



TOWN COUNCIL REGULAR MEETING

September 07, 2021 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*

AGENDA ADOPTION – *Mayor Leonard*

COUNCIL RECOGNITION

1. [Certificate of Recognition - Mrs. Lillie Mae Birch](#)

INTRODUCTION OF NEW EMPLOYEES

PRESENTATION OF AWARDS

STAFF REPORTS

2. [General Government Monthly Report - August 2021](#)
3. [Budget vs. Actual Summary - August 2021](#)
4. [Building and Zoning Monthly Report - August 2021](#)
5. Public Works Monthly Report - August 2021
6. CPD Monthly Report - August 2021

COMMITTEE REPORTS – *Council*

7. [Budget & Personnel Committee Meeting Minutes 08/09/2021](#)
8. [Planning Commission Meeting Minutes 08/10/2021](#)
9. [Recreation and Community Enhancement Committee Meeting Minutes 08/24/2021](#)

ADOPTION OF MINUTES

10. [Regular Council Meeting Minutes 08/02/2021](#)
11. [Council Workshop Meeting Minutes 08/19/2021](#)

MAYOR AND COUNCIL COMMENTS – *Mayor Leonard*

CLOSED MEETING

CERTIFICATION OF CLOSED MEETING *in Accordance with § 2.2-3712 (D) of the Code of Virginia*

ADJOURN



CERTIFICATE OF RECOGNITION

PRESENTED TO

Mrs. Lillie Mae Birch

WHEREAS, Mrs. Lillie Mae Birch will be honored by relatives and friends on the occasion of her 100th birthday; and

WHEREAS, Mrs. Birch was born on September 11, 1921, has been a long-time member of this Chincoteague community and is now its oldest living Citizen; and

WHEREAS, Mrs. Birch married Arthur Birch and this union produced two children, 3 grandchildren, 3 great grandchildren and 2 great-great grandchildren;

WHEREAS, during a long and productive lifetime, she has enjoyed being a member of Union Baptist Church and Island Baptist Church and worked in the churches at numerous jobs as well as received numerous awards for perfect attendance and still enjoys shopping, traveling and reading her Bible.

WHEREAS, her dedication to the welfare of others has earned the respect and affection of people from all walks of life and all ages;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Chincoteague, I do hereby deem it an honor and pleasure to extend this tribute to Mrs. Lillie Mae Birch on the occasion of her 100th birthday, with sincere congratulations and best wishes for many more happy and productive years.

DATED this 7th day of September 2021.

Mayor John A. Leonard

Attest:

Michael T. Tolbert, Town Manager

American Rescue Plan Act:

The Town has been awarded \$2,982,860 in ARPA funds to be distributed by the State in 2 equal tranches. The basic qualifications for use of these funds are as follows:

- **Support public health expenditures**, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff.
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector.
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
- **Provide premium pay for essential workers**, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors.
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Additional guidance from the Treasury department becomes available almost weekly. From this guidance comes some of the more specific uses that should qualify for funding such as;

- Projects that were part of the FY 2021 budget that were delayed or cancelled due to the uncertainty of the pandemic. **Addresses the negative economic impacts caused by the public health emergency.**
- Expenditures on outdoor activities such as parks – This **supports public health expenditures** by creating a safe public recreation and gathering facility.

A short list of FY2020 projects that were deferred due to the uncertainty of the pandemic is:

- New boiler Municipal bldg.
- Public Works fuel pumps
- Pave Memorial Park P-Lot
- Repl. Stancil recorder
- Repl. radio repeater
- New fingerprint scanner
- Repl. Patrol vehicle rifles.
- New high rise lift pump
- Harbor fuel system upgrades

Recipients may use awarded funds to cover eligible costs incurred during the period that begins on March 3, 2021 and ends on December 31, 2024. In other words, the funds must be encumbered by December 31, 2024 and be completely disbursed by December 31, 2026.

Old Fire House

We now have 3 tenants on the old Fire House Properties. Chincoteague Island Community Cats and Holly Kossuth a Dr. of Veterinary Medicine have both signed 1-year leases for the old Town office space and the Kiwanis Club has signed a 1-year lease for part of the first floor of the old town garage. Mr. Gary Weber of Snow Hill signed a lease in August for the old Council Chambers which he intends to convert to a pottery studio.

CVFC Donation

The SCBA high pressure compressor requested by the CVFC has been ordered and will be paid for by the Town when it arrives

Harbor

The Harbor Master Installed 3 new “No Wake” buoys over the last few months. One was installed at the North end of Lewis Creek to slow southbound boats down prior to entering the creek and the other 2 were installed in the East side channel adjacent to the CVFC pony swim pier and Seatag Lodge approximately 200’ from shore as required by the VMRC. These buoys are in addition to the existing one adjacent to Memorial Park.





My limited observations have indicated that boaters are for the most part complying with the zone however some residents are reporting that they do not see much difference.

Financial Report:

The end of year financial report for FY2021 is below. As you can see, while we did not make budget in several of the departments, expenses were kept in check and in the end, revenues exceeded expenses in all funds with the exception of Trolley. The deficiency in the Trolley fund can be attributed to a delayed payment from DRPT that did not make it by the end of the fiscal year.

I can't say enough about my staff and department heads and their commitment to make our approved budget work. We deferred several capital projects while still managing to complete some of the most critical. We also postponed some promotions, delayed hiring and reorganized one department to be more lean. The staff committed to working with us when we delayed their raise until December and the retroactive payments on their raises until May. The Town staff is top notch. They know their jobs and are dedicated to the improvement of the Town of Chincoteague.

End of FY 2021						
10 GENERAL FUND	BUDGET	FY21 YTD	VARIANCE	% of Budget	Rev. over Expense	
Revenues	\$ 7,205,901.00	\$ 8,615,011.98	\$ 1,409,110.98	120%		
Expenses						
Gen Gov't	\$ 2,218,862.00	\$ 1,872,713.45	\$ (346,148.55)	84%	\$887,070.30	
EMS	\$ 1,003,231.00	\$ 855,887.78	\$ (147,343.22)	85%		
Public Works	\$ 1,863,619.00	\$ 1,603,668.93	\$ (259,950.07)	86%		
Mosquito Control	\$ 123,818.00	\$ 103,906.79	\$ (19,911.21)	84%		
Roads Expenses	\$ 700,000.00	\$ 720,918.25	\$ 20,918.25	103%		
Police	\$ 1,031,238.00	\$ 803,181.69	\$ (228,056.31)	78%		
Dispatch	\$ 265,133.00	\$ 276,234.79	\$ 11,101.79	104%		
30 CURTIS MERRITT HARBOR						
Revenues	\$ 636,913.00	\$ 617,324.54	\$ (19,588.46)	97%	\$88,959.76	
Expenses	\$ 636,913.00	\$ 528,364.78	\$ (108,548.22)	83%		
70 TROLLEY						
Revenues	\$ 115,206.00	\$ 72,062.81	\$ (43,143.19)	63%	-\$23,302.77	
Expenses	\$ 115,206.00	\$ 95,365.58	\$ (19,840.42)	83%		
80 WATER						
Revenues	\$ 1,152,848.00	\$ 1,008,873.49	\$ (143,974.51)	88%	\$128,255.98	
Expenses	\$ 1,152,848.00	\$ 880,617.51	\$ (272,230.49)	76%		
General	REVENUE TOTALS	\$ 9,110,868.00	\$ 10,313,272.82	\$ (1,202,404.82)	113%	
	EXPENSE TOTALS	\$ 9,110,868.00	\$ 7,740,859.55	\$ (1,370,008.45)	85%	
	DIFFERENCE IN G/L:		\$ (2,572,413.27)			
	Beginning	Ckng.Acct.Bal	\$ 61,511.48			
	Ending	Ckng.Acct.Bal.	\$ 102,228.59			
Bank Accounts		Difference Ckng.	\$ (40,717.11)			
Checking / Savings				Diff. Checking Bal.	\$ (40,717.11)	
				Diff. Savings Bal.	\$(2,561,552.18)	
	Beginning	Sav.Acct.Bal.	\$ 1,289,670.41		\$(2,602,269.29)	
	Ending	Sav.Acct.Ba.	\$ 3,851,222.59			
		Difference Sav.	\$ (2,561,552.18)			
Difference		G/L	\$ (2,572,413.27)			
		BANK	\$ (2,602,269.29)			
		Sub-Total	\$ 29,856.02			
		T/X in Bank not G	Chamber 2nd.	\$ (25,000.00)		
		Bank Correction	\$ 4,856.02			

Meals and TOT:

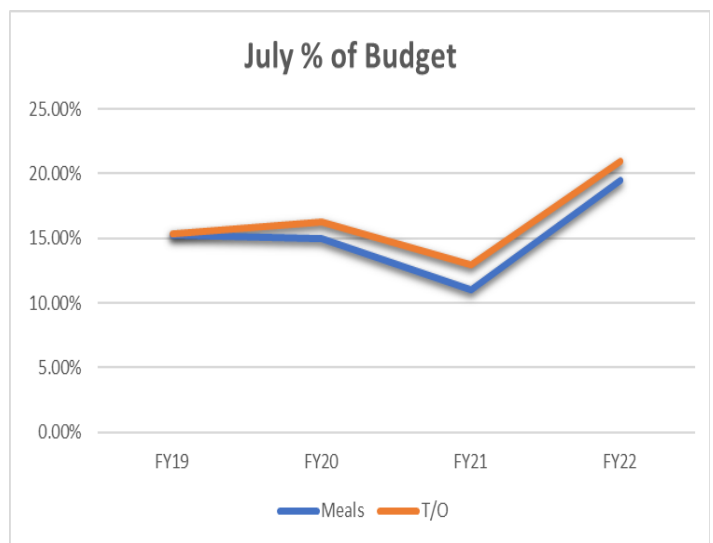
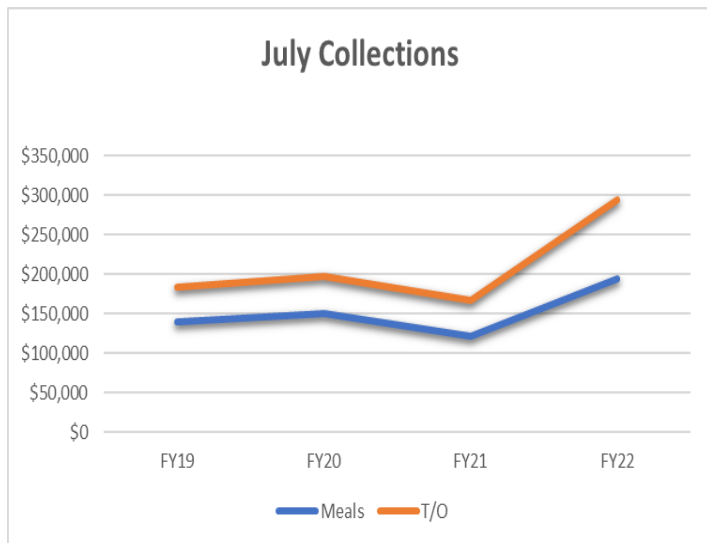
As you might expect from the amount of daily street traffic that we are seeing, Meals and Transient Occupancy Tax collections started the new fiscal year very strong, far exceeding the “3 Year Average” by 42% and 61 % respectively. Just as important is that they both exceeded the historical “Percentage of Budget” for July by a significant margin.

Meals and TOT (June Activity)					
July Collections			Fiscal Year		
Meals Tax	Tax Collected	3 year average	Budget	YTD	% of Budget
FY19	\$139,228	\$136,558	\$915,000	\$139,228	15.22%
FY20	\$149,590		\$1,000,000	\$149,590	14.96%
FY21	\$120,855		\$1,100,000	\$120,855	10.99%
FY22	\$194,520		\$1,000,000	\$194,520	19.45%
Deviation from 3 yr. Meals Tax Avg.		\$57,962			

T/O Tax	Tax Collected	3 year average	Annual Budget	YTD	% of Budget
FY19	\$183,814	\$182,564	\$1,200,000	\$183,814	15.32%
FY20	\$197,180		\$1,210,000	\$197,180	16.30%
FY21*	\$166,697		\$1,290,000	\$166,697	12.92%
FY22*	\$293,886		\$1,400,000	\$293,886	20.99%
Deviation from 3 yr. T/O Tax Avg.		\$111,322			

*Increase in T/O Tax from 4% to 5% effective 1-1-21

Figures shown are for accounts posted by 7-27-21. True end of month collections nearly always increase slightly.





TOWN OF CHINCOTEAGUE, INC.

BUDGET vs ACTUAL

Period Ending 08/31/2021

10 GENERAL FUND	Budget	FY21 MTD	FY22 MTD	FY21 YTD	FY22 YTD	Variance	Percentage
Revenues	\$ 6,208,806.00	\$ 812,802.34	\$ 1,012,625.15	\$ 1,194,684.57	\$ 1,673,638.05	\$ (4,535,167.95)	27%
Expenses	\$ 1,391,430.00	\$ 297,054.62	\$ 99,182.41	\$ 551,354.68	\$ 354,243.14	\$ 1,037,186.86	25%
EMS Expenses	\$ 1,088,206.00	\$ 59,483.98	\$ 73,707.42	\$ 119,311.17	\$ 148,804.28	\$ 939,401.72	14%
Public Works Expenses	\$ 1,574,292.00	\$ 100,785.07	\$ 107,906.97	\$ 211,810.60	\$ 217,203.95	\$ 1,357,088.05	14%
Mosquito Control Expenses	\$ 123,762.00	\$ 30,019.00	\$ 19,194.39	\$ 33,424.33	\$ 36,311.49	\$ 87,450.51	29%
Roads Expenses	\$ 710,158.00	\$ 71,129.56	\$ 82,941.65	\$ 78,600.94	\$ 95,938.32	\$ 614,219.68	14%
Police Expenses	\$ 1,032,219.00	\$ 64,532.18	\$ 58,533.69	\$ 136,902.40	\$ 165,516.01	\$ 866,702.99	16%
Dispatchers Expenses	\$ 288,739.00	\$ 23,661.51	\$ 31,798.83	\$ 48,701.49	\$ 54,269.18	\$ 234,469.82	19%
30 CURTIS MERRITT HARBOR							
Harbor Revenues	\$ 635,495.00	\$ 73,741.54	\$ 128,001.43	\$ 118,905.46	\$ 210,767.51	\$ (424,727.49)	33%
Harbor Expenses	\$ 635,495.00	\$ 49,386.92	\$ 99,345.00	\$ 110,163.52	\$ 176,401.61	\$ 459,093.39	28%
70 TROLLEY							
Trolley Revenue	\$ 86,014.00	\$ 8,037.00	\$ 22,025.54	\$ 12,670.00	\$ 22,746.51	\$ (63,267.49)	26%
Trolley Expenses	\$ 86,014.00	\$ 8,242.60	\$ 8,780.76	\$ 14,555.70	\$ 18,160.06	\$ 67,853.94	21%
	Budget	FY21 MTD	FY22 MTD	FY21 YTD	FY22 YTD	Variance	Percentage
80 WATER							
Water Revenue	\$ 1,023,500.00	\$ 102,245.71	\$ 115,083.72	\$ 160,146.66	\$ 184,848.93	\$ (838,651.07)	18%
Water Expenses	\$ 1,023,500.00	\$ 55,170.23	\$ 44,875.49	\$ 97,490.07	\$ 106,169.62	\$ 917,330.38	10%
REVENUE TOTALS	\$ 7,953,815.00	\$ 996,826.59	\$ 1,277,735.84	\$ 1,486,406.69	\$ 2,092,001.00	\$ (5,861,814.00)	26%
EXPENSE TOTALS	\$ 7,953,815.00	\$ 759,465.67	\$ 626,266.61	\$ 1,402,314.90	\$ 1,373,017.66	\$ 6,580,797.34	17%
Differences					\$ 718,983.34	\$ (718,983.34)	

TOWN OF CHINCOTEAGUE, INC.



To: Mike Tolbert

From: Mark Bowden

SUBJECT: August 2021 Monthly Report

Date: August 31, 2021.

From July 27, 2021, to August 27, 2021, the Building and zoning Department issued 42 building permits and conducted 54 inspections.

8 Business License site visits

16 plans reviews.

27 office walk- ins for building and zoning questions

Returned 48 calls with questions.

6 tall grass complaints.

1 Inoperable motor vehicle notice issued

1 derelict structure notice issued

2 site visit meetings on proposed construction.

2 meeting with contractor and engineer om construction project

CRS Annual Flood Elevation Certificates review passed 100% correct.

The total value for the building cost of construction \$ 1,162,196.66

The total building permit fees collected \$ 4,401.22

**MINUTES OF THE AUGUST 9, 2021
BUDGET AND PERSONNEL COMMITTEE MEETING
Council Chambers**

Members Present:

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

Others Present:

Ellen Richardson, Councilwoman
Jay Savage, Councilman

Staff Present:

Michael T. Tolbert, Town Manager
Robby Fisher, Chief

1. Call to Order

Chairman Bott called the meeting to order at 5:00 p.m.

2. Public Comment

There was none.

3. Agenda Adoption

Vice Mayor Bott asked to adopt the agenda with an addition of a closed meeting.

Mayor Leonard motioned, seconded by Councilwoman Bowden to adopt the agenda as amended. Unanimously approved.

4. Discussion of CPD and EMS Staffing

Chief Fisher requested hiring 2 officers. He explained that this would put 2 officers on per shift, except during leave and court. He stated that it would take 4 officers to have 2 officers cover shifts for 24 hours. He added that Captain Greenley ran the numbers.

There was discussion about the salary, the current number of officers, and the budgeted officer salaries.

Mayor Leonard advised that the state is giving bonuses to the officers and both Accomack and Northampton Counties are in need of officers. He fears that the Town would lose an officer for higher pay in either of the counties. He wants to make sure the Town keeps the current officers, in addition to the officers they would like to have. He added that the Town paid for a study a few years ago.

There was further discussion about salary ranges in every department.

Vice Mayor Bott feels the EMS pay scales are more competitive.

Emergency Management Coordinator Rush advised that most of the full-time and part-time staff works part-time with the County. He feels the current pay scale is competitive. He commented that when the pay scales rise in the local businesses like McDonalds and you compared to the technical skills and good training, you will be behind the eight ball. He feels the EMS pay scale is in a competitive range.

Town Manager Tolbert added that when the minimum wage in Virginia goes up by 2024 it will put pressure on everything above it. He added that there is an amendment to the original bill that was sent to the General Assembly for raises for law enforcement. It started with the State Police and Accomack County Sheriffs' Department. He stated that there is an amendment that will include local matches.

Chief Fisher reported that he was advised that all officers will receive \$5,000. He explained that the state will give \$2,500 if the locality will give \$2,500. This will come from the state ARPA funds. He added that this is just a bonus. He commented that the recommendation included training and certification for a new officer.

Councilwoman Bowden feels this is a slap in the face.

Emergency Management Coordinator Rush added that the Police Officers provide safety for his staff on the scene of a call. He feels the relationship is the best it's ever been. He added that if they can make the EMS staff safer, you're making the community safer.

There were further comments.

Vice Mayor Bott stated that technically the salaries should be up to Town Manager Tolbert. He wants to see the numbers on salaries so they can evaluate the levels better.

Town Manager Tolbert stated that Captain Greenley is conducting a salary study drawing it from the local law enforcement organizations that the Town would compete with. He added that under the Freedom of Information Act, all salary information should be available as long as you're not asking for an individual's salary.

Vice Mayor Bott feels they should tackle the salaries before they tackle the staffing level issue.

Town Manager Tolbert stated that he begins getting the budget together at the end of November so that they can start working on it at the beginning of the year.

Mayor Leonard stated that if the bonus goes through the Town should act on it immediately. He asked if the study could be done before they meet next month.

Emergency Management Coordinator Rush stated that when the Fire Company came to Council asking for more staffing, they came up with a plan. He added that looking at what they currently have, it is working. He explained in detail the cost, the number of hours to increase part-time hours and adding a supervisor.

Vice Mayor Bott asked if he is talking about taking some hours away from the part-time and giving it to the supervisor position.

Emergency Management Coordinator Rush explained that the overall part-time hours would increase, but part of that increase would go to the supervisor.

Vice Mayor Bott feels this is a good idea. They are still maintaining the part-time and adding a supervisor.

There was discussion about using ARPA funds until they could include it in the next budget.

Emergency Management Coordinator Rush advised they would advertise in-house first. He is confident he will receive a few candidates. He feels he could have someone in the role by mid-October to mid-November.

Mayor Leonard motioned, seconded by Councilwoman Bowden to recommend that Council approve the increase in part-time hours and increase pay for a supervisor. Unanimously approved.

5. Discussion of Transient Occupancy Tax Allocation

Vice Mayor Bott feels they need to bring to Council a solid allocation dictated by Council for the 1% so that staff is clear on this. The allocation was discussed but the original motions were not officially specific. They have to decide if they want it to go all to Public Safety, or the General Fund.

Mayor Leonard stated that it doesn't have to be spent in its entirety every year, it can be put into an account.

Town Manger Tolbert explained that neither of the motions that were passed were specific of how to allocate the funds. It could be allocated for a number of reasons. He recommended they adopt a resolution that describes the way the funds will be spent. Whatever Council agrees for the allocation, the staff will create a sub-account for tracking. He feels it is important to delineate what qualifies as public safety. He also suggested letting a committee authorize the spending of the funds.

Mayor Leonard stated that they have a Public Safety Committee who could review these things.

Councilwoman Bowden stated that when this was passed, she voted for the 1% to go directly for Police and EMS.

Emergency Management Coordinator Rush and Chief Fisher explained the discussion of those meetings and stated that it became Public Safety, which included Police and EMS.

Discussion continued.

Mayor Leonard stated that the expenditures should be up to the Public Safety Committee. He suggested putting it into an account to see that it is spent wisely.

There were further questions, comments, and suggestions.

Vice Mayor Bott asked if they wanted to table this matter or make a recommendation.

Mayor Leonard recommended putting the 1% into a Public Safety line item that the Public Safety Committee can draw from. He agreed that we sold the 1% tax increase on public safety.

Mayor Leonard motioned, seconded by Councilwoman Bowden that this 1% Transient Occupancy Tax be put into a line item that is controlled by the Public Safety Committee. Unanimously approved.

6. Update on APRPA Funding

Town Manager Tolbert stated that there is nothing to report.

7. Committee Member Comments/Other Discussion

Councilwoman Bowden stated that the epidemic caused by the pandemic has caused a lack of workers. She commented on the job opening posted this morning asking to look into the salaries of other local communities. She doesn't want to lose good employees. She hopes they can hold onto what they have and get through this budget year. She added that next budget year they will have to seriously look at wages for the employees. She thanked Chief Fisher, Emergency Management Coordinator Rush and Captain Greenley.

Mayor Leonard also thanked Chief Fisher, Emergency Management Coordinator Rush and Captain Greenley for doing a wonderful job for the community. He stated that thanking them is a good thing, but they need to pay them.

Vice Mayor Bott commented on hiring. He feels they are doing a great job and should come to the Budget and Personnel Committee when they're having discrepancies, especially in law enforcement.

8. Closed Meeting in Accordance with §2.2-3711 (A) (1) of the Code of Virginia to discuss evaluation of senior staff.

Councilwoman Bowden motioned, seconded by Mayor Leonard to go into a closed meeting in accordance with §2.2-3711 (A) (1) of the Code of Virginia to discuss perspective business opportunities and evaluation of staff. Unanimously approved.

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

Councilwoman Bowden motioned, seconded by Mayor Leonard 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. Unanimously approved.

10. Adjournment

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

**MINUTES OF THE
PLANNING COMMISSION MEETING
TOWN OF CHINCOTEAGUE, VIRGINIA
AUGUST 10, 2021 - 7:00 P.M. – Council Chambers**

Commission Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Mollie Cherrix
Mr. Michael Dendler
Mr. Robert Shendock
Mr. Stavros Katsetos

Commission Members Absent:

Mr. William T. McComb, Jr., Councilman
Mr. David Britton

Others Present:

Mr. David Landsberger

Staff Present:

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

Call to Order

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

Invocation

Chairman Rosenberger offered the invocation.

Pledge of Allegiance

Chairman Rosenberger led in the Pledge of Allegiance.

Public Participation

Chairman Rosenberger opened the public participation.

- Mr. David Landsberger, 5475 Warren Street, stated that he submitted the original packet at the last meeting. He also stated that as no action was taken by the Commission within 30 days. He then presented the information to Council who referred this matter back to the Commission for a recommendation. He reviewed several points about zoning districts, HOA, the requirements in the proposal, enforcement, and unfair burdens on residents if not approved. He stated that he has proven that he has nothing but the best interest of the Island in mind. He feels this is a need for the Island and intends to pursue this.

Chairman Rosenberger closed the public participation.

Agenda Review/Disclosures

Mr. Katsetos motioned, seconded by Mr. Shendock to approve the agenda as presented. Unanimously approved.

1. Approval of the June 8, 2021, Regular Meeting Minutes

Mr. Katsetos motioned, seconded by Mrs. Cherrix to approve the minutes of the June 8, 2021, regular meeting. Unanimously approved.

2. Detached Quarters

Chairman Rosenberger advised that after their meeting in June they made a non-formal recommendation to Council that the fees be waived, should there be a need.

Town Manager Tolbert explained that he didn't pass this on to Council at that time.

Chairman Rosenberger stated that in lieu of that, Mr. Landsberger went to Council, and they made the decision to return it to the Planning Commission for further discussion.

Mr. Shendock asked if Mr. Landsberger was seeking to change the definition of residence in R1.

Mr. Landsberger advised it was not. He was seeking to build detached quarters. He stated that if he was building anywhere but R1, it would be allowed. He knows he can't do it in Richardson's Landing because of his HOA rules. He feels the solution would be to build a duplex. He commented on enforcement, that it shouldn't be an issue.

Mr. Chuck Ward, 2281 Rudder Court, Greenbackville, VA, who works for the Department of Environmental and consultant for Mr. Landsberger stated that this proposal is to allow someone to put an addition onto their house that is not attached to the house. It allows for having another bedroom for a child returning home or an aging parent to give them privacy. It's an extension of your house without being attached to your house. If it is attached with a breezeway, it would be 1 structure. He feels they shouldn't have to build the breezeway. Instead of getting a permit, people are hiding and building on Saturdays and Sundays renovating the interior of a big home. This ordinance is drafted to keep people more open. It is an opportunity to redevelop a property rather than turning it into something it shouldn't be.

Chairman Rosenberger stated that there was a concern for the fee.

Mr. Landsberger interjected that it wasn't about the fee, there was discussion at the meeting, and it was suggested that if it was for health reasons there shouldn't be a fee. The issue is that they should allow someone to bring a son or daughter home without the medical issue. He explained that if he attached the house to the garage with a 2" x 4" board it would be a legal structure. He stated that there are more and more people like him that are getting older and don't want to stay home alone.

There was discussion, questions, clarifications, and suggested changes.

Chairman Rosenberger stated that they have had a lengthy discussion about concerns. He feels they have some work to do. He added that this isn't something they will decide on this evening. He thanked Mr. Landsberger and Mr. Ward for their input for laying out a well thought out proposal.

Mr. Ward stated that Mr. Landsberger wanted to have this prepared he created a foundation to build on. He hopes they can help smooth the path moving forward.

Mr. Landsberger offered to help Mr. Shendock.

Mr. Shendock commented further.

3. Commission Members Announcements of Comments

There were none.

4. Adjourn

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

Chairman, Mr. Ray Rosenberger

**MINUTES OF THE AUGUST 24, 2021
RECREATION & COMMUNITY ENHANCEMENT
COMMITTEE MEETING
Council Chambers**

Members Present:

Mr. Gene Wayne Taylor, Chairman
Mr. Chris Bott, Vice Mayor
Mr. Jay Savage, Councilman
Ms. Donna Leonard

Council and Staff Present:

Michael T. Tolbert, Town Manager
Harvey Spurlock, Public Works Director

1. Call to Order

Chairman Taylor called the meeting to order at 5:00 p.m.

Councilman Savage offered the invocation.

2. Public Comment

Chairman Taylor opened the public comment.

- Mrs. Joanne Moore, Marketing and Events Coordinator with the Chincoteague Chamber of Commerce, asked about bringing Civil War Trails and sites to the Eastern Shore. She explained the Civil War Trails across Virginia, adding that there are no sites across the Eastern Shore. She stated that she gave the Committee a packet. She asked for the Town's consideration and support for site locations on the Island. She reviewed potential sites, locations, ideas, trail markers, and funding.

There was discussion.

Vice Mayor Bott stated that they need the ability to put the markers on Town property.

Ms. Leonard asked where the sites would be.

Mrs. Moore advised they are suggesting, Curtis Merritt Harbor, Robert N. Reed Downtown Waterfront Park, and a marker at the Chincoteague Museum for the lighthouse.

There was discussion about sign costs, brochures, and applying for a grant.

Vice Mayor Bott motioned, seconded by Councilman Savage to proceed forward with this matter, bringing in more information. Unanimously approved.

- Kathy Michaelian, Island Pickleball Group, asked the Committee for another pickleball

court outside because there is so much interest. They play with 26 – 39 people at times. She advised there are currently 2 outdoor courts, and she described the poor conditions. She feels they need to expand. She advised she is also the president of the Chincoteague Tennis Association. She asked if the new pickleball court would be painted and was advised they would be.

3. Agenda Adoption

Vice Mayor Bott motioned, seconded by Ms. Leonard to adopt the agenda as presented. Unanimously approved.

4. Update on Brianna’s Kindness Park

Chairman Taylor commended Public Works Director Spurlock on a good job and asked if they could do a fall opening by Saturday, August 28th.

Public Works Director Spurlock advised they could. The restrooms would be complete by the end of October.

There was discussion regarding the restrooms being the last thing to complete along with the furniture for the pavilion.

Ms. Leonard advised that for someone in a wheelchair or having trouble walking the mulch is hard to maneuver. She suggested putting a pathway around certain areas. She gave company names and suggestions. She also reported that Team Brianna has \$20,000 left. She feels the surface will make all the difference in the world.

Chairman Taylor requested port-a-potties at the park until they can complete the restrooms.

They discussed signage to be placed across from the Donald Amrien Center to match, and the brick work on the pavilion which could include a mural.

Ms. Leonard suggested that in Phase 2 she would like to include shaded landscaping. She also mentioned the Fire Company’s raffle. She identified several organizations that are willing to raise more funds. She feels if they can give a target amount of what they are raising money for it would help.

They discussed the location of the restrooms and the pavilion and a handicapped port-a-let until the restrooms can be completed.

5. Update on Tennis Court Rehab

Town Manager Tolbert advised they planned to resurface the tennis courts and conduct minor repairs which would cost over \$40,000. He stated that the Tennis Association offered \$13,000. He also stated that \$30,000 was included in the FY22 budget. Public Works Director Spurlock obtained a quote to resurface the basketball courts as well. The total quote was over \$40,000 and was good for 90 days which has now expired. The new quote from the same vendor is \$61,934. He added that they requested a quote from 4 different companies, and this was the only quote

received. He recommended this project be referred to the ARPA Committee to possibly be included in the ARPA funding.

Chairman Taylor advised that this would mean that the Tennis Association would be able to keep their \$13,000. He commented on the increase.

Ms. Leonard motioned, seconded by Vice Mayor Bott to forward the tennis and basketball courts rehab project to the ARPA Committee for possible funding. Unanimously approved.

6. Discussion of Pickleball Court Improvements

Chairman Taylor stated that outdoor activities are the projects for ARPA funding.

Town Manager Tolbert state that Public Works Director Spurlock received a couple of different quotes for different work. He stated that the one they felt was appropriate is to remove the existing fence, repave the entire pickleball court, and pave the entire parking lot in front of the Amrien Center. He added that they will also replace the fence with gates.

There were comments.

Ms. Leonard motioned, seconded by Councilman Savage to forward this project to the ARPA Committee for possible funding. Unanimously approved.

7. Committee Member Comments/Other Discussion

Ms. Leonard asked Public Works Director Spurlock what happened to the pirate ship at Memorial Park.

Public Works Director Spurlock advised it was in disrepair and removed.

Town Manager Tolbert also advised they have a request to replace a bench at the Donald Leonard Park to be paid for by the requester. This will include a plaque that reads “It’s a beach day. Love and miss you every day, Arthur Stingo”.

Ms. Leonard motioned, seconded by Mr. Savage to approve the bench at the Donald Leonard Park with plaque to be paid for by the requester. Unanimously approved.

Ms. Leonard asked about the benches at the Brianna’s Park.

There was discussion about placement and shading for the benches.

Ms. Leonard asked if there were plans to replace the pirate ship at Memorial Park

Town Manager Tolbert advised they were looking into putting something back there that meets the requirements.

Ms. Leonard advised that when they were planning the Memorial Park upgrades, the Fire Company advised they would like to have a fire truck at the park. She stated that Backyard Escapes has a firetruck but was unsure if it was complying

Councilman Savage commended the Town and all who participated in the Brianna's Kindness Park. He stated that it is an exceptional job. He also commended Ms. Leonard and all those who planned and raised money. He commented that this something that our children will enjoy with a true meaning. He stated that it is also good to see that we're updating the tennis courts and pickleball courts. He thanked them for their presence. He also thanked Mrs. Moore for the presentation of the Civil War Trails information.

Vice Mayor Bott stated that it is a job well done on the Brianna's Park and its impressive given the supply issues. He commended all. He would like to follow-up and monitor the pickleball and tennis courts rehab progress. He feels they should stay on top of it from a committee standpoint.

Chairman Taylor stated that for a public/private partnership with donations of land, money and hard work you can see the end project. He thinks they should look into to having something for the teenagers. They have kids hiding in every neighborhood. They need something as an alternative to the streets that is productive and clean for them to do. He asked everyone to think and pray about it.

Vice Mayor Bott stated that this was a good point, where they don't have a skate park any longer.

8. Adjournment

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

**MINUTES OF THE AUGUST 2, 2021
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:

None

Staff Present:

Mr. Michael T. Tolbert, Town Manager
Mr. Robby Fisher, Police Chief
Mr. E. Bryan Rush, Emergency Management Coordinator
Mr. Harvey Spurlock, Public Works Director

1. Call to Order

Mayor Leonard called the meeting to order at 7:00 p.m.

2. Invocation

Councilman Taylor offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

4. Public Comment

Mayor Leonard opened the floor for Public Comment. There was none.

5. Agenda Adoption

Mayor Leonard advised they will be removing item #6 from the agenda.

Councilwoman Richardson motioned, seconded by Councilman McComb and Vice Mayor Bott to adopt the agenda as amended. Unanimously approved.

~~6. Introduction of New Employees~~**7. Presentation of CPD Accreditation**

Mr. Derrick Mays, Department of Criminal Justice System advised his job is to see that agencies are accredited to be the best they can possibly be. Those agencies have to have support from Council and the public. He asked everyone to take a moment to ask if our officers are alright and then ask again if they're really alright. They have trauma or PTSD but maintain that professional look. He asked that everyone keep them lifted in prayer. He stated to show them love and let them know we are here. He reminded that they keep everyone safe. He stated that accreditation

is to show transparency and professionalism. Mr. Mays stated that it was a pleasure since day one and he has been here along the way. It was an honor to come to Chincoteague. He advised that there were 6 sheriffs and 6 chiefs out of 3 assessments, and they had a full return. He stated that his is proud of them and loves them all.

Mayor Leonard stated that they are proud of the officers, and they do a terrific job.

8. District 1 Supervisor Report

Supervisor Billy Joe Tarr reported that they have changed the zone outside of the Wallops Island gate to build a rocket lab for man-space flight development. It will be the biggest building on the Eastern Shore. He was unsure if it is for operations or production. He commented that if it was for production, it would bring over 250 high paying jobs. The County held their Town Hall meeting on ARPA and 24 people spoke mostly asking for broadband, childcare and help for the volunteer fire companies. The County sent a letter to Spectrum about completing their internet lines or Broadband would be installing. He reported that the County voted on 24/7 EMS in Greenbackville which entails 12 positions. They already have 2 positions. They are used elsewhere. They will be conducting a public hearing to raise taxes to pay approximately \$800,000 for the 7 EMS positions, 1 training coordinator, 3 back-fill positions, and 1 human resource position. They will pay for the positions for the next 2 years through the CARES Act funding. Supervisor Tarr also reported that the County, Chincoteague Volunteer Fire Company and the Town has agreed to pay 1/3 to purchase accident equipment for the Virginia State Police. The County has also endorsed the Town's VDOT request. He added that they will be adding a food and beverage tax throughout the County to even out the taxes charged by the individual towns which will raise approximately \$240,000. He explained that there was a change in the state law regarding comp-time instead of overtime. The food and beverage tax to offset the overtime.

Supervisor Tarr reported on the Inlet Study advising they met with the USF&W manager who advised the study has been done and they are waiting for the funding for the northern parking lot, which is over \$20 million for the project. They tried to get in on the Sarbanes Grant but were not approved. He suggested that the Town ask for funding. He thanked Council for allowing him to come with his update.

Mayor Leonard stated that the Town received Sarbanes Grant funding and mentioned the TIGER Grant.

9. Staff Reports

General Government

Town Manager Tolbert reported that he spoke with the Northampton County Administrator about paying 1/3 of the accident equipment for the Virginia State Police and was advised it would be on the next meeting agenda. He talked about ARPA projects explaining that items listed in the FY21 budget that were delayed or canceled due to the pandemic would qualify. He stated that expenditures of outdoor activities such as parks qualify. He gave the deadlines for expenditures for the projects. He reported on the VDOT Rt. 175 progress. He stated that the Board of Supervisors and the ANPDC supported the request for priorities. Town Manager Tolbert listed the priorities. He added that they are also trying to tweak the traffic lights. There

are now 3 renters and leases, 2 at the old firehouse and 1 at the Cropper Street garage. He reviewed the end of year financial report. He advised that department heads and staff cut and kept revenues ahead of expenses by controlling the spending by deferring projects and putting off promotions. He expressed his appreciation for the departments and staff. He also reported on Meals and Transient Occupancy Tax revenues.

Town Manager Tolbert reported that Building and Zoning Administrator Bowden is still busy issuing permits, reviewing plans, site inspections, seeing customers every day in the office, attends classes for recertification, reviewing the new Building Code, keeping CRS rating up, and enforcing the Zoning Code. He has no down time. He added that he is doing a good job.

Police Department

Chief Fisher thanked Mr. Mays for coming from Williamsburg for the presentation. He stated that they have been trying to have him come for about a year now and couldn't because of COVID. He expressed his appreciation to all of his help. He reviewed the monthly report and added that they conducted traffic control for the Fire Company's pizza and fritter nights on July 3rd, 27th and 28th. He stated they were happy to help. He added that 3 part-time dispatchers attended an 8-hour Zoom training for mental health and suicide situations. He stated that on July 21st he, Town Manager Tolbert, and Mayor Leonard attended the NASA quarterly meeting. He also stated that on July 22nd CloudServer Techs updated the firewall on VCIN and tested the system for power outage disaster recovery. He advised that it works with a slight delay. He added that also on July 22nd they had an ANTARES Planning meeting for the upcoming launch.

Public Works Department

Public Works Director Spurlock reported that they have been busy with building, grounds, and mosquito control. He reported on the gallons of water per day that the entire Island is using and the weekend peaks. They have picked up work at the Center. He announced that they have completed installation of all equipment at the Brianna's Park. He thanked the Public Works crew for spreading stone by hand and mulch in the extreme humid heat. He added that the fencing will be installed on August 16th which will complete the playground. The permits are complete, and they will begin building the restrooms in early September. He advised that the only thing left is the pavilion. He also added that they installed the 3rd gateway at the Beebe Ranch which should be activated within the next week or so to pick up those radio read water meters in the southern end of the Island.

Emergency Services

Emergency Management Coordinator Rush reported on the July calls and compared them to the July calls from 2018, 2019 and 2020. They are back to deep cleaning the ambulances. Each shift continues weekly con-ed training. He added that each shift is responsible for training throughout the week. He gave a shout-out to Greenbackville for loaning their ambulance again. They are also planning for weather, hazard, and flooding issues. He added that there's a lot going on behind the scenes. He reviewed the updated hurricane predictions for this season adding that they predict the possibility of hurricanes later in the year. He reminded everyone to be prepared.

Emergency Management Coordinator Rush reported that the ANTARES launch is scheduled for August 10th at 5:55 p.m. Assateague will close at 2:00 p.m. on August 10th prior to the launch. The USF&W along with the USCG are working out details. He reviewed the COVID counts, statistics and vaccinations. He reminded everyone to “Wash your hands. Wear your mask and watch your distance.”

10. Committee Reports

Public Works Committee

Councilwoman Richardson advised they met on July 7th. They discussed the fall paving list but didn't make a decision as they are waiting to see if they can use the ARPA funding. She stated that Public Works Director Spurlock reported that regarding the Master Water Plan update, they will speak with Whitman Requardt & Associates engineering firm who will research and show how to get the most for their money.

Ordinance Committee

Councilman Savage reported they met on July 8th and they discussed the Fill Ordinance and Permit and the Election Ordinance. He stated that the Town Manager came up with the statements and recommends that Council consider approval.

Town Manager Tolbert stated that they will ask for approval later in the meeting. He explained that each locality is required to have an Election Ordinance moving Town elections from May to the General Election in November. The Town's Ordinances and Charter did not state when the elections were to be held but did mention that the newly elected officials would take office July 1st. He added that it should be listed in the Town's Charter, which should be updated at a later date as it has to be a legislative approval. He stated that this ordinance satisfies the requirement.

Budget & Personnel

Vice Mayor Bott stated that they met July 14th. They considered employee raises, which will be addressed later in the meeting. They also discussed ARPA funding.

11. Adoption of the Minutes for the July 6th and July 16th, Council Meetings. Councilwoman Richardson motioned, seconded by Councilwoman Bowden to adopt the minutes of the July 6th and July 16th, Council Meetings as presented. Unanimously approved.

12. Consider Recommendation of New BZA Member

Town Manager Tolbert advised that Mr. Chuck Ward recently resigned from the Board of Zoning Appeals at their June meeting. He stated that Mr. Eddie Moran has agreed to serve on the Board. Mr. Moran previously served on the BZA with several years' experience.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden and Councilman McComb to approve Mr. Eddie Moran to serve on the BZA to fill the term of Mr. Chuck Ward. Unanimously approved.

13. Consider Purchase of New Trolley: Report on Local Trolley Route

Town Manager Tolbert reported that the oldest of the trolleys is the Pied Pieper. He stated that this year they have the availability of the CARES Act funds through the DRPT to replace the Pied Piper at very little cost to the Town. The total cost of the new trolley would be \$168,746 of which \$165,650 would be paid for with the CARES Act funds provided by the Federal Transit Authority. The balance of \$3,096 would be withdrawn from the Trolley Capital account. He added that the Pied Piper would be sold as surplus with the proceeds to be deposited back into the Trolley Capital account. The last trolley that sold in 2016 declared a surplus of \$38,000.

Councilman McComb motioned, seconded by Councilwoman Richardson to approve the purchase of a new trolley. Unanimously approved.

Town Manager Tolbert also advised that Transportation Director Welsh will be retiring after the Oyster Festival. He stated that he appreciated Transportation Director Welsh for doing a great job. He added that he boosted the trolley.

Councilwoman Richardson stated that he will be missed.

Councilwoman Bowden asked if the trolleys could be used year-round for transportation.

Town Manager Tolbert advised he was on a conference call and was advised they will look into it.

Transportation Director Welsh stated that Star Transit offers demand service to folks who don't have transportation. Star Transit has 24-hour service. He and Town Manager Tolbert have met with Star Transit representatives. He stated that he was surprised that Star Transit is a national entity. They are moving forward to look at what's available to offer a trolley to provide service wasn't very expensive. He suggested using the Trolley Service van and advised they will look into it.

Town Manager Tolbert added that they are looking into it further to see what can be done along with the cost.

14. Consider Request from CVFC

Town Manager Tolbert reported that during the July 15th public hearing on expenditures for ARPA, the Chincoteague Volunteer Fire Company advised the need of a high-pressure compressor to fill Self-Contained Breathing Apparatus (SCBA) air tanks for their volunteers. Currently the CVFC uses another company's equipment to fill their tanks. Due to the urgent need, it has been suggested that the Town purchase the equipment. The cost of the equipment is \$53,750. He asked Council if they wanted to purchase the item and/or defer to ARPA funding.

Councilwoman Richardson motioned, seconded by Councilman McComb to purchase the SCBA for the Chincoteague Volunteer Fire Company in the amount of \$53,750. The motion was carried.

Ayes: Bott, McComb, Richardson, Savage, Taylor

Nays: None

Abstain: Bowden**15. Consider New Ordinances**

Councilman Savage explained that the first Ordinance is regarding Lot Filling.

Sec. 22-191 Lot Filling Ordinance

This Ordinance is intended to regulate the filling of land. Regulations are needed because the filling of land may pose significant land use problems, including environmentally damaging changes in topography; threat to desirable land use patterns; and/or safety or nuisance hazards. No building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands.

Sec 22-192 Definitions

For the purposes of this ordinance, the following definition shall apply:

A. Fill Material — Earth material, including soil, topsoil, sand gravel, rock, stone, small amounts of clay or other similar materials, which is free from contamination, cinders, ashes, refuse, soft or plastic clays, vegetable or other similar organic matter such as food waste, trees, branches, or stumps. Fill material shall be capable of being compacted. Concrete slabs, asphalt chunks, metal bars, or similar material are prohibited as fill material.

Sec. 22-193 Approval process for permits/ Exemptions / Prohibition

1. A fill and grading permit shall be required of any fill operation on which more than 30 cubic yards of fill is deposited or in which more than 2,600 s.f. of land area is disturbed.
2. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity, to engage in or conduct any filling of land with any type of material within the incorporated areas of the Town of Chincoteague without first procuring a permit from the Town.

B. Work Exempt from Permit - The following are exempt from requiring a permit but must comply with all other applicable regulations of this ordinance:

- Receipt of topsoil for the purpose of ornamental residential landscaping.
- Fill required to resurface a driveway or parking lot with a thickness less than 2” vertically.

- Fill dirt required for building construction purposes pursuant to a duly issued building permit by the Building and Zoning Administrator.
- Projects that meet the criteria for inclusion in the County's storm water management ordinance.

C. Prohibition

- The filling of land with garbage or rubbish, sludge, biosolids, or any other waste matter is hereby prohibited unless provided for in this ordinance.
- The placing of any fill in suspected wetlands unless the land has been properly delineated and permits from all agencies having jurisdiction over such delineated wetlands have been obtained.

D. Application for Permits - Applications for fill permits hereunder shall be made to the Town Building and Zoning Department. Applications shall contain the name and address of the applicant; a legal description of the property upon which the proposed filling operation is to be carried on; a description of the extent and nature of the proposed operation, including the approximate amount of fill, the square footage of land to be filled and the exact nature of the materials the fill is composed of; the name of the owner of the land described therein; and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed filling operation on said land, and authorizing the Town to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all the provisions of this ordinance and any and all rules and regulations adopted by the said Town pursuant to this Ordinance.

Consideration of Permit Approval; In considering the application for a fill permit, the Building and Zoning Administrator shall consider the following standards:

1. A permit shall not be granted unless the Town Building and Zoning Administrator is able to find the application consistent with public health, safety, and welfare.
2. No application shall be granted on any basis if the Building and Zoning Administrator finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety or welfare, or make worse an already unsatisfactory situation.
3. The Building and Zoning Administrator may request that the applicant consult a professional engineer, planner or other qualified professional, at the applicant's expense, to determine whether the application standards have been met.

Sec. 22-194 Appeal of Decision

A decision of the Building and Zoning Administrator may be appealed to the Board of Zoning Appeals.

Sec. 22-195 Duration of Permit

No permit shall be issued for a period longer than six (6) months. Any request for extension must be made in writing to the Building and Zoning Administrator prior to the expiration of the initial permit.

Sec. 22-196 Rules and Regulations

Each permittee is required, in addition to the aforementioned rules and regulations of the Town, to comply with any special condition or conditions in the permit, any and all applicable provisions of County, State and Federal law, and the following regulations:

- A. The finished grade of land which is to be filled shall be done in such a manner as to not cause water to stand or accumulate or to result in a place of danger or a nuisance to the public health or safety.
- B. The use of approved best management practices (BMP's) shall be required to prevent storm water runoff from adversely affecting adjacent properties.
- C. Any filled area shall be seeded within 10 days of placing the fill. Vegetation shall be established on the new fill within 20 days of placement.

Sec. 22-197 Enforcement

A. Right of Inspection: The Town of Chincoteague through its duly authorized agent shall have the right to enter upon any land designated in any permit, for the purpose of making inspections, and for the purpose of causing compliance with the terms of this Ordinance. It shall be the duty of the Town Building and Zoning Administrator or duly authorized agent to make periodic inspections of all land for which permits have been issued.

B. Abatement of Unsafe Conditions: In addition to any other remedy available at law, the Town may bring an action for an injunction or other process against a person, or an agent of a person, to prevent, restrain, correct or abate any unsafe condition on a site or violation of any provision of this Ordinance.

C. Suspension or Revocation of Permit: In the event a permit holder violates the terms of this Ordinance, the Building and Zoning Administrator shall have the power to order a correction of the violation or to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension stating the reasons therefore shall be served upon the permit holder by regular first-class mail and certified mail, return receipt requested. Failure on the part of the permittee to correct a violation within thirty (30) days after such request is made by the Building and Zoning Administrator shall be reason for revocation or suspension of the permit. Additional

time for correction of the cited violations may be allowed upon submission to the Administrator of good and sufficient cause by the Permittee.

Sec. 22-198 Penalty

Any person, firm, corporation, or entity found violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction, be punished by a fine not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this Ordinance may also be enforced by an action for injunction, damages, or other appropriate legal action.

Sec. 22-199 Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Sec. 22-200 Severability

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal or ineffective, shall thereby cease to be part of this Ordinance; but the remainder of this Ordinance shall stand and be in full force and effect.

Sec. 22-201 Effective Date

This Ordinance shall take effect on the date of publication. All ordinances in conflict herewith are hereby repealed. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the Ordinance Sec. 22-191-201 as presented. Unanimously approved.

Councilman Savage advised the Election Ordinance was discussed earlier in the meeting. He read the Ordinance.

Sec. 2-30 Election of Mayor and Council

Once the ordinance is adopted, a copy must be sent to the Department of Election through our local registrar's *The present members of council shall continue in office until their successors are elected and qualified. On Tuesday November 8, 2022, and on the first Tuesday after the first Monday in November of every fourth year thereafter, there shall be a general election at which time the qualified voters of the Town shall elect 3 members of council for terms of four years each. On Tuesday November 5, 2024, and on the first Tuesday after the first Monday of*

November on each fourth year thereafter, there shall be a general election at which the qualified voters of the Town shall elect three members of council and a Mayor for terms of four years each. The term of a newly elected Town Council members and Mayor shall commence on January 1 next following such member's election.

The council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of the expiration of the term of office or the removal of the members of the body or any of them.

There was brief discussion and clarification.

Councilwoman Bowden motioned, seconded by Councilman McComb to adopt the Ordinance Sec. 2-30 Election of Mayor and Council as presented. Unanimously approved.

16. Consider Employee Raises

Vice Mayor Bott stated that the Budget & Personnel Committee recommended that Council approve the employee raises as well as the raises for part-time employees.

Town Manager Tolbert explained the evaluation process and bell curve. He gave the average scores stating that they will be below budget with the raises in the amount of approximately \$29,000. He also recommended Council approve the proposed employee increases and part-time employees an increase of 1.5%. They were given a 2.5% increase last year.

Vice Mayor Bott motioned, seconded by Councilman Taylor to approve the recommended employee raises as presented including the part-time raises. Unanimously approved.

17. Mayor and Council Comments

Councilman Savage stated that it has been an eventful evening recognizing staff and the Police Force. He commended Chief Fisher for a job well done adding he has great people working for him. He stated that Town staff is doing a great job. He commended the EMS and Emergency Management Coordinator Rush on keeping the Town informed and transparent. He added that they are all doing a fine job.

Councilman Taylor stated they are doing a good job keeping the community safe. He stated that no one knows what they see, hear and do. He added that we want families coming to the Island, but they aren't always the ones who come. The Police Department does their job. He thanked all in the Town and added that other towns are looking. He urged staff to keep up the professionalism, morale, training and keeping busy. He concluded that the Town is blessed.

Councilman McComb congratulated Chief Fisher, Administrative Assistant, Mrs. Amy Lewis, and Captain Greenley along with Mr. Mays for a great job. He also congratulated the Fire Company on a very profitable auction. It was nice to see them breaking records during a pandemic. The also thanked all Town employees for all they've done.

Vice Mayor Bott also congratulated Chief Fisher. He stated that when you bring in an outside consultant it gives a true validation on what they're doing.

Councilwoman Bowden echoed everyone's sentiments. She stated that she would put the Town employees up against anyone. She stated that they wouldn't be where they are if it weren't for the employees. She also advised that during the Blueberry Festival she spoke with a lady from another town in the County who praised the Council for conducting themselves in a professional and unified manner. Councilwoman Bowden feels they have a good group that comes together for the betterment of the Town. She appreciated all they've done. She stated that the auction was much more than they could have dreamed of. They took a hit 2 years in a row without the carnival. On behalf of the Fire Company, she thanked the Town for the money for the equipment. She also commented that the Yankees are moving up with 3 wins in a row.

Councilwoman Richardson stated that they do have a wonderful Town to live in. She stated that with the Town's Police Department and EMS you may see what goes on during the day, but you don't know what goes on at night. She added that you can lay your head down and sleep knowing that you are safe because someone is looking out for you. She stated that they appreciate everyone and all that they do, the Police Department and the EMS along with the community. She thanked everyone for what they do and concluded by asking everyone to stay safe.

Mayor Leonard asked everyone to pray for Mr. John Henry Howard who was severely injured and had surgery. He thanked the Fire Company who has so many moving parts with a lot that goes on. Everyone sees the final product but doesn't see the Mark Bowdens, or Billy Reeds going to the beach daily to feed and check on the ponies. He stated that he is grateful for them. He stated that the Police Department had a big accomplishment to get accredited. He advised he went to a meeting with sheriffs, and they commended our Police Department. He congratulated Chief Fisher. He also thanked the Island residents for being patient and proving this is a friendly place. He concluded with "Roll Tide".

18. Closed Meeting in Accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss prospective business opportunities, and evaluation of staff.

Vice Mayor Bott motioned, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss perspective business opportunities and evaluation of staff. Unanimously approved.

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

Vice Mayor Bott motioned, seconded by Councilwoman Bowden 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. Unanimously approved.**

20. Adjourn

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

MINUTES OF THE AUGUST 19, 2021
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:

None

Staff Present:

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

1. Call to Order

Mayor Leonard called the meeting to order at 8:00 p.m.

2. Invocation

Councilman Savage offered the invocation.

3. Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

3a. Approval of Remote Attendance

Mayor Leonard asked the pleasure of Council to allow Councilwoman Bowden to attend the meeting remotely.

Councilwoman Richardson motioned, seconded by Councilman McComb to allow Councilwoman Bowden to attend the meeting remotely. Unanimously approved.

4. Public Comment

Mayor Leonard opened the floor for Public Comment.

Mr. Craig Summers, 6286 Smith Street advised he and his wife are the coordinators of the Food Closet. He advised of the donations they receive from all over the shore. He advised over the past 7 months has been a little dry financially. He advised that the food boxes they gave out cost \$31 last year and currently costs \$39.00. He asked Council to consider a donation. He thanked them for the past donation.

5. Agenda Adoption

Councilman McComb motioned, seconded by Councilwoman Richardson to adopt the agenda as amended. Unanimously approved.

6. Mayor and Council Comments

Councilwoman Richardson asked about the status of the fuel pumps at the Harbor.

Mayor Leonard advised that because technology is changing, they have put it off. He added that he would like to have a new card reader.

Town Manager Tolbert explained that the pump works fine, but the problem is with the card reader by having to decide how much you're going to purchase before you pump gas. He added that with a new card reader, this won't change. He stated that they are required to upgrade to a chip reader. However, there is no chip reader for this specific pump. They were told that they should have one in a few months.

Mayor Leonard concluded with "Roll Tide".

7. Closed Meeting in Accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss prospective business opportunities, and evaluation of staff.

Councilman McComb, seconded by Councilwoman Richardson to go into a closed meeting in accordance with §2.2-3711 (A) (1,5) of the Code of Virginia to discuss perspective business opportunities and evaluation of staff. Unanimously approved.

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

Councilman McComb, 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**
- (2) only such public business matters were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered. Unanimously approved.**

9. Adjourn

Councilman McComb, seconded by Councilwoman Richardson to adjourn. Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager