



# TOWN COUNCIL REGULAR MEETING

May 01, 2023 at 7:00 PM

Council Chambers – Town Municipal Center

## AGENDA

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**CALL TO ORDER** – *Mayor Leonard*

**INVOCATION** – *Mr. Maury Enright*

**PLEDGE OF ALLEGIANCE** – *Mayor Leonard*

**CERTIFICATE OF RECOGNITION** - *Mayor Leonard*

**CONSIDER HONORARY CITIZENSHIP RESOLUTION** - *Mayor Leonard*

**PUBLIC COMMENT** – *Mayor Leonard*

**DISTRICT 1 SUPERVISOR REPORT** - *Supervisor Tarr*

**AGENDA ADOPTION** – *Mayor Leonard*

**STAFF REPORTS** - *Mr. Tolbert*

1. [General Government April Report](#)
2. [CPD April Report](#)
3. [Public Works April Report](#)
4. [Emergency Services April Report](#)

**COMMITTEE REPORTS** – *Council*

5. [Budget and Personnel Committee - Vice Mayor Bott](#)
6. [Planning Commission](#)
7. [Recreation and Community Enhancement Committee - Councilman Taylor](#)

**ADOPTION OF MINUTES** - *Mayor Leonard*

8. [Council Minutes April 3, 2023](#)
9. [Council Workshop Minutes April 20, 2023](#)

**CONSIDER REQUEST FROM CI CATS** - *Mr. Tolbert*

10. [CI Cats Memo](#)

**RESOLUTION OF EMS APPRECIATION WEEK - Mayor Leonard**

11. [Resolution for EMS Appreciation Week](#)

**PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK**

12. [Public Works Proclamation](#)

**CONSIDER TROLLEY DRUG AND ALCOHOL POLICY - Mr. Tolbert**

13. [Drug Policy Memo](#)

14. [Trolley Drug and Alcohol Policy](#)

**FY 24 BUDGET PRESENTATION - Mr. Tolbert**

**PUBLIC HEARING ON FY24 PROPOSED BUDGET - Mayor Leonard**

15. [FY24 Budget Advertisement](#)

**CONSIDER RECOMMENDATION OF RCEC - Councilman Taylor**

16. [Basketball Court Memo](#)

17. [Basketball Court Location](#)

**MAYOR AND COUNCIL COMMENTS – Mayor Leonard**

**ADJOURN**

**Chincoteague Center:**

Occupancy at the Chincoteague Center for the month of April included 6 community service events, 1 non-profit event and 2 commercial events. May bookings include 7 community service events, and 1 commercial event. The CHS Prom will be held at the Center on Friday May 12 and the CHS graduation will be held there on Wednesday June 1.



**Septic Local Partners Program:**

Last Fall the DEQ rolled out a new program that provides ARPA funds to repair failing septic systems. The Septic Local Partners Program (SLPP) provides funds for the repair and or replacement of failing residential and commercial septic systems. I applied for this program last November and was notified by the DEQ on April 19 that the Town of Chincoteague has been awarded \$750,000 to fund qualifying projects on the Island.

The program provides funding for 50% or 100% of qualifying costs based on income level. We are preparing the program design now and in the near future we will publish program details explaining how property owners can qualify for funding.

The Town must meet the DEQ's basic submittal requirements prior to September 30 in order to begin receiving funding but I do not anticipate any issues with these requirements.



**Well Relocation:**

On Wednesday April 5, I met with a group of officials from NASA Wallops, Goddard and NASA headquarters to discuss the progress of legislation to relocate our wells off of NASA property. We discussed the progression of the issue to bring everyone up to speed on the problem and then reviewed the proposed legislation. At this point the Congressional Budget Office (CBO) has approved the legislative language which includes reimbursement up to \$14M for costs incurred in moving our wells off Wallops property within a 5-year window.

I have insisted for some time that this cost estimate is now 6 years old and likely will not be adequate to complete the project. Also, the 5-year window is much too short a period to complete the permitting, design development and construction.

Early on, NASA constructed a filtration plant that effectively removes PFAS from the Town's drinking water. I thanked the officials present for being proactive in providing that facility which continues to produce excellent results.

Since the CBO has already approved the language, we agreed that the most expedient route to pursue my requested changes in the legislation would be through our congressional representatives. I have since reached out to Senator Warner and Kaine's offices as well as Rep. Kiggans in this regard.



**Inlet Study:**

On Tuesday May 2, I will meet with Representative Jen Kiggans' Eastern Shore staff at her office in Onley to request Rep. Kiggans' assistance in providing ACOE funding for our Inlet Study. As you know, the study was authorized in 2014 through the Nations Act and has been awaiting funding since that authorization. I was recently notified by the Norfolk District office that no new feasibility studies in the State of Virginia were funded in the FY24 Corps budget.

I have officially notified the Norfolk District Commander, Col. Hallberg that the Town of Chincoteague is still extremely interested in pursuing this study and to please include it in future budget requests. I have also reached out to Senator Kaine and Warner's offices for similar assistance.

State Funding for our 50% non-federal local match is still in place at this time.



12-26-2018 Patrick J. Hendrickson / Highcamera.com

Meals and TOT:

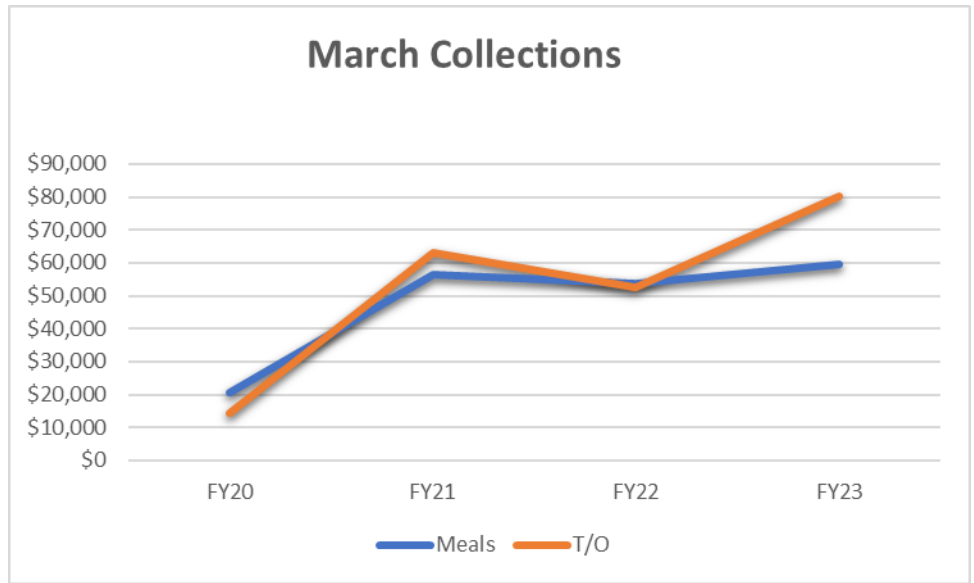
The data in the table below represent collections for the month of April which reflect the level of business by food and lodgings establishments in Town for the month of March. Both excise taxes showed positive gains when compared to previous years. While Meals Tax collections continue a moderate climb year over year, TOT again made a significant increase for the month.

At this point, TOT has substantially exceeded budget and Meals will easily surpass 100% of budget in May.

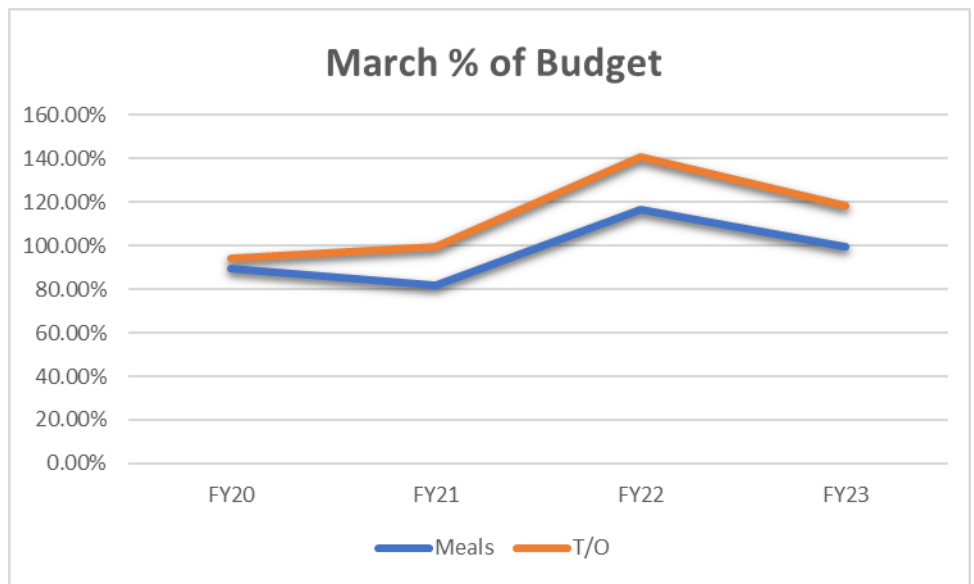
Figures shown are for accounts posted by 04-30-23.

Meals and TOT April (March Activity)					
April Collections			Fiscal Year		
Meals Tax	Tax Collected	3 year average	Budget	YTD	% of Budget
FY20 (Pre-COVID)	\$20,489	\$43,554	\$1,000,000	\$892,933	89.29%
FY21	\$56,622		\$1,100,000	\$898,328	81.67%
FY22	\$53,550		\$1,000,000	\$1,167,044	116.70%
FY23	\$59,384		\$1,200,000	\$1,191,737	99.31%
<b>Deviation from 3 yr. Meals Tax Avg.</b>		<b>\$15,830</b>			
T/O Tax	Tax Collected	3 year average	Annual Budget	YTD	% of Budget
FY20 (Pre COVID)	\$14,366	\$43,344	\$1,210,000	\$1,136,208	93.90%
FY21*	\$63,228		\$1,290,000	\$1,284,407	99.57%
FY22	\$52,439		\$1,400,000	\$1,968,412	140.60%
FY23	\$80,041		\$1,700,000	\$2,008,950	118.17%
<b>Deviation from 3 yr. T/O Tax Avg.</b>		<b>\$36,697</b>			
*Increase in T/O Tax from 4% to 5% effective 1-1-21					

April TOT collections increased dramatically while meals tax collections rose at a more modest rate.



Percentage of budget year to year shows exceptional performance in FY22 but has returned to more normal levels in FY23 due primarily to more realistic revenue projections.



The summary below reflects the Town’s overall budget picture as of April 26, 2023. These numbers are typical for the month of April. The deficit in the Harbor Fund is attributed to the contractor disbursements on the memorial park boat ramp without a similar transfer of revenue from the general fund to the harbor. Those transfers are usually made at the end of the fiscal year. Once the HVAC renovations begin, Center fund revenues will more closely match expenses.

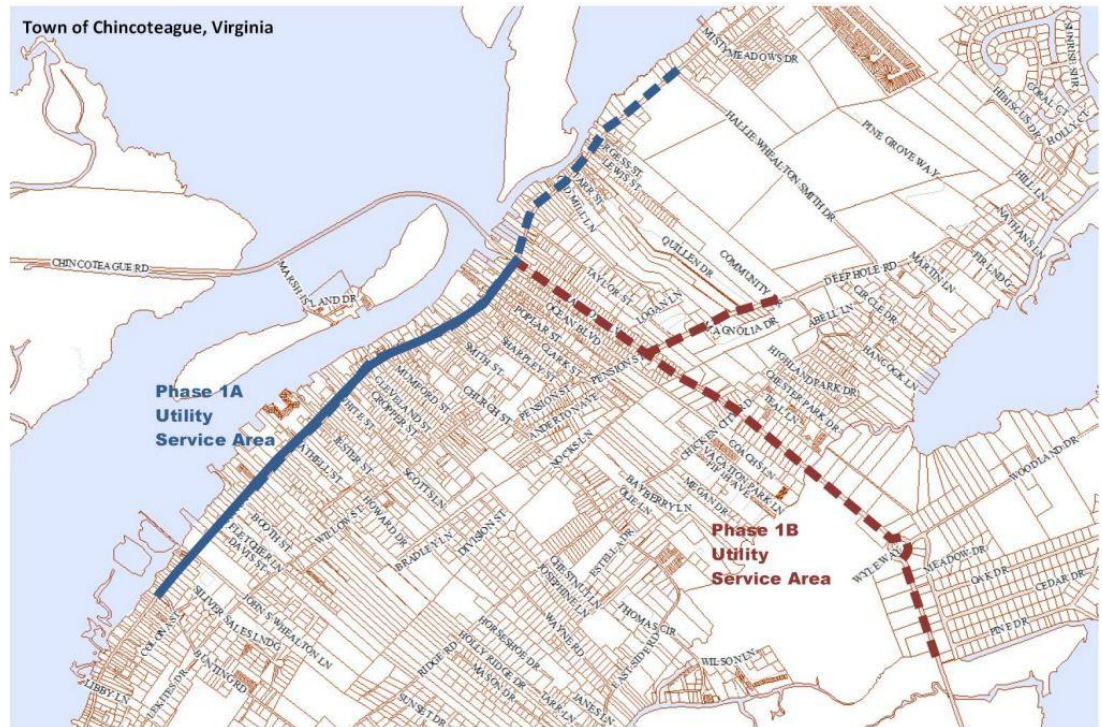
	<b>BUDGET vs. ACTUAL - April 2023</b>						
Period Ending 04/26/2023							
<b>10 GENERAL FUND</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>REVENUE TOTALS</b>	\$ 6,879,147.00	\$ 302,361.07	\$ 417,465.33	\$ 6,239,799.56	\$ 8,062,619.38	\$ 1,183,472.38	117%
<b>GENERAL FUND EXPENSE TOTALS</b>	\$ 6,879,147.00	\$ 519,775.93	\$ 241,270.77	\$ 4,494,098.16	\$ 4,183,865.62	\$ 2,695,281.38	61%
<b>GENERAL GOVERNMENT EXPENSE TOTALS</b>	\$ 1,903,404.00	\$ 103,426.28	\$ 84,724.49	\$ 1,153,531.37	\$ 1,243,739.63	\$ 659,664.37	65%
<b>EMS EXPENSE TOTALS</b>	\$ 1,198,226.00	\$ 116,667.94	\$ 33,385.95	\$ 854,509.46	\$ 713,240.82	\$ 484,985.18	60%
<b>PUBLIC WORKS EXPENSE TOTALS</b>	\$ 1,366,281.00	\$ 122,545.06	\$ 52,325.96	\$ 1,076,715.52	\$ 888,920.38	\$ 477,360.62	65%
<b>MOSQUITO CONTROL EXPENSE TOTALS</b>	\$ 133,838.00	\$ 6,246.78	\$ 2,036.07	\$ 77,629.27	\$ 165,178.81	\$ (31,340.81)	123%
<b>ROADS EXPENSE TOTALS</b>	\$ 742,722.00	\$ 35,201.44	\$ 17,301.59	\$ 283,718.02	\$ 180,187.68	\$ 562,534.32	24%
<b>POLICE EXPENSE TOTALS</b>	\$ 1,241,208.00	\$ 106,682.24	\$ 41,788.42	\$ 805,408.58	\$ 778,119.12	\$ 463,088.88	63%
<b>DISPATCHERS EXPENSE TOTALS</b>	\$ 293,468.00	\$ 29,006.19	\$ 9,708.29	\$ 242,585.94	\$ 214,479.18	\$ 78,988.82	73%
<b>30 CURTIS MERRITT HARBOR</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>HARBOR REVENUE TOTALS</b>	\$ 1,135,273.00	\$ 19,024.37	\$ 421,730.86	\$ 502,601.11	\$ 647,229.59	\$ (488,043.41)	57%
<b>HARBOR EXPENSE TOTALS</b>	\$ 1,135,273.00	\$ 39,636.42	\$ 149,815.67	\$ 520,402.57	\$ 978,943.81	\$ 156,329.19	86%
<b>70 TROLLEY</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>TROLLEY REVENUE TOTALS</b>	\$ 262,652.00	\$ 54.00	\$ -	\$ 31,414.32	\$ 35,253.46	\$ (227,398.54)	13%
<b>TROLLEY EXPENSE TOTAL</b>	\$ 262,652.00	\$ 4,979.09	\$ 1,610.28	\$ 49,679.79	\$ 41,579.16	\$ 221,072.84	16%
<b>80 WATER</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>WATER REVENUE TOTALS</b>	\$ 1,144,400.00	\$ 67,189.16	\$ 104,823.46	\$ 896,174.78	\$ 870,085.95	\$ (274,314.05)	76%
<b>WATER EXPENSE TOTALS</b>	\$ 1,144,400.00	\$ 61,539.08	\$ 28,851.70	\$ 574,565.73	\$ 499,558.95	\$ 644,841.05	44%
<b>85 CENTER</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>CENTER REVENUE TOTALS</b>	\$ 438,194.00		\$ 13,958.11		\$ 448,802.80	\$ 10,608.80	102%
<b>CENTER EXPENSE TOTALS</b>	\$ 438,194.00		\$ 6,090.56		\$ 95,232.69	\$ 342,961.31	22%
<b>TOTAL REVENUE</b>	\$ 9,859,666.00	\$ 388,628.60	\$ 957,977.76	\$ 7,669,989.77	\$ 10,063,991.18	\$ 204,325.18	102%
<b>TOTAL EXPENSES</b>	\$ 9,859,666.00	\$ 625,930.52	\$ 427,638.98	\$ 5,638,746.25	\$ 5,799,180.23	\$ 4,060,485.77	59%
<b>Difference</b>					\$ (4,264,810.95)	\$ 4,264,810.95	



### Sunset Bay Acquisition:

As I have reported before, our attorneys have completed advanced drafts of the condemnation documents. Attorneys for Todd Burbage and the HOA have completed their review and we are now waiting for HRSD to finish. Also, we are still in discussions with HRSD as to the fine points of the transfer agreement. This is the document that will govern the transfer of the facility to HRSD once the eminent domain action is complete.

Once attorneys for HRSD have finished their review, the eminent domain pleadings should be complete and we can move on with a court date.



### Building and Zoning:

From March 28, 2023, to April 26, 2023, the Building and Zoning Department issued 56 building permits and conducted;

- 91 inspections.
- 6 Business License site visits
- 10 zoning site visits
- 23 building permit plans' reviews.
- 56 walk- ins for building and zoning questions.
- 3 code violation \$180.00
- **The total value for the building cost of construction in April is \$ 1,595,0500**
- **The total building permit fees collected in April were \$ 6,896.35**

**CHINCOTEAGUE POLICE DEPARTMENT**

**MONTHLY REPORT TO COUNCIL**

**April 2023**

The Chincoteague Police Department received 264 calls for service which resulted in 9 investigations of criminal offenses that included, 1 driving under the influence, 3 drunk in public, 1 possession of marijuana, 1 destruction of property, 1 assault and battery, 1 grand larceny and 1 petit larceny. There were 4 arrests with 6 charges as a result of these investigations.

The Department also responded to 6 animal complaints, 3 alarms, 12 suspicious activities, 5 civil problems, 2 control burn checks, 9 assisting other agencies and 9 welfare checks.

In addition, 100 security checks and 7 public service calls were conducted.

The Department issued 31 citations and 16 warning tickets.

In support of the Fish and Wildlife Service in Virginia (Assateague) the department dispatched 1 accident and 1 disabled motorist.

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Water main Tie-in @ Main Street.







**Memorial Park Final Pour :**

Item 3.







Water Main Leak East Side

Flushing Hydrants the week of 4/17

## Cropper Street Progress

- Watermain and Storm Drain Complete
- Sidewalks beginning week of 5/8. Goal is to be complete by Memorial Day.



Cropper Street Storm Drain Installation Complete on 4/25

**Other items for May.**

- Bid advertised for Sanitation Contract. Bids due on May 19<sup>th</sup>.
- Paving to begin week of 5/1, starting with woodland drive and Maddox

## TOWN OF CHINCOTEAGUE EMERGENCY SERVICES MONTHLY REPORT

### EMERGENCY MEDICAL SERVICES DIVISION

**Reporting Period:** 04/01/2023 – 04/25/2023

**TOTAL EMS RESPONSES: 76**

(8 LESS THAN IN SAME PERIOD 2022): 84

ADVANCED LIFE SUPPORT: 32

BASIC LIFE SUPPORT: 25

OTHER: 19 (Fire Stand-by, Public Assist Calls, etc.)

HAZMAT: 0

### COMMUNITY SERVICE

#### **BP SCREENINGS**

Two BP screenings were conducted at the station this month.

#### **PLANNING**

#### **SEAFOOD FESTIVAL**

Staffing one unit for first aid and emergency response at the 2023 Seafood Festival.

#### **PROM MOCK MVC**

We will be working with CPD, CVFC and Salyer's Funeral Home to provide a Mock motor vehicle crash at Chincoteague High School on May 10, to discourage driving under the influence of drugs and alcohol.

#### **ANTARES NG 19**

The launch has slipped to July 7, 0630, so staffing should not be an issue.

#### **KEY WEST COTTAGES SITE VISIT**

Completed a walk-through site visit of Key West Cottages with Building Inspector Bowden. Identified key locations, hazards, AED placements and FD connections. EMS staff will all rotate through on a site visit so that they are familiar with the area before an emergency occurs.

### **LOGISTICS**

#### **NEW AMBULANCE**

Attended two meetings with CVFC, Road Rescue and Atlantic Emergency Solutions concerning the new ambulance. A chassis has still not been dropped at the factory. A few solutions were discussed to move this project faster. At the second meeting, a pre-build workshop was conducted so that the ambulance box could be started as soon as the chassis arrives.

**LIFEPAK AND LUCAS MAINTENANCE**

The yearly maintenance was completed on two LifePak 15 monitor/defibrillators and on three Lucas Automated CPR devices.

**TRAINING****CONTINUING EDUCATION**

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

- Cardiac Arrest Management
- Post-Resuscitation Care
- Field Triage

**EMERGENCY MANAGEMENT DIVISION**

- Daily weather monitoring.
- Weekly Covid-19 monitoring.
- Meeting with Eastern Shore 911 Radio Group at the station to determine new radio installation numbers and the process.
- Attended monthly NASA Range Schedule Work Group meeting.
- Sent Code Red Calls to Woodland Dr. and Maddox Blvd (businesses/residences) for paving notification.
- Planning for Antares NG-19 launch **MOVED** to July 7, 2023, at 630 AM.
- Maintained weekly situational awareness with Accomack County, Northampton County, VDH, VDEM, FEMA and Joint Information Center.

**MINUTES OF THE APRIL 11, 2023  
BUDGET AND PERSONNEL COMMITTEE MEETING  
Council Chambers**

**Members Present:**

Mr. Christopher Bott, Chairman  
Mr. Arthur Leonard, Mayor  
Ms. Denise Bowden, Councilwoman

**Other Members Present:**

Mr. William T. McComb, Jr., Councilman  
Mrs. Ellen Richardson, Councilwoman  
Mr. Jay Savage, Councilman

**Staff Present:**

Michael T. Tolbert, Town Manager  
E. Bryan Rush, Director of Emergency Management

**Call to Order**

Vice Mayor Bott called the meeting to order at 6:00 p.m.

**Public Comment**

There was none.

**Agenda Adoption**

**Mayor Leonard motioned seconded by Councilwoman Bowden to adopt the agenda as presented. Unanimously approved.**

**Review and Discussion of Employee Survey**

Town Manager Tolbert advised that he distributed a list of the survey questions issued by the contractor including their recommended questions. They suggested 40-50 questions.

There was discussion about which questions to use.

Town Manager Tolbert explained the process of the surveys and the incentive for the employees to complete the survey.

The Committee continued reviewing the questions.

Town Manager Tolbert also stated that the surveys are confidential. The contractor will sort the information according to the department and responses. The department heads will not see the individual surveys.

**Discussion of Employee Raise & Implementation**

Vice Mayor Bott stated that he would like to discuss possibly giving the employees raises a little sooner than July 1<sup>st</sup>.

Town Manager Tolbert advised how much the raise would cost the Town to start at the 1<sup>st</sup> pay period in May. He feels the Town can handle payment of the early raise.

Vice Mayor Bott stated that if they approve this it will go to Council at the workshop meeting.

**Mayor Leonard motioned, seconded by Councilwoman Bowden to proceed with the raises 2 months early, in May. Unanimously approved.**

Vice Mayor Bott asked if this would be included in the budget amendment.

Town Manager Tolbert advised it will go into the budget amendment. He explained the process for the budget amendment.

#### **Committee Comments**

There was none.

#### **Closed Meeting**

**Closed Meeting pursuant to §2.2-3711 A (1) of the Code of Virginia for discussion of specific employee salaries and performance.**

**Mayor Leonard motioned, seconded by Councilwoman Bowden to go into a closed meeting pursuant to §2.2-3711 A (1) of the Code of Virginia for discussion of specific employee salaries and performance. Unanimously approved.**

**Certification of Closed Meeting in Accordance with §2.2-3712(D) of the Code of Virginia.**

**Mayor Leonard motioned, seconded by Councilwoman Bowden to certify that to the best of each Committee 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 approved.**

#### **Adjournment**

**Mayor Leonard motioned, seconded by Councilwoman Bowden to adjourn the meeting. Unanimously approved.**

**MINUTES OF THE  
PLANNING COMMISSION MEETING  
TOWN OF CHINCOTEAGUE, VIRGINIA  
APRIL 11, 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. Steve Katsetos  
Mr. Robert Shendock

**Commission Members Absent:**

**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**

There was none.

**Agenda Review/Disclosures**

**Mr. Katsetos motioned, seconded by Councilman McComb to approve the agenda as presented. Unanimously approved.**

**Approval of Minutes**

**Mr. Katsetos motioned, seconded by Councilman McComb to approve the minutes of the March 14, 2023, meeting. Unanimously approved.**

**Review of Comprehensive Plan**

Chairman Rosenberger advised they are 3 years away from a review of the Comprehensive Plan. He asked the Commission to look at the plan to see if there are things that have taken place that would need to be addressed. He also stated that they haven't had a lot of challenges in the Zoning Ordinance.

Mr. Shendock agreed and explained how to include their comments in the Comprehensive Plan.



Building and Zoning Administrator Bowden asked if they have addressed drainage in the Comprehensive Plan. He stated that they rely on the Corp. on what they approve. He commented that now they're building on wet property which causes drainage issues on neighboring properties. He asked where all the drainage is going to go with the building up of houses on the Island.

Chairman Rosenberger expressed his concerns of the number of ditches that are filled in or covered. He stated that the Plan provides the latitude for Council.

There was further discussion.

### **Review of Commercial Sewer Capacity**

Mr. Shendock reviewed the color-coded changes. He also mentioned changes such as phased service areas, government services and facilities implementation, and possibly new overboard systems.

Town Manger Tolbert stated that the Health Department understands that Chincoteague needs a solution. The DEQ will have to submit some type of solution. It may not be the best thing for overboard discharge, but at some point it can be done. They are very happy that the HRSD has included Chincoteague into their system. The DEQ isn't the issue, the issue is Shellfish Sanitation.

There were comments.

Town Manager Tolbert reported that on the other side of the state, Bluewater Development is developing a campground with up to 750 sites and have a discharge permit for the Shenandoah River allowing 50,000 gallons of discharge a day. There was a public hearing where not everyone spoke against it, which is encouraging. Bluewater Development feels they will get the permit to do this. He feels it's a possibility.

Mr. Shendock commented that they shouldn't promote private overboard systems.

Town Manager Tolbert stated that it would take a while. He thinks a private solution would still have its place. He doesn't see a perfect solution.

They reviewed the phase map. There was discussion about the deadlines.

The Commission agreed to have a joint Council meeting for the public hearing at the June meeting.

Chairman Rosenberger advised of a \$17 million contract in Exmore. He is interested in how this will play out. He asked what Cape Charles was doing with their plant.

Town Manger Tolbert advised Cape Charles is selling their plant to a private firm.

There were comments.

**Commission Members Announcements or Comments**

There was none.

**Adjourn**

**Mr. Shendock motioned, seconded by Mr. Katsetos to adjourn. Unanimously approved.**

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Chairman, Mr. Ray Rosenberger

**MINUTES OF THE MARCH 28, 2023  
RECREATION & COMMUNITY ENHANCEMENT  
COMMITTEE MEETING  
BRIANNA'S KINDNESS PARK**

**Members Present:**

Mr. Gene Wayne Taylor, Chairman  
Mr. Chris Bott, Vice Mayor

**Members Absent:**

Ms. Donna Leonard  
Mr. Jay Savage, Councilman

**Council and Staff Present:**

Michael T. Tolbert, Town Manager

**Call to Order**

Chairman Taylor called the meeting to order at 6:00 p.m.

**Public Comment**

Chairman Taylor opened the public comment.

Kathy Michaelian asked for the floor to be replaced at the Donald Amrien Recreation Center.

Town Manager Tolbert explained the costs.

Mr. Landsberger asked if it would be more feasible to rebuild the gym.

There was further discussion.

Mr. Landsberger advised the Town is about \$55,000 that Brianna's Kindness Park Fundraising Group raised. He stated they bought an exercise trail, and needs to be put in. He asked to move on that, and they were going to take some of the money to have a shade structure and a hard path to make it easier to get to some of the equipment.

Town Manager Tolbert advised that hard path would take a lot of that money.

Mr. Landsberger stated that if it costs more than they have to let him know. He doesn't want another tourist season without wheelchair access. He asked if they were going to put a permanent sign up.

Town Manager Tolbert advised that they are. He added that they are finally getting the bathrooms finished and the power is next.

There was discussion.

**Agenda Adoption**

**Vice Mayor Bott motioned, seconded by Councilman Taylor to adopt the agenda as presented. Unanimously approved.**

**Consider Picnic Tables for Pavilion**

Mr. Landsberger stated that the picnic tables were paid for by the Kiwanis.

Vice Mayor Bott advised that they had a lot of problems at the last meeting in the selection process.

**Vice Mayor Bott motioned, seconded by Councilman Taylor to allow Town Manager Tolbert the discretion and authority to purchase the picnic tables for the Brianna's Kindness Park.**

There were brief comments about signage.

**Update on Surveillance System**

Town Manager Tolbert explained where the cameras would be placed and completed by June 30<sup>th</sup>. Mr. Bobby Umphlett will be here next week to do a scoping meeting for the project and will do the cameras and IT work. Placement is slated for Memorial Park, Brianna's Park, Town Dock, Harbor and Municipal Center. They will add the Dog Park cameras sometime in the summer as an add-on.

**Update on Perimeter Trail Equipment**

Councilman Taylor asked what a rough estimate would be to pave the trail.

Town Manager Tolbert reported that Paragon Paving was a competitive bidder for paving. He'll get Public Works Director Parks to get a quote on that and a basketball court for Brianna's Park.

There was further discussion.

Town Manager Tolbert added that the state decided to give the Town more money per lane mile on the maintenance funds.

Mr. Landsberger stated if you pay for the asphalt then he'll pay for the hoops.

**Comments**

Vice Mayor Bott stated that the Dog Parks needs attention. He suggested putting a couple of benches there.

Town Manager Tolbert added that those utilizing the Dog Park must wear their badge.

There was brief discussion.

**Adjournment**

**Vice Mayor Bott motioned, seconded by Councilman Taylor to adjourn the meeting. Unanimously approved.**

**MINUTES OF THE APRIL 03, 2023**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**  
**Council Chambers**

**Council Members Present:**

J. Arthur Leonard, 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:**

Christopher D. Bott, Vice Mayor

**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.

**Public Comment**

Mayor Leonard opened the floor for public comment.

- Mr. Kirk Cleveland, 5123 Twilley Drive, stated his road needs grading. He advised they've brought this to the Town's attention for the last two years. He added that the grading doesn't work or last. He asked Council to find money to help them get it paved.

- Ms. Paula Nees, 6417 Canal Lane, asked Council for help and strategies in cleaning up the Town. She requested a community wide cleanup day. She advised that April 22<sup>nd</sup> is Earth Day and it's a day to take care of the planet. She commented further asking Council to meet to make suggestions.

**Agenda Adoption**

**Councilman Savage motioned, seconded by Councilman McComb to adopt the agenda as presented. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Bott**

## **Staff Reports**

### **General Government**

Town Manager Tolbert reported on the rentals at the Center for March. He stated that the delivery of the new HVAC equipment has been delayed until at least July 4<sup>th</sup> which causes a postponement of installation until August. They will begin working on the new audio-visual system this month. He advised they have also scheduled preventative maintenance for the chiller. He then reported on the Firehouse rentals. He continued with the Meals and Transient Occupancy Tax Report and the Financial Report.

Town Manager Tolbert also stated that the eminent domain draft documents have been completed and reviewed by all parties. The Town's attorneys are putting them in the final form of the Sunset Bay acquisition to be reviewed by HRSD. He added that the Planning Commission is reviewing phased service areas as well to add to the Comprehensive Plan. He reported that the Town was notified by the ACOE that the Chincoteague Inlet federal project received a substantial amount of funding, in the amount of \$800,000 in the President's budget and \$2.3 million in the FY23 work plan. The Army Corps of Engineers will utilize the funds to conduct a full scope of dredging contract in FY24/25.

There was brief discussion regarding beneficial spoil sites.

Town Manager Tolbert concluded with the Building and Zoning monthly report.

### **Police Department**

Chief Fisher advised that on March 6<sup>th</sup> he and Dispatcher Lewis attended the radio demonstration for the new radio system in Melfa. Also, on March 14<sup>th</sup> Major Greenley met in Exmore with other departments in reference to writing a grant for the new radio system. He then advised that the LPRs are being put to good use. He reported that someone didn't pay their bill at one of the local restaurants. He was able to check the recordings of the LPRs to find that they had not left the Island. He reported that someone shot an aerosol gun at some people walking on the Refuge. The victims were able to video along with a description of the vehicle. They were able to check the recordings of the LPRs to match a vehicle to someone in Accomack County. There are charges. He added that the cameras are paying off.

### **Public Works Department**

Public Works Director Parks reported that they have conducted Municipal landscaping, he gave an update on the Memorial Park boat ramp project adding they hope to pour this week. He stated that they also conducted grading in Ocean Breeze. He reported on the delivery of the floating docks for the Curtis Merritt Harbor. They had a service call and repair to the chairlift at the Firehouse. He also gave an update on the Cropper Street Project. They have completed 100% of the water main, services, and tie-ins. They are installing the storm drain this week. They will then start on the sidewalk demolition. He stated they have received bids on sidewalk installations, milling, grading, and paving of Cropper Street and Maddox Blvd.

### Emergency Services

Director of Emergency Services Rush reported they were 9 calls less than last March. He announced they were awarded the AED Grant. He stated there are 3 wall-mounts to replace one at the Curtis Merritt Harbor, to place one at the Brianna's Kindness Park, and one at Memorial Park. There are 3 towers, one to be placed at the Main Street entrance to the Robert Reed Park, one at the entrance to the Town Dock and Boat Ramp, and one at the Dog Park and Nature Trail on Hallie Whealton Smith Drive to be installed in-house. He gave a shoutout to the NALL for purchasing an AED that is centrally located at their facility. He explained they will notify specific personnel via text message that it is in use for additional personnel response. He added they will have to have power. He reported that under Emergency Management they are continuing weather monitoring. Rocket Lab has a launch scheduled for the evening of April 30<sup>th</sup>. There is also an Antares NG19 launch at 7:00 a.m. on May 6<sup>th</sup>. They are preparing for the POD exercise. He reminded everyone to prepare now in case of a disaster. He gave Covid statistics to date stating that the federal health emergency will be lifted May 11<sup>th</sup>. He reminded everyone to be weather aware.

Councilwoman Bowden asked about the placement of the AED at the Town Dock and Boat Ramp.

Director of Emergency Services Rush responded it will be at Main Street.

Town Manager Tolbert commended Director of Emergency Services Rush on an excellent job on getting the AEDs. He added that they have to have power for those sites for the surveillance systems as well.

### Committee Reports:

#### Budget and Personnel Committee Meeting

Mayor Leonard reported they met on March 14<sup>th</sup> and acted on the budget. They also reviewed Capital Improvement plans.

#### Adoption of the Minutes of the March 6<sup>th</sup>, and 16<sup>th</sup>, 2023, Council Meetings

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the minutes of the March 6<sup>th</sup>, and March 16<sup>th</sup>, 2023, Council meetings as presented. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Bott**

#### Public Hearing for Lot Line Vacation

Mayor Leonard opened the public hearing at 7:40 p.m. There being no public comments Mayor Leonard closed the public hearing at 7:40 p.m.

#### Consider Line Vacation – Mr. & Mrs. Ralph Tracey

Town Manager Tolbert advised Mr. and Mrs. Ralph Tracey wishes to vacate the lot line between lots 63 and 64 at the end of Sea Breeze Drive in Ocean Breeze.

Councilwoman Bowden asked if they plan to put a mobile home on the lot.

Town Manager Tolbert was unsure at this time, there have been no building permit applications submitted.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the lot line vacation for Mr. & Mrs. Ralph Tracey in Ocean Breeze. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Bott**

**Public Hearing for Sale of Property**

Mayor Leonard opened the public hearing at 7:43 p.m. There being no public comments Mayor Leonard closed the public hearing at 7:43 p.m.

**Consider Sale of Property – Mr. & Mrs. William P. Reed, Jr.**

Mayor Leonard stated that this cleans up the lot lines at the Memorial Park property.

**Councilman Savage motioned, seconded by Councilman McComb to approve the sale of the property 0.124 acres adjacent to Memorial Park to Mr. & Mrs. William P. Reed, Jr. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Bott**

**Consider Award of Spring Paving Contract**

Public Works Director Parks advised the bid request was put out for the Spring Paving Contract. He stated they received multiple bids. He reported on the bids: Paragon Paving bid was \$459,503.50 and the Branscome Inc. bid was \$609,285.34. He stated that this will be paid with VDOT Urban Maintenance Program Funds which will be increased for the next two payments this year. He recommended the contract be awarded to Paragon Paving not to exceed the value of \$459,503.50.

Councilwoman Bowden asked if Public Works Director Parks has dealt with Paragon Paving before, and where are they out of.

Public Works Director Parks advised he has and added that Branscome has used Paragon Paving on some jobs and added that they are out of Norfolk, VA.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the Spring Paving Contract to Paragon Paving not to exceed \$459,503.50. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Bott**



**Consider Award of Cropper Street Sidewalk Contract**

Public Works Director Parks reported they received bids for the Sidewalk Contract. He advised that 360 Services bid was \$122,000 and the Branscome bid was \$340,000. The work was reviewed and authorized by the Public Works Committee as part of the Cropper Street Rehab Project. He recommended the contract be awarded to 360 Services not to exceed \$122,375.

Councilwoman Bowden asked if Public Works Director Parks has worked with 360 Services also.

Public Works Director Parks advised 360 Services has done most of the sidewalks on Chincoteague for Branscome.

**Councilwoman Bowden motioned, seconded by Councilman McComb to approve the Cropper Street Rehab Sidewalk Contract to 360 Services not to exceed \$122,375. Unanimously approved.**

**Mayor and Council Comments**

Councilwoman Bowden thanked Director of Emergency Services Rush for all of the AEDs. She added that his work doesn't go unnoticed and is very much appreciated. She commented on Mr. Cleveland's request. She stated that the roads aren't just used by those who live there, they're also used by ambulances, fire trucks, and police cars. She feels the Town needs to come up with something to get the roads maintained and taken care of. She also stated that this country is hurting in a lot of ways. Everyone needs to be more sympathetic and empathetic. She added that people need a smile and a hug and to know they are cared about.

Councilwoman Richardson thanked the employees for conducting CPR classes on the Island. She stated it was a big help to the bus drivers.

Councilman Taylor stated that there are amazing people here of all walks of life. He mentioned the large donations from people that don't live here for the Brianna's Kindness Park. He added that sometimes they just need to talk to one another and take the time to listen.

Councilman Savage agreed with Councilman Taylor adding that God gave us 2 ears and one mouth for a reason. He stated he was impressed with Director of Emergency Services Rush and what he's done with the EMS. He agreed they need to look into the roads, especially Ocean Breeze. He also appreciated the Twilley Drive comments.

**Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia to discuss specific personnel matters.**

**Councilwoman Bowden motioned, seconded by Councilman Taylor to go into a closed meeting in accordance with §2.2-3711 (A) (1) of the Code of Virginia for discussion and review of specific personnel performance and salary. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**  
**Absent: Bott**

**Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia:**  
**Councilwoman Bowden motioned, seconded by Councilman McComb 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**
- (2) 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: Bowden, McComb, Richardson, Savage, Taylor**  
**Nays: None**  
**Absent: Bott**

**Adjourn**

**Councilwoman Bowden motioned, seconded by Councilman McComb to adjourn. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**  
**Nays: None**  
**Absent: Bott**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

**MINUTES OF THE APRIL 20, 2023  
CHINCOTEAGUE TOWN COUNCIL MEETING  
Council Chambers**

**Council Members Present:**

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:**

J. Arthur Leonard, Mayor

**Staff Present:**

Mr. Michael T. Tolbert, Town Manager  
Mr. Robby Fisher, Chief of Police

**Call to Order**

Vice Mayor Bott called the meeting to order at 6:00 p.m.

**Invocation**

Councilman Savage offered the invocation.

**Pledge of Allegiance**

Vice Mayor Bott led in the Pledge of Allegiance.

**Agenda Adoption**

**Councilman McComb motioned, seconded by Councilwoman Bowden to adopt the agenda as presented. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Leonard**

**Public Comment**

There was none

**Proclamation for Cleanup Week**

Vice Mayor Bott read the Proclamation for Cleanup Week.



**PROCLAMATION**

WHEREAS, The Community of Chincoteague is composed of several individual neighborhoods, parks and commercial properties, each with their own character; and

WHEREAS It is desirous of property owners and governments alike to display a clean and orderly community for the benefit of each citizen’s quality of live as well as its attractiveness to visitors and guests; and

WHEREAS, over the span of a year, these properties tend to accumulate unwanted vegetation, debris and general disorganization from a long winter; and

WHEREAS, The Spring season, with its warmer weather and longer days is the ideal time to attend to these issues; and

WHEREAS, many property owners need assistance in cleaning and organizing their property as well as disposing of unwanted items, and various organizations and individuals throughout our community have volunteered to assist in the cleanup of these properties; and

WHEREAS, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our collective properties.

NOW, THEREFORE, I, Vice Mayor Christopher D. Bott do hereby proclaim the week of May 1<sup>st</sup> - May 5<sup>th</sup> , 2023, as Island Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer, organize and assist in the cleanup of our public and private properties.

DATED 20<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Christopher D. Bott, Vice Mayor

ATTEST:

\_\_\_\_\_  
Michael T. Tolbert, Town Manager

**Main Street Resolution**  
Town Manager Tolbert read the Main Street Resolution.



## Town of Chincoteague

### **A RESOLUTION AUTHORIZING PARTICIPATION IN THE VIRGINIA MAIN STREET PROGRAM BY THE TOWN OF CHINCOTEAGUE AS A DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT EXPLORING MAIN STREET COMMUNITY**

WHEREAS, the Virginia Main Street Program has been established in the Virginia Department of Housing and Community Development (DHCD) to assist localities in developing public/private efforts to revitalize their downtown commercial areas, and whereas, smaller localities may elect to participate in the Program tier as an Exploring Main Street community.

WHEREAS, the Town of Chincoteague, Virginia (located in Accomack County) desires to participate in the program as an Exploring Main Street community, as part of its efforts to undertake downtown revitalization projects through the Virginia Department of Housing and Community Development.

NOW THEREFORE BE IT RESOLVED that the Chincoteague Town Council hereby supports an application to the Virginia Main Street Program to become an Exploring Main Street community and agrees to undertake the following activities as required by the Program:

- 1) Employ the Main Street Approach in its efforts to revitalize the downtown area.
- 2) Keep community contact information current with the Virginia Main Street Program.
- 3) Attend at least one (1) Virginia Main Street training per year.
- 4) Aspire to maintain membership of the Main Street America network.

BE IT RECOGNIZED that downtown revitalization requires an on-going commitment, continuous attention, and a full public-private partnership. The Main Street Program is considered one of many economic and community development tools used by a locality.

BE IT FURTHER RESOLVED that the Chincoteague Town Council authorizes the Town Manager to sign and submit an application for the Town to become an Exploring Main Street community.

ADOPTED ON April 20, 2023

Signed

Attest

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Chris D. Bott, Vice Mayor

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Michael T. Tolbert PE, Town Manager

Town Manager Tolbert advised this is an annual Resolution to remain in the program.

**Councilman Savage motioned, seconded by Councilwoman Bowden to remain in the Main Street Program for another year. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Leonard**

Councilman Taylor asked if there was training for this program.

Town Manager Tolbert advised it can be done online.

Councilwoman Richardson asked if there was any cost to belong in this program.

Town Manager Tolbert responded that it does not. He explained that there is no membership fee as the Town is a member by resolution. If they were to receive grants, they would have to match the grants.

#### **Consider Employee Raise Timetable**

Vice Mayor Bott advised that at the last Budget and Personnel Committee meeting they looked at the possibility of starting the employee raises before the new budget year.

Town Manager Tolbert stated that at the April 11<sup>th</sup> Budget and Personnel Committee meeting staff recommended that they make across the board raises this year as opposed to merit-based raises. The proposal was to give \$2 per hour raises for all personnel and \$3 per hour raises for all police officers. He continued that in addition the Committee recommended offering an application for the raise to begin in the first pay period in May as opposed to the 1<sup>st</sup> pay period in July. The total cost of the early implementation of this raise does not exceed \$68,900. It will require an amendment to the FY23 Budget.

**Councilman Taylor motioned, seconded by Councilwoman Bowden to implement the \$2 per hour to all personnel, part-time and full-time, and \$3 to all police officers beginning in the first pay period in May. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Leonard**

#### **Council Comments**

Councilman Savage advised everyone to be ready for summer because it's coming fast. He knows the Town can handle it because we've got a good team.

Councilman Taylor stated they have great employees and wishes the raise could be more. He added that they would like the employees to know they love and pray for them.

Councilman McComb asked Chief Fisher if they've considered hiring a summer traffic cop.

Chief Fisher advised they've thought about it but are having problems hiring. He stated that they would try. He added that the SROs will be back on regular shifts for the summer, and they have 2 officers graduating from the academy in June with 2 new officers going to the academy in July. He feels they should be good for the summer. He stated that he will put out advertisements.

Councilwoman Bowden advised that Mayor Leonard asked if Council would consider donating \$400 for the cost of food for the Melissa Hart Bingo fundraiser. She added that it will be held at the Chincoteague Volunteer Fire Company. Ms. Crystal Fisher and Ms. Tammy Mitchell are sponsoring the event.

Chief Fisher stated that the Police Department advised them they would pay for half of the food at a cost of \$200.

Town Manager Tolbert stated he would look into it and make it happen.

Councilwoman Bowden also liked Councilman McComb's idea of hiring a bicycle cop for the summer.

Councilwoman Richardson commented that commercial dumpsters have debris all around that doesn't get picked up. She asked if Council could require an enclosure around dumpsters.

Town Manager Tolbert stated they are required to have lids and keep them closed. Property owners can keep them closed but people use the dumpster and leave them open. He advised that Building and Zoning Administrator Bowden keeps an eye on this but will double his efforts. He also commented that people are putting their weekly trash cans out and leaving out the cans.

Vice Mayor Bott asked about the business at the south end of the island opening June 1<sup>st</sup> and if the Town added bike trails and/or sidewalks for this year.

Town Manager Tolbert stated they have not. They may do a little paving. He advised of an 80/20 VDOT grant for bikes, pedestrians, and possibly sidewalks to help put something below Beebe Road.

### **Adjourn**

**Councilman McComb motioned, seconded by Councilwoman Bowden to adjourn. All present were in favor and the motion was carried.**

**Ayes: Bowden, McComb, Richardson, Savage, Taylor**

**Nays: None**

**Absent: Leonard**

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager



TO: Mayor Leonard and Members of Council

FROM: Michael Tolbert, Town Manager

DATE: May 1, 2023

SUBJECT: One Day Rabies Clinic

CI Cats is requesting the Council's approval to hold a cat and dog rabies clinic on August 21. The location of the clinic on the Island has yet to be determined. If approved by the Town Council, CI Cats will seek approval from the Accomack County Health Department.

**Council is asked to vote to approve this event.**





**RESOLUTION**  
**Emergency Medical Services Appreciation Week 2023**

Whereas, Emergency Medical Services is a vital public service: and

Whereas, both career and volunteer emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow up care, and access to telemedicine; and

Whereas, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, it is appropriate to recognize the value and accomplishments of emergency medical services providers of the Town of Chincoteague Department of Emergency Services, Division of Emergency Medical Services and the Chincoteague Volunteer Fire Company by designating Emergency Medical Services Week.

Now, Therefore, Be It Resolved, that the Town Council' of the Town of Chincoteague, Virginia does hereby proclaim the week of May 21<sup>ST</sup> – May 27<sup>TH</sup>, 2023, as "Emergency Medical Services Appreciation Week: in the Town of Chincoteague, with this year’s theme being “EMS: Where Emergency Care Begins”.

Signed: \_\_\_\_\_  
J. Arthur Leonard, Mayor

Attest: \_\_\_\_\_  
Michael T. Tolbert PE, Town Manager



## National Public Works Week Proclamation

May 21 – 27, 2023

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of **Chincoteague Island**; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children on **Chincoteague Island** to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63<sup>rd</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now

RESOLVED THAT , I, John A. Leonard, do hereby designate the week May 21 – 27, 2023 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand,

DONE at **Chincoteague Island, Virginia** this 1<sup>st</sup> day of May, 2023.

Signed: \_\_\_\_\_

John A. Leonard,  
Mayor

Attest: \_\_\_\_\_

Michael T. Tolbert,  
Town Manager



TO: Mayor Leonard and Members of Council

FROM: Michael Tolbert, Town Manager

DATE: May 1, 2023

SUBJECT: Pony Express Drug and Alcohol Policy

The Federal Transit Authority requires all grant funded entities to adopt a Drug and Alcohol Policy that is compliant with FTA standards.

This policy was written by DRPT in collaboration with the Town Manager to assure that the Pony Express System is compliant with these FTA requirements.

**The council is asked to vote to adopt the attached policy applicable to all Pony Express employees.**

# Pony Express - Town of Chincoteague

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# Drug and Alcohol Policy

Effective as of [07/01/2023]

Adopted by: \_\_\_\_\_

Date Adopted: [05/01/2023]

Last Revised: [04/18/2023]

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# I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect Pony Express - Town of Chincoteague's policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

**All Pony Express - Town of Chincoteague employees are subject to the provisions of the Drug-Free Workplace Act of 1988.**

**The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify the Designated Employer Representative no later than five days after such conviction.**

# 2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

# 3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

## 4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

### Zero Tolerance

Per Pony Express - Town of Chincoteague policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP) **and terminated from employment.**

## 5. Circumstances for Testing

### Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo

another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

## Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when Pony Express - Town of Chincoteague has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

## Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

### Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by Pony Express - Town of Chincoteague using the best information available at the time of the decision, will be tested.

### Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident



- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a bus, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Pony Express - Town of Chincoteague using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

## Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at [www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates).

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

## 6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

## Dilute Urine Specimen

If there is a negative dilute test result, Pony Express - Town of Chincoteague will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

## Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. Pony Express - Town of Chincoteague guarantees that the split specimen test will be conducted in a timely fashion. **Employee will be required to pay for the test (may not condition analysis on employee payment).**

## 7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by Pony Express - Town of Chincoteague.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or Pony Express - Town of Chincoteague for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or Pony Express - Town of Chincoteague's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

## 8. Voluntary Self-Referral

**Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Designated Employer Representative, who will refer the individual to a substance abuse counselor for evaluation and treatment.**

**The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.**

**Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.**

## 9. Prescription Drug Use

**The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the Designated Employer Representative. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.**

## 10. Contact Person

For questions about Pony Express - Town of Chincoteague's anti-drug and alcohol misuse program, contact the Designated Employer Representative.

## Attachment A: Covered Positions

Operators

Dispatchers

**Town of Chincoteague  
FY 2024  
Proposed Budget**

The Chincoteague Town Council will hold a public hearing on April 20, 2023 at 6 pm for the purpose of hearing comments from citizens on the proposed FY 2024 Budget. Anyone wanting to comment without attending in person may submit written comments to the Town Office by 5pm on April 20, 2023.

Commenting by Letter: Written statements may be mailed to the Town of Chincoteague, Attn: FY 24 Budget, 6150 Community Drive, Chincoteague, VA 23336.

Commenting by email: Emails may be addressed to [mtolbert@chincoteague-va.gov](mailto:mtolbert@chincoteague-va.gov) with the subject line: FY 24 Budget Comments.

All comments must be in person, mail or emailed . Mailed or emailed comments will be included in the meeting official record. Comments must include commenter's name and address.

For questions or assistance call: 757-336-6519

<b>REVENUES</b>		<b>EXPENDITURES</b>	
<b>GENERAL FUND</b>		<b>GENERAL FUND</b>	
GENERAL PROPERTY TAXES	\$ 887,500	GENERAL GOVERNMENT	
OTHER LOCAL TAXES	\$ 4,100,246	SALARIES & BENEFITS	\$ 638,771
PERMITS, FEES & LICENSES	\$ 306,250	OPERATIONAL EXPENSES	\$ 1,815,748
FINES	\$ 24,000	CAPITAL IMPROVEMENTS	\$ 15,000
INTEREST	\$ 20,200	EMERGENCY SERVICES	
LAND USE/RENT	\$ 65,563	SALARIES & BENEFITS	\$ 1,239,939
SERVICES	\$ 12,900	OPERATIONAL EXPENSES	\$ 65,050
MISCELLANEOUS	\$ 180,200	CAPITAL IMPROVEMENTS	\$ -
VDOT URBAN MAINT. FUNDS	\$ 787,793	PUBLIC WORKS (INCL MOSQUITO CTRL)	
GRANTS	\$ 288,728	SALARIES & BENEFITS	\$ 581,961
SOLID WASTE	\$ 413,000	OPERATIONAL EXPENSES	\$ 709,150
FUND TRANSFERS	\$ 477,272	CAPITAL IMPROVEMENTS	\$ 150,000
		ROADS DIVISION	
		SALARIES & BENEFITS	\$ 136,160
		OPERATIONAL EXPENSES	\$ 569,000
		POLICE DEPARTMENT (INCL DISPATCH)	
		SALARIES & BENEFITS	\$ 1,456,973
		OPERATIONAL EXPENSES	\$ 165,900
		CAPITAL IMPROVEMENTS	\$ 20,000
<b>TOTAL GENERAL FUND REVENUE</b>	<b>\$ 7,563,652</b>	<b>TOTAL GENERAL FUND EXPENSES</b>	<b>\$ 7,563,652</b>
<b>HARBOR FUND</b>		<b>HARBOR FUND</b>	
HARBOR RENT/SUBLEASE/STORAGE	\$ 162,500	HARBOR SALARIES & BENEFITS	\$ 76,653
HARBOR INTEREST/MISC	\$ 1,300	OPERATIONAL EXPENSES	\$ 441,000
FUEL REVENUE	\$ 450,000	CAPITAL IMPROVEMENTS	\$ 350,631
VA PORT AUTHORITY GRANT	\$ 206,625		

TRANSFER FR GENERAL FUND	\$	47,859
<b>TOTAL HARBOR REVENUE</b>	<b>\$</b>	<b>868,284</b>

<b>TOTAL HARBOR EXPENSES</b>	<b>\$</b>	<b>868,284</b>
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**TROLLEY FUND**

TROLLEY GRANTS	\$	68,913
PROGRAM INCOME	\$	3,892
TRANSFER FROM GENERAL FUND	\$	187,028
<b>TOTAL TROLLEY REVENUE</b>	<b>\$</b>	<b>259,833</b>

**TROLLEY FUND**

TROLLEY SALARIES & BENEFITS	\$	53,803
OPERATIONAL EXPENSES	\$	47,150
CAPITAL IMPROVEMENTS	\$	158,880
<b>TOTAL TROLLEY EXPENSES</b>	<b>\$</b>	<b>259,833</b>

**WATER FUND**

WATER RENT/SERVICE	\$	963,000
INTEREST ON WATER RESERVE	\$	2,000
AVAILABILITY FEES	\$	50,000
<b>TOTAL WATER FUND REVENUE</b>	<b>\$</b>	<b>1,015,000</b>

**WATER FUND**

WATER SALARIES & BENEFITS	\$	377,032
OPERATIONAL EXPENSES	\$	479,940
CAPITAL IMPROVEMENTS	\$	158,028
<b>TOTAL WATER FUND EXPENSES</b>	<b>\$</b>	<b>1,015,000</b>

**CENTER FUND**

RENTAL / SERVICES / MISC	\$	42,650
SPONSORED EVENTS	\$	2,000
TRANSFER FROM MEALS/TOT/RESV	\$	150,000
<b>TOTAL CENTER FUND REVENUE</b>	<b>\$</b>	<b>194,650</b>

**CENTER FUND**

CENTER SALARIES & BENEFITS	\$	56,448
OPERATIONAL EXPENSES	\$	98,202
CAPITAL IMPROVEMENTS	\$	40,000
<b>TOTAL CENTER FUND EXPENSES</b>	<b>\$</b>	<b>194,650</b>

<b>TOTAL ALL REVENUES</b>	<b>\$</b>	<b>9,901,419</b>
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<b>TOTAL ALL EXPENDITURES</b>	<b>\$</b>	<b>9,901,419</b>
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THE FOLLOWING RATES HAVE BEEN PROPOSED FOR THE FY24 BUDGET YEAR:

REAL ESTATE TAX LEVY	\$0.059	EXCISE TAX (MEALS)	5%
PERSONAL PROPERTY	\$0.72	EXCISE TAX (TRANSIENT OCCUPANCY)	5%
MOTOR VEHICLE LICENSE	\$27.00	SOLID WASTE COLLECTION	\$2.10 PER WEEK
PERSONAL PROPERTY TAX RELIEF	\$0.65		

A COMPLETE COPY OF THE PROPOSED BUDGET, PROPOSED GENERAL GOVERNMENT FEE

SCHEDULE AND WATER RATE SCHEDULE ARE AVAILABLE ON THE TOWN'S WEBSITE,

[WWW.CHINCOTEAGUE-VA.GOV](http://WWW.CHINCOTEAGUE-VA.GOV).



TO: Mayor Leonard and Members of Council

FROM: Michael Tolbert, Town Manager

DATE: May 1, 2023

SUBJECT: BKP Basketball Court

At its March 28 meeting, the Recreation and Community Enhancement Committee reviewed options for the inclusion of a small basketball court at Brianna's Kindness Park. The consensus of the committee was to recommend to Council the addition of a small court to the South of the existing soccer field. Please see the attached sketch for location.

The cost for a 40'X40' asphalt playing surface with one commercial grade park goal is \$17,500.

If approved, the work could be included in the small quantities portion of our current paving contract or placed in the capital improvement plan for construction at a later date.

If included in this year's contract, it would reduce the amount of small quantities paving by approximately 50% for the Spring of 2023.

**Council is asked to vote on the option to include this work in the FY23 paving contract.**

# Accomack County, Virginia

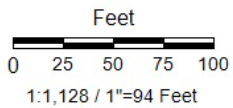
## Legend

Parcels



Item 17.

Map Printed from AccoMap  
<https://parcelviewer.geodecisions.com/Accomack>



**Title: Basketball Court Location**

**Date: 4/28/2023**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Accomack County is not responsible for its accuracy or how current it may be.*