENERAL FUND REVENUE TOTAL	\$ 6,879,147.00	\$ 675,353.23	\$ 745,805.43	\$ 7,360,707.85	\$ 9,323,535.91	\$ 2,444,388.91	136%
GENERAL FUND EXPENSE TOTAL	\$ 9,859,666.00	\$ 917,678.64	\$ 957,203.04	\$ 7,578,246.22	\$ 8,152,956.14	\$ 1,706,709.86	83%
GENERAL GOVERNMENT EXPENSE TOTAL	\$ 1,903,404.00	\$ 214,661.68	\$ 321,135.03	\$ 1,438,193.16	\$ 1,704,791.39	\$ 198,612.61	90%
EMS EXPENSE TOTAL	\$ 1,198,226.00	\$ 97,447.08	\$ 70,437.93	\$ 1,032,749.87	\$ 918,751.54	\$ 279,474.46	77%
PUBLIC WORKS EXPENSE TOTAL	\$ 1,366,281.00	\$ 216,436.24	\$ 69,446.28	\$ 1,439,698.45	\$ 1,222,456.10	\$ 143,824.90	89%
MOSQUITO CONTROL EXPENSE TOTAL	\$ 133,838.00	\$ 19,397.67	\$ 6,230.61	\$ 101,417.76	\$ 177,874.15	\$ (44,036.15)	133%
ROADS EXPENSE TOTAL	\$ 742,722.00	\$ 19,420.85	\$ 185,632.62	\$ 716,910.85	\$ 796,994.85	\$ (54,272.85)	107%
POLICE EXPENSE TOTAL	\$ 1,241,208.00	\$ 88,246.07	\$ 77,106.91	\$ 965,065.32	\$ 1,030,431.73	\$ 210,776.27	83%
DISPATCHERS EXPENSE TOTAL	\$ 293,468.00	\$ 24,930.42	\$ 29,161.67	\$ 286,269.19	\$ 293,384.74	\$ 83.26	100%
30 CURTIS MERRITT HARBOR FUND							
CURTIS MERRITT HARBOR REVENUE TOTAL	\$ 1,135,273.00	\$ 243,329.15	\$ 232,156.80	\$ 779,629.53	\$ 927,252.80	\$ 208,020.20	82%
CURTIS MERRITT HARBOR EXPENSE TOTAL	\$ 1,135,273.00	\$ 104,817.69	\$ 92,211.33	\$ 797,017.38	\$ 1,179,328.09	\$ (44,055.09)	104%
70 TROLLEY FUND							
TROLLEY REVENUE TOTAL	\$ 262,652.00	\$ 31,770.09	\$ 25,578.90	\$ 92,445.28	\$ 60,877.86	\$ (201,774.14)	23%
TROLLEY EXPENSE TOTAL	\$ 262,652.00	\$ 6,795.48	\$ 4,209.84	\$ 67,078.98	\$ 48,164.63	\$ 214,487.37	18%
80 WATER FUND							
WATER REVENUE TOTAL	\$ 1,144,400.00	\$ 78,065.96	\$ 201,749.18	\$ 1,048,080.93	\$ 1,154,540.63	\$ 10,140.63	101%
WATER EXPENSE TOTAL	\$ 1,144,400.00	\$ 125,525.46	\$ 100,526.55	\$ 733,845.26	\$ 680,245.58	\$ 464,154.42	59%
85 CENTER FUND							
CENTER REVENUE TOTAL	\$ 438,194.00		\$ 20,778.06		\$ 482,816.77	\$ 44,622.77	110%
CENTER EXPENSE TOTAL	\$ 438,194.00		\$ 1,104.27		\$ 100,533.34	\$ 337,660.66	23%
REVENUE TOTALS	\$ 9,859,666.00	\$ 1,028,518.43	\$ 1,226,068.37	\$ 9,280,863.59	\$ 11,949,023.97	\$ 2,089,357.97	
EXPENSE TOTALS	\$ 9,859,666.00	\$ 917,678.64	\$ 957,203.04	\$ 7,578,246.22	\$ 8,152,956.14	\$ 1,706,709.86	
Difference					\$ (3,796,067.83)	\$ 3,796,067.83	

Trolley:

Our new Transportation Director Mr. Billy King began work on July 3. Billy has everything up and running recruiting 6 new part time drivers with all three trolleys ready to go. We are currently running 2 trolleys on Friday, Saturday and Sunday from 5PM to 10PM. The stop added a few years ago at the Harbor is proving to be very popular since the recent opening of the new campground.

Our new replacement trolley, which was ordered back in the fall or 2020 has finally been completed. It will be driven to Chincoteague from Indiana in the next few weeks. After a post delivery inspection and approval, we will put it into service without delay. The receipt of the new equipment will require that we surplus one of the existing vehicles.

**Building and Zoning:**

From May 26, 2023, to June 28, 2023, the Building and Zoning Department issued 46 building permits and conducted 59 inspections, 8 case activity cases inspections and 11 Amusement ride inspections.

- 7 Business License site visits.
- 9 zoning site visits.
- 23 building permit plans' reviews.
- 52 walk- ins for building and zoning questions.

- 7 new code cases
- 1 code violation \$60.00

Item 2.

The total value for the building cost of construction. \$ 335,026.77.

The total building permit fees collected were \$ 2,339.09.

CHINCOTEAGUE POLICE DEPARTMENT

**MONTHLY REPORT TO COUNCIL
June 2023**

The Chincoteague Police Department received 347 calls for service which resulted in 12 investigations of criminal offenses that included, 5 driving under the influence, 2 drunk in public, 1 refusal to take breath or blood test, 1 strangulation of another, 1 assault and battery, 1 hit and run, and 1 death. There were 8 arrests with 11 charges as a result of these investigations.

The Department also responded to 6 animal complaints, 5 alarms, 19 suspicious activities, 1 civil problem, 6 control burn checks, 10 assisting other agencies and 6 welfare checks.

In addition, 91 security checks and 11 public service calls were conducted.

The Department issued 53 citations and 18 warning tickets.

In support of the Fish and Wildlife Service in Virginia (Assateague) the department dispatched 1 animal complaint, 1 suspicious person, 2 assist other agency, 2 domestics, 1 visitor contact, 1 welfare check and 15 traffic stops.

On June 6, 2023, Chief Fisher attended graduation for Pfc. Matthews and Pfc. Renas.

On June 15, 2023, Dwight Jenkins-DMV Program Manager conducted A Grant Site Visit with Major Greenley and Cpl. Gladding.

On June 20, 2023, Major Greenley and Town Manager Tolbert attended Accomack Co. School Board Meeting to request School Resource Officer's MOU resigning.

On June 22, 2023, Chief Fisher attended the Pony Swim meeting with Town Officials.

All officers were sized for new bullet proof vest obtained from ARPA Grant.

On June 24, 2023, Chief Fisher, Investigator Barnes and SRO Carmody assisted with traffic control for the American Legion Legacy Ride.

Public Works: May

Water works training on Lead and Copper Rule Revision training on 6/22



Completed Cropper Street Project.





Maddox Blvd. completed including pavement markings

Pavement width increased from 32' to 37'.

Item 4.





Traffic Circle.

Security Cameras installed and operational.



6

6

Safety Meetings in June.
Hard hat demonstration using bucket truck and watermelon.
The importance of sunscreen.

Plans for June

- **Support activities such as 4th of July and Pony Penning.**
- **Catching up on Weed Control and ROW Cutting.**
- **Complete Memorial Park Boat parking and pavement markings**
- **Continue routine maintenance of equipment and vehicles.**

TOWN OF CHINCOTEAGUE EMERGENCY SERVICES MONTHLY REPORT

EMERGENCY MEDICAL SERVICES DIVISION

Reporting Period: 06/01/2023 – 06/28/2023

TOTAL EMS RESPONSES: 106

(4 MORE THAN IN SAME PERIOD 2022): 102

ADVANCED LIFE SUPPORT: **50**

BASIC LIFE SUPPORT: **26**

OTHER: **29** (Fire Stand-by, Public Assist Calls, etc.)

HAZMAT: **1**

COMMUNITY SERVICE

BP SCREENINGS

Five BP screenings were conducted at the station this month.

PLANNING

FIREWORKS

Planning to strategically stage EMS units to have a timely response to emergencies during the July 4th and 29th fireworks events.

PONY SWIM

Planning enhanced staffing to cover the numerous Pony Swim Week activities. Secured a commitment from the Medical Reserve Corp to provide first-aid at Memorial Park and the carnival grounds as well as providing a misting tent at the carnival grounds to help mitigate heat emergencies during the event.

LOGISTICS

NEW AMBULANCE

A VIN# has been assigned which means the chassis is being finished and will arrive at the ambulance factory in mid-July with a tentative finished product of what we are now being told is February to March 2024.

AMBULANCE 3-1

This ambulance suffered another engine failure and after much discussion, the Chincoteague Volunteer Fire Company decided to replace the engine and transmission to keep the unit on the road, since the timeline on the new one continues to be pushed back.

TRAINING

CONTINUING EDUCATION

Staff participated in the following four hours of continuing education in June:

- Medication Delivery
- Pain Management
- Ambulance Safety
- Crew Resource Management

Some of the topics were covered using a combined training method between our department and the police department so that we could learn from one another which will allow us to enhance safety as we routinely dual respond to many unknown emergencies.

REVISED EMS PROTOCOLS

Department employees completed their protocol update for the revised EMS protocols which go into effect July 1, 2023.

LINE OF DUTY ACT TRAINING

We were informed that all new employees are to be trained in the LODA benefits and how to obtain those benefits should they or their family need them. Also, employees are to be retrained every two years. We are working to do the retraining using a video format developed by Virginia Risk Sharing Association in conjunction with Virginia Retirement System. After watching the video, employees will certify on a department created form that they received the training.

TIDEWATER EMS COUNCIL

Mr. Rush attended a meeting with the TEMS Director, TEMS Education Coordinator, TEMS Performance Improvement Coordinator, Accomack Director of Public Safety and Northampton County EMS Director/Chief to discuss future needs of the departments here on the Shore and how TEMS could help. We also discussed a new grant grading concept as the local Eastern Shore EMS Council who previously handled the task was dissolved.

EMERGENCY MANAGEMENT DIVISION

- Daily weather monitoring.
- Attended monthly NASA Range Schedule Work Group meeting.
- Attended the virtual 2023 Hurricane Season Region 5 Kick-Off Meeting
- Held 2023 Fireworks (4th/29th) Planning Meeting and 2022 AAR review
- Completed the July 4th Fireworks Incident Action Plan for operations.
- Held planning meeting for Rocket Lab Dynamo launch, awareness discussed but no operations outside of monitoring were necessary.
- Did a walk through of Sun Outdoors Campground with building inspector Bowden. Reviewed and commented on their emergency plans.
- Attended WESR 103.3's "Shore Talk" to discuss community preparedness for the current hurricane season.
- Attended the initial Pony Penning Planning meeting to review the 2022 AAR.
- Attended the quarterly meeting of the Eastern Shore Disaster Preparedness Coalition.
- Participated in a Severe Weather Conference call on June 26th with NOAA and VDEM
- Planning for Antares NG-19 launch August 1, 2023, 8:30 PM.

- Completed and submitted the yearly Local Capabilities Assessment Report to VDEM. The report is used to supply training, grant funding and other resources for emergency management planning and mitigation.
- Issued first of two Code Red calls concerning road closures for the fourth of July Fireworks event.
- Maintained weekly situational awareness with Accomack County, Northampton County, VDH, VDEM, FEMA and Joint Information Center.

**Public Works Committee Meeting
June 6, 2023
Council Chambers
Minutes**

Members Present:

Mrs. Ellen Richardson, Chairperson
Mr. Arthur Leonard, Mayor
Mr. Chris Bott, Vice Mayor

Absent:**Staff Present:**

Mr. Michael T. Tolbert, Town Manager
Mr. Wes Parks, Public Works Director

Others Present:

Mr. Jay Savage, Councilman

Call to Order

Chairperson Richardson called the meeting to order at 6:00 p.m.

Public Participation

There was none.

Agenda Adoption

Mayor Leonard motioned, seconded by Vice Mayor Bott to adopt the agenda as presented. All present were in favor and the motion was carried.

Consider FY23-28 Sanitation Contract

Town Manager Tolbert asked the Committee to review the Sanitation Contract. He advised that the bid was received May 19th with 1 bidder, Davis Disposal, Inc. He read the bids for each year:

Year 1 - \$ 402,697

Year 2 - \$ 412,456

Year 3 - \$ 412,456

Year 4 - \$ 424,456

Year 5 - \$ 436,909

5-Year Contract is: \$2,089,064

Town Manager Tolbert also stated that the only variables in the quote are those allowed in the specifications for increases in County tipping fees. He also explained the other considerations. He stated that last budget year he asked for an increase in the trash collection fees that is billed on the water bill, and an increase of \$0.10 was approved. He added that by looking into the contract, he feels an increase is necessary. The trash fee is currently \$2.10 per week on the quarterly water bill. He advised that \$2.10 for year one of the new contract is sufficient, increasing it to \$2.15 for years 2 and 3, and increasing it to \$2.20 for year 4, and \$2.30 for year 5.

Town Manager Tolbert explained the tipping fees and feels there's a little cushion for the increase in tipping fees. He stated that increasing the trash collection fees is a necessity to meet the obligation of the contract. He added that Davis Disposal, Inc. was the only bidder. There were 3 other contractors that expressed interest, and packets were sent to them as well. He also explained the fuel surcharge and tipping fees.

Councilwoman Richardson asked if there was going to be a new cell at the landfill.

Town Manager Tolbert stated that the tipping fees are always going to increase because their costs are increasing. He is unaware if they have any new licenses from the DEQ or the EPA for additional cells. He reiterated the proposed increase in trash collection fees. He advised once the contract is approved, Finance Director Lewis will calculate the schedule of values based on the bid sheet. This will break down the monthly billings for Davis Disposal. He advised of the costs to conduct trash collection in-house.

There was further discussion regarding the increase to the weekly trash collection fee.

Mayor Leonard motioned, seconded by Vice Mayor Bott to recommend to Council to approve the 5-year Sanitation Contract with Davis Disposal as presented and to raise the trash collection fees to \$2.30 per week. Unanimously approved.

Committee Comments

Mayor Leonard thanked Public Works for taking the millings to some of the roads in Ocean Breeze. He asked if the Town was planning to do anything about the drainage there.

There was further discussion about drainage, septic, sewage, and mailboxes.

Adjournment

Mayor Leonard motioned, seconded by Vice Mayor Bott to adjourn. All present were in favor and the motion was carried.

**MINUTES OF THE JUNE 8, 2023
ORDINANCE COMMITTEE MEETING**

Members Present:

Jay Savage, Councilman/Chairman
Denise Bowden, Councilwoman
William T. McComb, Councilman

Others Present:

Michael T. Tolbert, Town Manager

Call to Order

Councilman Savage called the meeting to order at 6:00 p.m.

Public Comment

Councilman Savage opened the floor for public comment.

Agenda Adoption

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

Consider Dumpster Regulations

Town Manager Tolbert advised that what he would like to determine the scale of the problem and if an ordinance is warranted, to review the sample ordinance and regulations to determine the extent of additional regulations would solve the problem and determine the specific provisions that a new ordinance might contain in order to be effective. He stated he also spoke with Mrs. Cathy Plant from the Health Department. He added that with the food service, they can't put a dumpster on the grass or ground, it has to be a hard surface.

There was discussion about others using a dumpster and leaving it open. Pictures were shown as well. They discussed consequences, grandfathering, enclosures, locking containers, food trucks, and placement. They worked on a list of regulations and requirements and agreed to give the businesses 1 year to comply.

Consider Parking Regulations

Town Manager Tolbert read excerpts from the Town Code, Article VI. Stopping, Standing and Parking. He explained the issue in Highland Park.

There was discussion and the Committee agreed to send letters to the residents of Highland Park, giving them 30 days from the date of the letter regarding on-street parking. This will be brought to Council at the workshop meeting, June 15th.

Adjournment

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

**MINUTES OF THE
PLANNING COMMISSION MEETING
TOWN OF CHINCOTEAGUE, VIRGINIA
JUNE 13, 2023 - 7:00 P.M. – Council Chambers**

Commission Members Present:

Mr. Ray Rosenberger, Chairman
Mr. William T. McComb, Jr. Councilman
Mr. David Britton
Mrs. Mollie Cherrix
Mr. Michael Dendler
Mr. Robert Shendock

Commission Members Absent:

Mr. Steve Katsetos

Staff Present:

Mr. Mark Bowden, Building and Zoning Administrator
Mr. Michael T. Tolbert, P.E., Town Manager

Call to Order

Chairman Rosenberger called the meeting to order at 7:00 p.m.

Invocation

Councilman McComb offered the invocation.

Pledge of Allegiance

Chairman Rosenberger led in the Pledge of Allegiance.

Public Participation

Chairman Rosenberger opened the public participation.

Town Manager Tolbert read the Rules for Public Comment.

- Mrs. Tammy Riley, 4460 Williams Lane, advised they are in attendance to see if the Committee is reviewing the matter of building on marshland.
- Ms. Denise Bowden, 6519 Rosedale Drive, thanked the Planning Commission for listening to the concerns over the last 30 days. She commented that it was put on the agenda to move this matter further along.

Approval of the Minutes

Councilman McComb motioned, seconded by Mr. Shendock to approve the minutes of the May 9, 2023 meeting. All present were in favor and the motion was carried.

Consider Changes to Resource Conservation Zone

Town Manager Tolbert reviewed the proposed R-C District Changes. This allows Council to approve construction within the R-C District. The project would require review and approval of

the Planning Commission and approval from Council. Council could revoke the permit if it's not adhered to. He continued reviewing the uses permitted by right.

Chairman Rosenberger strongly supports the conditional use portion of this. He stated that times, opportunities, and initiatives are changing. He added that Town Manager Tolbert did a good job.

There was discussion where the Commission agreed on minor changes.

Councilman McComb motioned, seconded by Mr. Britton and Mr. Shendock to approve the proposed Resource Conservation Zone with the agreed changes. All present were in favor and the motion was carried.

Chairman Rosenberger hopes this progresses well and meets the needs.

Consider Inclusion of Additional Area in Resource Conservation Zone

Town Manager Tolbert reviewed the map and stated that in light of the R-C District, the Commission could rezone the marsh as R-C. He asked if they would like to recommend to Council to rezone those pieces of marsh to the R-C District.

The Commission concurred.

Mr. Shendock feels they should look at this comprehensively and protect both salt and freshwater marsh.

There was further discussion, and the Commission would also like to make all marshes inclusive.

Councilman McComb motioned, seconded by Mr. Shendock to include the 2 areas of marsh: Eastside and the south end of the Island from R-3 to R-C District. All present were in favor and the motion was carried.

Review HRSD Comments of Comprehensive Plan Additions

Chairman Rosenberger asked if there were comments on the Comprehensive Plan additions.

Town Manager Tolbert advised that he received the comments from HRSD this afternoon. He stated he will have a report at the next meeting.

Chairman Rosenberger asked if the Town was ok with the response time.

Town Manager Tolbert advised the Town is fine, the hangup is the master agreement. He added that the addition to the Comprehensive Plan has to be in place before they start approving hookups.

There was a brief discussion about charges and fees.

Review Ordinance for Feather Flags

Chairman Rosenberger stated that this was addressed, and at that time he felt that it was fair to everyone.

Building and Zoning Administrator Bowden stated there is no definition to flag poles. He advised that there is also no definition to feather flags.

Chairman Rosenberger stated that they were essentially temporary and only put out when the business was open. He added that there is a question of dynamics.

Building and Zoning Administrator Bowden explained that there should be something so it can be enforced.

Mr. Shendock recalled the rationale of the feather flags where one of the flags fell on the sidewalk and into the roadway. The idea was to allow something like this but mount it securely. There was a safety and location aspect. He added that if it was a permanent flagpole it would have to meet setbacks of 10’.

Chairman Rosenberger asked if Building and Zoning Administrator Bowden could enforce the existing ordinance.

Building and Zoning Administrator Bowden he could not without a definition of a feather flag. He added that there should be a definition of a permanent flagpole. He asked if a feather or swoop flag could be put on a flagpole.

Town Manager Tolbert explained the enforcement and the need for clarification of a flagpole.

There was lengthy discussion of permanent flagpole definitions, placement, number, size, etc. There was no decision, but the Commission will continue with this matter at the next meeting.

Town Manager Tolbert asked about enforcement in the interim.

Chairman Rosenberger feels he should enforce the current code.

Announcements or Comments

Mr. Shendock stated that things have to change but they want the change to be good and beneficial to most people. It takes a careful hand to research and guide through this.

Chairman Rosenberger thanked Town Manager Tolbert for what he has done for the potential location for the charging station. He feels that by putting it downtown it will keep people in that area. He stated that Town Manager Tolbert met with the Resiliency Committee. He asked when they will come up with a game plan.

Town Manager Tolbert stated that he has the same concerns. He added that when they said it was project based and secured funds the Town would participate. There aren’t clearly defined projects and goals for the defined projects. He added that they will meet once a quarter.

Adjourn

Councilman McComb motioned, seconded by Mr. Shendock to adjourn. All present were in favor and the motion was carried.

Chairman, Mr. Ray Rosenberger

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

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

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 8th 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, Mr. 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

Alternate Point of Contact:

Name: Harry Thornton

Title: Deputy Chief

Telephone: 757-894-0440

E-mail: 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

Alternate Point of Contact:

Name: Michael T. Tolbert

Title: Town Manager

Telephone: 757-894-2785

E-mail: 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.

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

Michael T. Tolbert
Town Manager, Town of Chincoteague

Date

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.

(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

Adjourn

Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager