



TOWN COUNCIL REGULAR MEETING

June 03, 2024 at 7:00 PM

Council Chambers – Town Municipal Center

AGENDA

CALL TO ORDER – *Mayor Leonard*

INVOCATION – *Councilman Taylor*

PLEDGE OF ALLEGIANCE – *Mayor Leonard*

CONSIDER REMOTE PARTICIPATION – *Mayor Leonard*

PUBLIC COMMENT – *Mayor Leonard*

1. [Rules for Public Comment](#)

AGENDA ADOPTION – *Mayor Leonard*

SPECIAL PRESENTATION

DISTRICT 1 SUPERVISOR REPORT - *Supervisor Tarr*

STAFF REPORTS - *Mr. Tolbert*

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

GUN VIOLENCE AWARENESS PROCLAMATION - *Mayor Leonard*

6. [Gun Violence Awareness Proclamation](#)

COMMITTEE REPORTS – *Council*

7. [Budget and Personnel Committee Minutes](#)
8. [Planning Commission Meeting Minutes](#)
9. [RCEC Minutes](#)

ADOPTION OF MINUTES - *Mayor Leonard*

CONSIDER AWARD OF ABANDONED VESSEL REMOVAL CONTRACT - *Mr. Tolbert*

10. [Council Award Memo](#)

CONSIDER REQUEST FOR MOU - Mr. Tolbert

11. [Mou Memo](#)

MAYOR AND COUNCIL COMMENTS – Mayor Leonard

CLOSED MEETING - in Accordance with § 2.2-3711 (A), 3 of the Code of Virginia for the discussion or consideration of the acquisition of real property.

12. [Closed Meeting Motion](#)

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

13. [Certification Motion](#)

ADJOURN



Rules for Public Comment:

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

Grants:

VMRC – The article appearing in the Eastern Shore Post a few weeks ago, spurred interest in our abandoned vessel project. We have since received 2 additional quotes and several inquiries about the project. Because of the renewed interest, we extended the deadline to submit quotes to Wednesday the 29th. I will be presenting those for approval this evening.



Trolley:

Ridership so far this year has been up on our trolley service. To date we have transported nearly 1,000 riders since trolley service began on May 4th at the Seafood Festival.

Our Transportation Director Billy King has been working with the Department of Rails and Public Transportation (DRPT) on the purchase of a surplus trolley by the Town. The value of the trolley has been established at \$40,000 of which DRPT will allow the Town to keep the first \$5,000 in our trolley capital account. Of the remaining balance, the Town will have to pay 80% bringing our total investment to \$28,000 for “Pied Piper”.



We expect to use this trolley for various events throughout the year which do not qualify for DRPT funding expanding our services for the center and community at large. The First event for the Town Trolley will hopefully be the Blueberry Festival in mid-July.

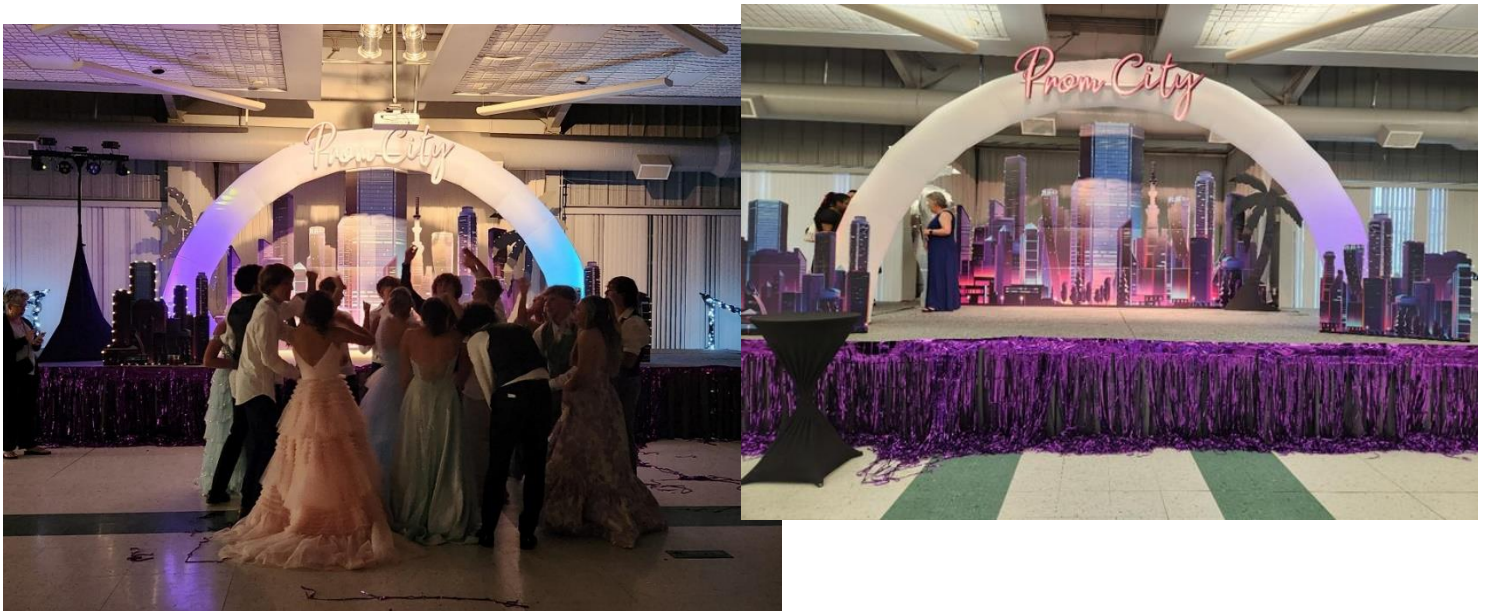
Traffic Lights:

VDOT has changed the programs on all 3 traffic lights to their summer, in season, routines. This should allow traffic to move more easily on Maddox and Main streets while preventing backups on the crossing roads.



Chincoteague Center:

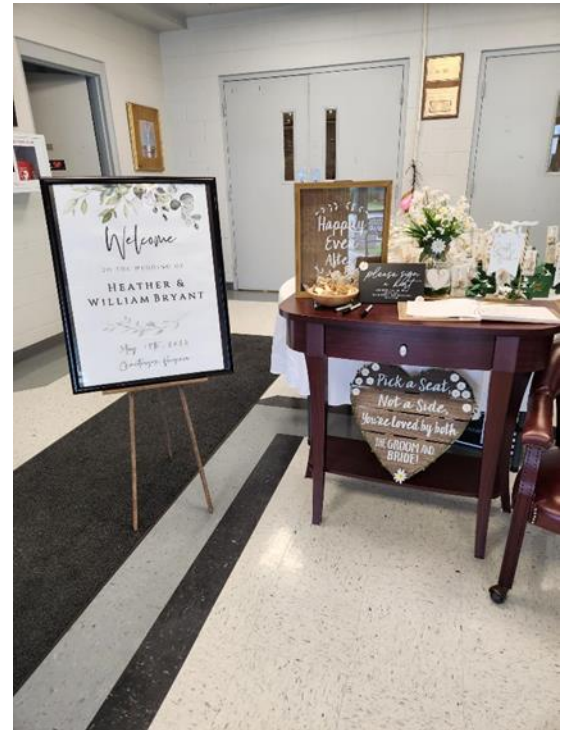
May events started off with the CHS prom on the 10th. The room was beautifully transformed into “Prom City” for the special night. The kids danced all evening and had a great time!

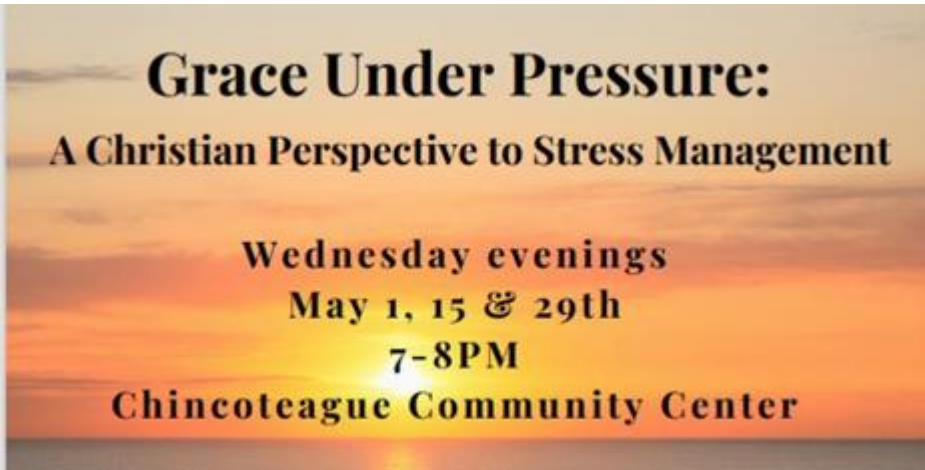


On May 13th, Island Roots hosted a paint and plant night. Everyone painted their own terracotta pot and then picked perennial plants to complete a cute project.



Wedding season started on May 18th with the Bryant's wedding followed by the Johnson's wedding on the 25th.





Our Wednesday stress management series wrapped up on the 29th.

For the month of May, 15 out of 31 days were used for events and event preparations. June will be even busier as we host Rocketfest for a week. The kids will be building 30 model rockets and launching them from our little league fields on Wednesday June 19th at 6pm and Thursday June 20th at 10am. The public is encouraged to attend.

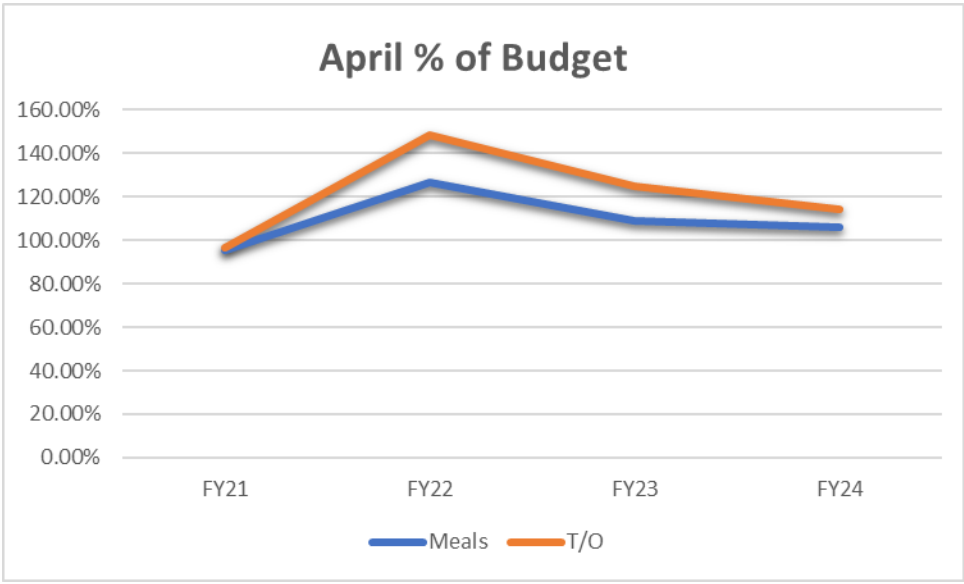
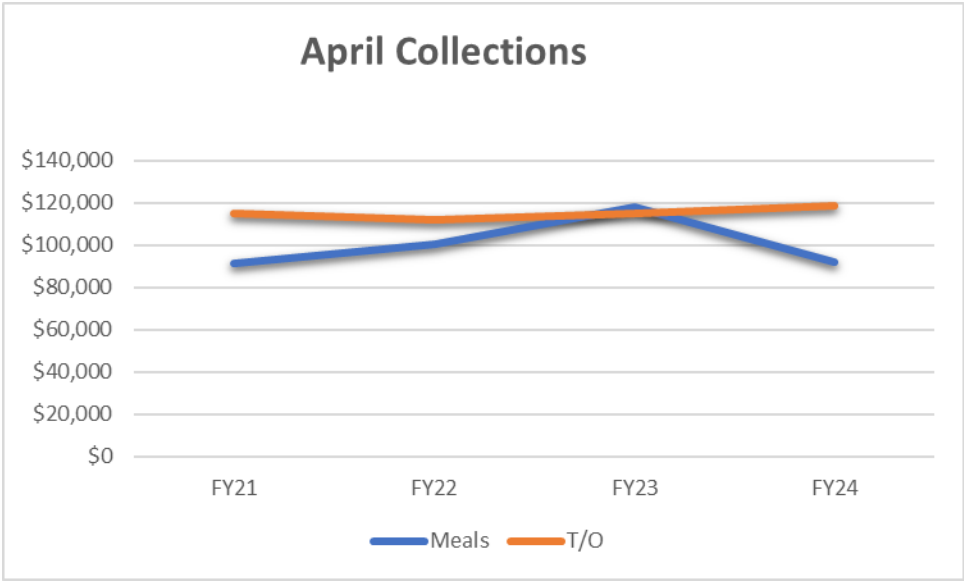


Meals and TOT:

The data in the table below represent collections for the month of May which reflect the level of business by food and lodging establishments in Town for the month of April. Although they have exceeded their budgeted values for FY24, both Meals and TOT taxes are flat or declining for the month year over year. A check of past due payments indicates no more than the average uncollected amounts at the end of May. This would seem to indicate that the level of business for the month of April is not increasing year to year.

Figures shown are for accounts posted by 05-29-24.

Meals and TOT May (April Activity)					
May Collections			Fiscal Year		
Meals Tax	Tax Collected	2 year average	Budget	YTD	% of Budget
FY21	\$91,184	\$109,410	\$1,040,000	\$989,513	95.15%
FY22	\$100,591		\$1,000,000	\$1,267,635	126.76%
FY23	\$118,228		\$1,200,000	\$1,309,965	109.16%
FY24	\$92,061		\$1,300,000	\$1,378,295	106.02%
Deviation from 2 yr. Meals Tax Avg.		-\$17,349			
T/O Tax	Tax Collected	2 year average	Annual Budget	YTD	% of Budget
FY21*	\$115,247	\$113,575	\$1,450,000	\$1,399,653	96.53%
FY22	\$112,353		\$1,400,000	\$2,080,764	148.63%
FY23	\$114,796		\$1,700,000	\$2,125,232	125.01%
FY24	\$118,876		\$2,000,000	\$2,282,082	114.10%
Deviation from 2 yr. T/O Tax Avg.		\$5,302			
*Increase in T/O Tax from 4% to 5% effective 1-1-21					



The summary below reflects the Town’s overall budget picture as of May 30, 2024 for the first 11 months of FY24.

BUDGET vs. ACTUAL - May 2024							
10 GENERAL FUND	FY24 BUDGET	FY23 MTD	FY24 MTD	FY23 YTD	FY24 YTD	VARIANCE	%
GENERAL FUND REVENUE TOTAL	\$ 7,563,652.00	\$ 521,706.34	\$ 388,240.94	\$ 8,577,730.48	\$ 7,537,676.13	\$ (25,975.87)	100%
GENERAL FUND EXPENSE TOTAL	\$ 7,563,652.00	\$ 1,073,680.63	\$ 411,505.30	\$ 5,385,533.45	\$ 5,726,602.44	\$ 1,837,049.56	76%
EMS EXPENSE TOTAL	\$ 1,304,989.00	\$ 106,611.77	\$ 87,504.84	\$ 848,313.61	\$ 956,993.83	\$ 347,995.17	73%
PUBLIC WORKS EXPENSE TOTAL	\$ 1,302,870.00	\$ 243,522.36	\$ 121,175.18	\$ 1,153,009.82	\$ 1,135,048.84	\$ 167,821.16	87%
MOSQUITO CONTROL EXPENSE TOTAL	\$ 138,241.00	\$ 4,890.42	\$ 2,172.43	\$ 171,643.54	\$ 70,361.00	\$ 67,880.00	51%
ROADS EXPENSE TOTAL	\$ 705,160.00	\$ 420,337.29	\$ 8,367.92	\$ 611,362.23	\$ 512,839.84	\$ 192,320.16	73%
POLICE EXPENSE TOTAL	\$ 1,313,220.00	\$ 144,036.17	\$ 78,875.36	\$ 953,324.82	\$ 1,139,629.11	\$ 173,590.89	87%
DISPATCHERS EXPENSE TOTAL	\$ 329,653.00	\$ 39,644.67	\$ 21,456.31	\$ 264,223.07	\$ 263,181.20	\$ 66,471.80	80%
30 CURTIS MERRITT HARBOR	FY24 BUDGET	FY23 MTD	FY24 MTD	FY23 YTD	FY24 YTD	VARIANCE	%
HARBOR REVENUE TOTAL	\$ 868,284.00	\$ 9,766.66	\$ 9,748.00	\$ 695,096.00	\$ 564,313.51	\$ (303,970.49)	65%
HARBOR EXPENSE TOTAL	\$ 868,284.00	\$ 99,390.03	\$ 28,164.24	\$ 1,087,116.76	\$ 470,936.72	\$ 397,347.28	54%
70 TROLLEY	FY24 BUDGET	FY23 MTD	FY24 MTD	FY23 YTD	FY24 YTD	VARIANCE	%
TROLLEY REVENUE TOTAL	\$ 259,833.00	\$ 45.50	\$ 64.00	\$ 35,298.96	\$ 232,823.88	\$ (27,009.12)	90%
TROLLEY EXPENSE TOTAL	\$ 259,833.00	\$ 2,375.63	\$ 5,500.79	\$ 43,954.79	\$ 68,302.32	\$ 191,530.68	26%
80 WATER	FY24 BUDGET	FY23 MTD	FY24 MTD	FY23 YTD	FY24 YTD	VARIANCE	%
WATER REVENUE TOTAL	\$ 1,015,000.00	\$ 82,705.50	\$ 93,291.41	\$ 952,791.45	\$ 1,087,738.35	\$ 72,738.35	107%
WATER EXPENSE TOTAL	\$ 1,015,000.00	\$ 62,063.15	\$ 59,710.50	\$ 579,719.03	\$ 578,833.70	\$ 436,166.30	57%
85 CENTER	FY24 BUDGET	FY23 MTD	FY24 MTD	FY23 YTD	FY24 YTD	VARIANCE	%
CENTER REVENUE TOTAL	\$ 194,650.00	\$ 12,135.91	\$ 26,831.35	\$ 462,038.71	\$ 210,297.31	\$ 15,647.31	108%
CENTER EXPENSE TOTAL	\$ 194,650.00	\$ 1,678.73	\$ 4,433.71	\$ 99,429.07	\$ 511,567.78	\$ (316,917.78)	263%
REVENUE TOTAL	\$ 9,901,419.00	\$ 626,359.91	\$ 518,175.70	\$ 10,722,955.60	\$ 9,632,849.18	\$ (268,569.82)	97%
EXPENSE TOTAL	\$ 9,901,419.00	\$ 1,239,188.17	\$ 509,314.54	\$ 7,195,753.10	\$ 7,356,242.96	\$ 2,545,176.04	74%
Difference					\$ (2,276,606.22)	\$ 2,276,606.22	



From April 28,2024 to May 28, 2024, the Building and Zoning Department issued 51 building permits and conducted 42 inspections and 15 case activity inspections.

3 - Business License site visits.

2 - Code case violation working without a permit \$120.00.

16 - Code case violations tall grass

16 - Zoning site visits.

42 - Building permit plans' reviews.

35 - Walk- ins for building and zoning questions.

The total value for the building cost of construction. \$556,404.86

The total building permit fees collected were \$ 3,867.99.



Permit Fee Report

04/28/2024 - 05/28/2024

Permit #	Permit Date	permit type	LOCATION ADDRESS	Permit Issuance Date	Total 2% State Tax	Total Building and Zoning	Total General	Estimated Cost of Construction	Primary Contractor
203305	5/28/2024	DECK	3608 Main Street	5/28/2024	1.92	96.00		10,000.00	DAVID FRAWLEY
203303	5/24/2024	Renovations	8119 Leo Lane	5/24/2024	1.92	96.00		12,000.00	JOHN POWERS
203302	5/23/2024		LOT J- 40 TOMS COVE	5/23/2024	4.26	213.12		16,000.00	BEAUTIFUL FLOORS AND MORE
203297	5/22/2024	Reroof	5393 Misty Meadows Drive	5/22/2024	1.08		54.00	2,400.00	BRUCE SHARP

20329 8	5/22/20 24	Demolition	7537 Doe Bay Lane	5/22/20 24	0.72	36.00		300.00	OWNER	Item 2.
20329 9	5/22/20 24	ACCESSOR Y BUILDING	7537 Doe Bay Lane	5/22/20 24	1.06	52.80		2,000.00	OWNER	
20330 1	5/22/20 24	ALTERATIO N	5080 Wildcat Lane	5/22/20 24	5.04	252.00		43,000.00	RH CONTRACTIN G	
20330 4	5/21/20 24	Demolition	3561 Main Street	5/21/20 24	0.72		36.00	10,000.00	HARRY WHITE HOUSE MOVERS	
20329 5	5/17/20 24	ACCESSOR Y BUILDING	7222 Bunting Road	5/17/20 24	1.08		54.00	4,300.00	BACKYARD ESCAPES	
20329 6	5/17/20 24	Fence	6484 Pine Dale Drive	5/28/20 24	1.08		54.00	650.00	OWNER	
20329 2	5/16/20 24	PIER	3553 Main Street	5/16/20 24	2.16	108.00		15,500.00	BIC INC	
20329 3	5/16/20 24	PIER		5/16/20 24	2.16	108.00		0.00	BIC INC	
20329 4	5/16/20 24	Fence	6286 Smith Street	5/16/20 24	1.08		54.00	6,100.00	DAVID FRAWLEY	
20328 4	5/15/20 24	ACCESSOR Y BUILDING	3298 Lekites Drive	5/15/20 24	1.08		54.00	6,413.00	BACKYARD ESCAPES	
20328 5	5/15/20 24	POOL	4458 Chicken City Road	5/15/20 24	1.92	96.00		8,300.00	BRELAND & SONS	
20328 6	5/15/20 24	ACCESSOR Y BUILDING	4441 Chicken City Road	5/15/20 24	1.08		54.00	3,500.00	BACKYARD ESCAPES	
20328 7	5/15/20 24	Reroof	5253 Main St	5/15/20 24	1.08		54.00	8,360.00	ALLEN CLARK JR	
20328 8	5/15/20 24	ADDITION	8128 BEEBE ROAD LOT M-80	5/15/20 24	1.92	156.00		7,000.00	OWNER	
20328 9	5/15/20 24		5104 Richardson Street	5/16/20 24	1.08		54.00	15,000.00		
20328 3	5/14/20 24	DECK	3742 Willow Street	5/14/20 24	1.44	72.00		400.00	OWNER	
20328 2	5/13/20 24	Mobile Home	LOT ONE PINE WOOD WAY Parcel:	5/13/20 24	5.07	253.44		94,335.00	CLAYTON HOMES	

			03100A000003 100						
20327 8	5/10/20 24	ACCESSOR Y BUILDING	3328 Willow Street	5/10/20 24	1.08		54.00	3,400.00	DAVID FRAWLEY
20327 9	5/10/20 24	Fence	3912 Main Street	5/10/20 24	1.08		54.00	750.00	OWNER
20327 7	5/9/202 4	DECK	8187 Sea Gull Drive	5/9/202 4	3.69	184.32		2,000.00	OWNER
20327 0	5/8/202 4	FOUNDATI ON REPAIR	7181 Bunting Road	5/8/202 4	1.92	96.00		5,600.00	JES CONSTRUCTI ON
20327 1	5/8/202 4	Stab Foundation	7715 East Side Road	5/8/202 4	1.92	96.00		9,200.00	JES CONSTRUCTI ON
20327 2	5/8/202 4	ACCESSOR Y BUILDING	2477 Main Street	5/8/202 4	1.08		54.00	7,614.00	BACKYARD ESCAPES
20327 3	5/8/202 4	Fence	3442 Willow Street	5/8/202 4	1.08		54.00	5,210.00	EASTERN SHORE PORCH & PATIO INC
20327 5	5/8/202 4	Reroof	7139 Silver Sails Landing	5/20/20 24	1.08		54.00	17,559.00	SPICER BROS CONSTRUCTI ON
20327 6	5/8/202 4	Reroof	6329 Maddox Boulevard	5/8/202 4	1.08		54.00	15,000.00	OWNER
20326 6	5/7/202 4	Reroof	8128 Beebe Road		1.08		54.00	9,800.00	FOX CONSTRUCTI ON
20326 7	5/7/202 4	Reroof	6234 Magnolia Drive	5/7/202 4	1.08		54.00	5,500.00	VIRGINIA CAROLINA BUILDERS
20326 9	5/7/202 4	Sign	6262 Marlin Street	5/7/202 4	1.08	54.00		6,800.00	PHILLIPS SIGN INC
20326 4	5/6/202 4	ACCESSOR Y BUILDING	8289 Bay View Lane	5/6/202 4	1.08		54.00	500.00	OWNER
20326 5	5/6/202 4	Reroof	3319 Kingsberry Kourt	5/6/202 4	1.08		54.00	11,000.00	M&C ROOFING
20326 1	5/3/202 4	Roof	5372 Mcclary Drive	5/3/202 4	1.92	96.00		14,000.00	OWNER

203263	5/3/2024	Fence	7917 EAST SIDE RD	5/3/2024	1.08		54.00	5,989.00	LOWE'S POCOMOKE	Item 2.
203258	5/2/2024	ACCESSORY BUILDING	8306 Seaweed Drive	5/2/2024	1.08		54.00	2,000.00	BACKYARD BARN	
203259	5/2/2024	Reroof	5330 North Hibiscus Drive	5/2/2024	1.08	60.00	54.00	13,000.00	M&C ROOFING	
203255	5/1/2024	Reroof	3442 RIDGE ROAD	5/1/2024	1.08		54.00	11,289.00	MATTHEW REED	
203257	5/1/2024	REPAIR	5088 Twilley Drive	5/1/2024	1.92	96.00		14,940.00	ALLEN CLARK JR	
					66.52	2,221.68	1,224.00	426,709.00		

Total Records: 41

5/29/2024

CHINCOTEAGUE POLICE DEPARTMENT

**MONTHLY REPORT TO COUNCIL
MAY 2024**

The Chincoteague Police Department received 368 calls for service, resulting in 8 investigations of criminal offenses including: 2 driving under the influence, 1 simple assault, 1 larceny and 1 hit & run. There were 4 arrest with 4 charges.

The Department responded to 3 alarms, 7 accidents, 7 animal complaints, 5 parking issues, 11 suspicious activities, 6 suspicious persons, 1 civil problem, 3 control burn checks, 8 assisting other agencies and 12 welfare checks.

In addition, 135 security checks and 15 public service calls were conducted.

The Department conducted 70 traffic stops resulting in 27 citations issued and 27 warning tickets.

The Department responded to 1 unattended death.

On May 3rd, 2024, the Chincoteague Police Department aided with traffic control and foot patrol at the seafood festival.

On May 8th, 2024, Inv. Barnes attended the FBI National Academy's Associates Technology Summit at the Virginia State Police HQ.

On May 13th, 2024, the C.P.D. hosted Coffee with A Cop at Blackfin Restaurant where members of the community were able to come and voice their concerns to the department.

On May 15th, 2024, SRO Geminiani provided the Chincoteague Elementary School Pre-K class with a tour of the police department complete with a interactive investigation that the class completed while receiving the tour.

On May 16th, 2024, SRO Carmody and Geminiani manned the Chincoteague Police Department job fair booth at Chesapeake College in Queenstown.

On May 22nd, 2024, Lt. Gladding and Dispatcher Adams attended Level 1 DART training.

Public Works: April

Cutting grass in cemeteries before Memorial Day weekend.



Installing Banners. We had approximately 25 more than last year.





Re-establishing parking lot for Lenard Park with millings as a base, split-rail fence. Topsoil and seeding will be installed outside the parking area.

Parking bumpers and fencing remain to be done.

220 feet of storm drain replacement on Willow Street.

Item 4.





Construction of walking trail at Brianna's Park.

Started Directional bore of waterline replacement for Piney Island.

Item 4.



Items Planned to be completed in June.

- **Asphalt Paving, Concrete Sidewalks, and Driveways.**
- **Spraying weeds, mowing, curb painting.**
- **Continue improvements @ Brianna's Park, Leonard Park, Ocean Breeze**
- **Continue routine maintenance of equipment and vehicles.**

TOWN OF CHINCOTEAGUE EMERGENCY SERVICES MONTHLY REPORT

EMERGENCY MEDICAL SERVICES DIVISION

Reporting Period: 05/01/2024 – 05/28/2024

TOTAL EMS RESPONSES: 85

(3 MORE THAN IN SAME PERIOD 2023): 82

ADVANCED LIFE SUPPORT: **30**

BASIC LIFE SUPPORT: **0**

OTHER: **25** (Fire Stand-by, Public Assist Calls, etc.)

HAZMAT: **0**

COMMUNITY SERVICE

BP SCREENINGS

Seven BP screenings were conducted at the station this month.

PLANNING

DRUG KIT TRANSITION

Continue to attend workgroup meetings for Virginia's Eastern Shore EMS agencies to work through the new FDA and DEA regulations that will be changing the entire landscape of how drugs are replaced pre-hospital. I sent a staff member to Crewe, Virginia, with expenses covered by the fire company to attend a setup training. The CVFC has approved a capital outlay for a dispensing machine and inventory as necessary in a worse case scenario. The operational medical director will sign off on all paperwork. We still have a mountain to climb but we are awaiting final direction as to how far we will have to support this transition.

LOGISTICS

MEDICARE REIMBURSEMENTS

Continued working with the CVFC treasurer and billing agency to complete an intensive document so that reimbursements from Medicare can continue to be received by CVFC for ambulance billing.

NEMSIS v3.5 REPORTING

The patient care reporting software revision to meet the new NEMSIS v3.5 reporting standards. The Office of EMS dropped new validations for data on May 22. The new validations have been downloaded to our system and I am working out some small data issues. April's data finished without errors.

TRAINING

CONTINUING EDUCATION

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

- Special Operations
 - Staff trained at the Assateague Lighthouse on May 22. New employees were introduced to lessons learned from previous responses there and our veterans refreshed their tactics. The lighthouse will now be open on the weekends through the season.

EMERGENCY MANAGEMENT DIVISION

- Weather and situational awareness monitoring.
- Attended the Regional Catastrophic Planning Grant, Evac Plan Workgroup meeting remotely. Discussed current Delmarva Emergency Task Force evacuation strategies.
- Finance Director Lewis attended a virtual VDEM grant meeting for me in my absence.
- Issued Code Red calls to notify Piney Island and Wildcat of waterline and paving projects.
- Worked with Chief of Police and our Code Red vendor to see about the feasibility to add FEMA's IPAWS (Integrated Public Alert Warning System) into our Code Red so that emergency messages can be sent without recipients having to be signed up on our system. This will increase our alert messaging in our area. Stay tuned!



PROCLAMATION

IN RECOGNITION OF DECLARING FRIDAY JUNE 7, 2024 TO BE LOCAL GUN VIOLENCE AWARENESS DAY

This proclamation recognizes that Friday June 7, 2024 will be proclaimed Local Gun Violence Awareness Day in the Town of Chincoteague to honor and remember all victims and survivors of gun violence and to declare that we as a community, we must do more to reduce gun violence.

WHEREAS, every day, more than 100 Americans are killed by gun violence, alongside more than 200 who are shot and wounded, and on average there are more than 13,000-gun homicides every year; and

WHEREAS, protecting public safety in the community we serve is the public official’s highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people that shouldn’t have them; and

WHEREAS, the vast majority of legal gun owners abhor gun violence and love and respect the peace and liberty that this Country stands for, and

WHEREAS, on June 7, 2024, people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to victims of gun violence; and the loved ones of those victims; and

WHEREAS, The color orange symbolizes the value of all human life; and

WHEREAS, anyone can join this campaign by pledging to wear orange on June 7th, 2024 to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 7th, 2024, citizens will raise awareness about gun violence, the value of human life and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED that the Town of Chincoteague declares June 7, 2024, to be Local Gun Violence Awareness Day. I encourage all citizens to support their local community’s efforts to prevent the tragic effects of gun violence and to honor and value of all human life.

Signed: _____

John Arthur Leonard, Mayor

Attested: _____

Michael T. Tolbert, Town Manager

**MINUTES OF THE MAY 14, 2024
BUDGET AND PERSONNEL COMMITTEE MEETING
Council Chambers**

Members Present:

Mr. Christopher Bott, Chairman
Ms. Denise Bowden, Councilwoman
Mr. William T. McComb, Jr., Councilman

Members Absent:

None

Other Members Present:

Mr. J. Arthur Leonard, Mayor
Mrs. Ellen Richardson, Councilwoman

Staff Present:

Michael T. Tolbert, Town Manager

Call to Order

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

Public Comment

Vice Mayor Bott opened the floor for public comment.

- Mrs. Patricia Farley, 3243 Lisa's Lane, addressed short-term rentals and the balance on the Island. She feels there are pros and cons to the increasing numbers of rentals and inequity. She commented on rental owners not paying their fair share in taxes. She asked if they are required to pay a business tax.

Town Manager Tolbert advised they are required to have a Business License and they pay Transient Occupancy Tax. He explained that the Business License is based on the gross receipts with a \$500 cap.

Mrs. Farley stated that in addition to the Transient Occupancy Taxes, which the renter pays, along with any business taxes that the rental companies pay, the owners are required to have a business license.

Town Manager Tolbert stated they are required to have a Business License. The Building and Zoning Administrator looks at the property which is required to have parking. He will also call the Health Department to see what the particular structure is being proposed as an STR is rated for and the number of bedrooms. This is the number of bedrooms the Town puts on the Business License specifically that they're allowed to rent.

Vice Mayor Bott asked if this was still being heavily tracked.

Town Manager Tolbert stated that if you start renting a property, the Town looks at the advertisement and if they don't have a Business License the Town will call and advise.

Mrs. Farley mentioned the issues with VRBO and AirBnB.

Town Manager Tolbert explained the VRBO and AirBnB reporting and lack thereof.

Mrs. Farley is grateful they are exploring to increase the quality of life in their neighborhood.

- Mr. Lance Sticher, 4101 Main Street, Seaside Vacation Rentals and Sales, gave a handout on occupancy rates. He explained that some of this is strictly his data from 2021 to date. Some of the data is compiled through AirBnB and VRBO. He reviewed the handout stating that they are not currently seeing the boom they did in 2022. He commented about rentals and reviewed the data from Accomack County. There are a lot of AirBnB and VRBO rentals that have come onto the market since 2020. He feels this will correct itself over the next few years and normalize. He feels that supply outweighs the demand.

There was further discussion about the number of STRs from 2020 to date.

Mr. Sticher also added information that the state of Alabama passed a bill that would revert the collection of the taxes back to the property managers.

- Mrs. Tina Zoller, 3454 Main Street, recently heard that there was a suggestion of a 2-tier Transient Occupancy Tax. She commented on the number of short-term rentals. She stated that all they have to do is sit on her front porch, to see that their roads are being used far more than they ever were in the past. She knows that not everyone's short-term rental is occupied. It locks out the people looking for long-term rentals and it's difficult for young people to rent in a town they grew up in. She would prefer a community of long-term rentals more so than short-term rentals because those people are a part of our community. Also because of the damage to the Town's roads, and it's an increase to the resources of police, fire, and ambulance. There is an influx of accidents, calls, and problems. The Town has to increase personnel and there should be a better tax structure for this.

- Mrs. Patty Woodhurst, Coastal Shore Vacations & Chincoteague Resort Realty, stated she is glad this is on the agenda. They are here to be involved in that process, share their information, and to help give examples, good and bad, of meeting community needs for permanent residents. She stated she can see many different ways that a governing body can try to reign some of that in. She likes to work together and doesn't like to be at odds, but she gets it. She stated that their overall numbers are down 2%. She feels they'll see more last-minute (under 30 days) bookings, but it's hard to judge how much of that they'll see. She sees this as a trend in the market. People are waiting until the last minute to get a good deal. She stated that a lot of people want to come to Chincoteague. You'll see some very expensive vacation rentals. They are committed to helping the community come to a happy medium.

Agenda Adoption

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

Review of Transient and Meals Tax Ordinance

Vice Mayor Bott advised this topic is to open discussion and look into what they can and can't do, what they are currently allowing themselves to do and try to get some education going out there. He added that at the last budget session they did not equalize the real estate tax. They have a lot of expenditures that have increased in FY25, specifically employee wages. It's time to look at the revenues to make sure they are covering the budget. They are going to review the current ordinance.

Town Manager Tolbert stated that currently the Town collects 5% Transient Occupancy and 5% Meals Tax. The allocation of the Transient Occupancy Tax is to the general fund, but recently the Budget and Personnel has decided to commit \$350,000 will go toward Public Safety salaries. They also committed 100% of the Cigarette Tax toward Public Safety salaries. 5% of Meals Tax goes towards funding the Chamber of Commerce and 5% goes towards funding the Civic Center. Meals Tax is collected on all prepared fresh nonpackaged food from venues, food trucks, food carts, and all those things that collect Meals Tax. The Transient Occupancy Taxes are collected on motels, hotels, bed and breakfasts, and short-term rentals. For FY24 the estimated revenues for Meals Tax are \$1.3 million, the Town will exceed that number in May, and in March exceeded the estimated \$2 million in revenue for Transient Occupancy Tax. For FY25 the estimated number for Meals Tax remains the same at \$1.3 million, and the estimated number for Transient Occupancy Tax is \$2.2 million. These estimates are done conservatively as they are based on the number of people visiting the Island.

Review STR Tax Options

Town Manager Tolbert stated he has asked the Town attorneys for an opinion. He advised the attorneys that he read the State Code several times and it is confusing. He asked if it would be legal for the Town to increase Transient Occupancy Taxes above 5% without a specific exemption by the General Assembly. They responded that the key to the difference is between towns and counties. The current State Code allows counties to collect Transient Occupancy Tax, but not towns. However, there is an exemption for towns that were collecting Transient Occupancy Tax prior to the change in law. Since the Town of Chincoteague is one of those towns, they can collect Transient Occupancy Taxes in addition to the County. There is also a thing called tax layering in which a town within the jurisdiction of a county is allowed to collect that tax and prohibit the county from collecting the tax at the same time. He explained that the County cannot collect Transient Occupancy Taxes on Chincoteague without the Town of Chincoteague's permission. He advised that the permission was given to the County to collect Transient Occupancy Taxes within the Town limits back when the Town was annexed in 1989. At that time, a 2% Transient Occupancy Tax was granted to the County as part of that deal.

Vice Mayor Bott asked if the 2% was in perpetuity or were there any guidelines.

Town Manager Tolbert stated that he understands that it was in perpetuity. He stated he would do the research.

Vice Mayor Bott thinks that it determines if they have an option as well or leverage the option.

Town Manager Tolbert advised that was the opinion of the attorneys who gave passages from the Town's Charter, and opinions from several Attorney Generals all stated that the Towns do have the right to collect that tax. He showed a list of counties that were allowed prior to the change. He stated he also asked if it was legal to increase the tax on short-term rentals and not traditional hotels or BnBs. They have found no specific provision of the Code that allows or prohibits differentiating between Transient Occupancy and STRs. Therefore, their opinion is that there is nothing that says you can't, so you could if you wanted to. They cautioned that for the Town to apply it, the Town would have to clearly differentiate between STRs, hotels, and motels which should not be an issue because the Town has those records. He also asked that in the State Code Section 58.1.3819 states that any tax collected in excess of 2% would have to be dedicated to tourism promotion. The Town currently doesn't meet this threshold. He asked if there are any exemptions to this rule and are they currently legal in this respect. He was referred back to #1 that states that section of the Code only pertains to counties not towns. Their opinion is that yes, the County would have to follow that and have to publish on their website what they do with the extra tax money if they're allowed to collect the excess of 2%. The Town is not beholden to this part of the Code because it is only for counties and not towns.

Councilman McComb asked if it was in excess of 2%.

Town Manager Tolbert read; "anything in excess of 2% collected has to be dedicated toward tourism". Accomack County collects 2% from Chincoteague, but 5% throughout the rest of the County. He also provided a list of Transient Occupancy Tax rates throughout the state. Some exceed 5%, some add a flat fee per night per dwelling. Cape Charles does this as well along with Virginia Beach.

There was discussion about possibly charging a fee per room per night, the current real estate tax revenue, and they're a resort town who rely on this but at the same time they have to take care of the people who live here. They want the visitors and depend on them but also know how taxing it is. There was also discussion about making different classes for Business Licenses and real estate taxes.

Vice Mayor Bott feels you have to look at this across the board including short-term, and campgrounds.

Review Employee Health Care Costs

Vice Mayor Bott wanted to get an idea of the two different plans.

Town Manager Tolbert reviewed the recent healthcare proposal advising it originally came it with an increase of 11%, he counteroffered at 5% and they agreed. He reviewed the specifics of the PPO and HSA plans.

They further discussed and commented on the differences.

Closed Meeting

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

Councilwoman Bowden, seconded by Councilman McComb to go into a closed meeting pursuant to §2.2-3711 A (1) of the Code of Virginia for review and discussion of specific personnel performance.

Ayes: Bott, Bowden, McComb

Nays: None

Absent: None

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

Councilwoman Bowden, seconded by Councilman McComb 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.**

Unanimously approved.

Ayes: Bott, Bowden, McComb

Nays: None

Absent: None

Adjournment

Councilwoman Bowden, seconded by Councilman McComb to adjourn the meeting.

Unanimously approved.

**MINUTES OF THE
PLANNING COMMISSION MEETING
TOWN OF CHINCOTEAGUE, VIRGINIA
MAY 14, 2024 - 7:00 P.M. – Council Chambers**

Commission Members Present:

Mr. Ray Rosenberger, Chairman
Mr. David Britton
Mrs. Mollie Cherrix
Mr. Michael Dendler
Mr. Steve Katsetos
Mr. K. Savage, Councilman
Mr. Robert Shendock

Commission Members Absent:**Staff Present:**

Mr. Michael T. Tolbert, P.E., Town Manager

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 floor for public participation.

- Mrs. Patricia Farley, 3243 Lisa’s Lane, advised they were just at the Budget and Personnel Committee meeting regarding short-term rentals. She feels this ties in with a portion of the Planning Commission’s packet titled “Chapter 3 - Land Use”. She stated the Commission has a description of goal for maintaining the community. She added that a lot of them feel that the increased number of short-term rentals is changing neighborhoods. She talked of her neighborhood adding they don’t pay anything toward maintenance. She encouraged the Commission to promote those who live on the Island year-round. She stated that Chincoteague was a real place with hardware stores, and she wants to continue to find ways to maintain the quality of life while accommodating tourists, enough that it sustains the budget. She feels they are on that path.

- Mrs. Tina Zoller, 3454 Main Street, echoed Mrs. Farley and added that maintaining the community is extremely important. She added that the proportion of short-term rentals to housing and long-term rentals is out of whack. She commented on the development on the south end of the Island. She misses her neighbors that lived there for generations. They were volunteers, had jobs, and were members of the community. What they have now is in and out, up, and down Main Street with heavy campers which is a burden on the infrastructure and nature

of our town. She added that it affects her daily life. She can't enjoy her front porch because it's a speedway. It is impossible for families to find housing at a normal price. She feels that this is becoming a luxury destination where regular people who live here are being priced out. It's a balancing thing because people want to make money on their investment. She added that the realtors stated that the market is oversaturated with short-term rentals. She hopes they can do some planning like they did in protecting Eastside from development. She would like to see the Town put some breaks on.

Mr. Shendock referred back to the survey from 15 years ago where the people liked the character of the Town. He stated that to maintain infrastructure you have to balance tax revenue. In 1990 he bought his house for \$95,000. At that time there wasn't a lot of money coming onto the Island and the economic conditions changed.

- Mr. Bob Zoller, 3454 Main Street, bought a house in 1995 and it has changed in the last 20 years, as every town changes. The important thing is they have to find balance. He commented on the bridge location change.

Mr. Shendock feels the importance is to gather a lot of input and intelligently project how things are going to change. He feels that Chapter 4 and Chapter 7 is where it should change.

Chairman Rosenberger stated that properties and rentals have increased. More and more people are purchasing existing homes. The dilemma is balancing and identifying what the Town wants as far as growth to the extent you can achieve it. He commented further.

Adoption of Agenda

Mr. Shendock motioned, seconded by Mrs. Cherrix to adopt the agenda as presented. Unanimously approved.

Approval of the Minutes

Mr. Shendock motioned, seconded by Mrs. Cherrix to approve the minutes of the April 9th, 2024, meeting as presented. Unanimously approved.

Review of 2025 Comprehensive Plan, Chapter 2 & 3

Flag Lots

Chairman Rosenberger discussed flag lots. He feels there's an advantage of a flag lot, but there are disadvantages to the Town.

Building and Zoning Administrator Bowden stated that currently the Code doesn't say a lot about flag lots. He stated that a flag lot has its place. If you have a home with an extra 10,500 square feet that you want to give to your child and there's no access, you can create a flag lot to get access to your property which is the normal purpose. However, there are some places where they've bought lots and instead of creating a road and a subdivision, they're creating flag lots off the road and making a 30' wide road to get an easement to but they're all flag lots. That's not a good use of a flag lot.

Chairman Rosenberger stated that he lives on a flag lot. It was created at a time when Sunnywood Manor was built. There were 4 flag lots with a 25' road and is self-maintained by the occupants. The water meter is at Sunnywood Drive and the pipe from the meter to his furthest neighbor is almost 300 feet. The maintenance responsibility falls on each of the property owners. The issue becomes, who will maintain the road it becomes a rental especially with the traffic coming in and out.

Building and Zoning Administrator Bowden added that it also depends on how the flag lot and the road was created. He added that you will have 10' legs and if there isn't an easement cut for each leg then the neighbor could put a fence up on his part of the flag lot, then you only have a 20' road. The flag lot was part of your land, and you had the right to do that.

There was further discussion.

Houseboats

Chairman Rosenberger suggested coming up with something as a recommendation, so they had something to review. He mentioned item #5, Floating Boathouses, from the last meeting regarding occupancy issues. He commented and stated there are no restrictions.

Building and Zoning Administrator Bowden suggested allowing existing commercial marinas and there is only one. They wouldn't allow rentals on any private piers. The only place they would be allowed would be in a commercial marina, and the houseboat would have to have a HIN.

Chairman Rosenberger advised that the Town of Ocean City, Maryland doesn't allow this at all.

Building and Zoning Administrator Bowden advised because they wouldn't have appropriate parking and sewage.

2025 Comprehensive Plan - Chapter 2 & 3

Chapter 2

Mr. Shendock stated they would like to revise a paragraph which lists the significant changes since the last update. He noted that at the end of Chapter 2 there is a resiliency section. They met the resiliency requirement in the last rendition. ODU felt this was the best Resiliency Plan which is infused in the whole Comp. Plan. He commented on Northampton's Comp. Plan. He stated that he is curious to see how ODU will go about implementing the development of the resiliency plan and if it's going to have input without process, or whether they'll read the current Comp. Plan.

Town Manager Tolbert advised he is sure they've read the current Comp. Plan. He is also sure they'll want some kind of involvement. He added that he currently doesn't have the official agreement.

Chairman Rosenberger asked if there was a timeline on this.

Town Manager Tolbert stated there is a timeline, but he hasn't received the agreement. He was unaware of the award until someone emailed him that the Town received the award.

There were further comments, and they feel that Chapter 2 doesn't need a rewrite.

Mr. Shendock stated that he feels they should review the goals and objectives after they redo the other chapters.

Announcements or Comments

They discussed the upcoming hiring and duties of a Town Planner. They discussed the increase in assessments and equalization, along with zoning and signage.

Adjourn

Mr. Shendock motioned, seconded by Mrs. Cherrix to adjourn. Unanimously approved.

Chairman, Mr. Ray Rosenberger

**MINUTES OF THE MAY 28, 2024
RECREATION & COMMUNITY ENHANCEMENT
COMMITTEE MEETING
Town Council Chambers**

Members Present:

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

Members Absent:

Council and Staff Present:

Wes. Parks, Director of Public Works

Call to Order

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

Public Comment

Chairman Taylor opened the floor for public comment.

- There was a lady who addressed the Committee regarding the Dog Park. She stated they are happy with the sail shade that is currently there and the benches. She stated they would like to request another one.

There was discussion regarding the funds and placement, and unlocking the Dog Park.

Public Works Director Parks advised he would order the sail shade and will schedule to have it installed when it comes in.

There were further comments.

Agenda Adoption

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

Review Progress of Leonard Park Improvements

Ms. Leonard stated that she asked for grass seed and the Town put in a parking lot.

Chairman Taylor stated that it's a small parking lot.

There was further discussion.

Public Works Director Parks advised they will put in a fence and parking bumpers across the front.

Ms. Leonard asked the kayak launch.

Public Works Director Parks responded that they won't be able to drive to the launch, they would have to be carried from the parking lot.

Discussion continued.

Review Layout and Schedule for Brianna's Park Walking Trail

Public Works Director Parks reviewed the layout of the trail.

There was further discussion regarding the material, placement of exercise equipment, and drainage.

The Committee further discussed the removal of riprap at Memorial Park.

Ms. Leonard stated that a few meetings ago she requested upgrades to the waterfront across from the carnival grounds and the removal of the riprap. She would like Council to negotiate with the Fire Company to make this area look better and usable.

Consider Request for Additional Shade Structure at Dog Park

This matter was discussed during public participation.

Vice Mayor Bott motioned, seconded by Ms. Leonard put another sail shade at the Dog Park. All present were in favor and the motion was carried.

Ms. Leonard asked that the picture of the old boat launch be removed from the website and replaced with the new one. She commented further and asked about how the name "Tom's Cove" was created.

Discussion continued.

Adjournment

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

Town of Chincoteague, Inc.



TO: Mayor Lenoard and Members of Council

FROM: Michael Tolbert, Town Manager

DATE: June 3, 2024

SUBJECT: Abandoned Vessel Removal Contract

The Town of Chincoteague was recently awarded \$60,000 from the Virginia Marine Resource Commission for the purpose of removing 4 derelict and abandoned vessels and equipment from local waters.

The town advertised the project in the Eastern Shore Post and subsequently received 3 conforming quotations. A tabulation of contractors' quotations is below.

Contractor	Qualifications	Price
Fisher Marine Construction	Class A, Va.	\$57,500
Cockrell Marine Railway Inc.	Class A, Va.	\$48,000
Mark Ross Construction	Class A, Va.	\$55,500

After a review of the quotations and contractor qualifications, staff recommends that the contract be awarded to Cockrell Marine Railway Inc. as the lowest responsive bidder, for the lump sum price of \$48,000.

Council is asked to vote to award this contract.

Town of Chincoteague, Inc.



TO: Mayor Lenoard and Members of Council

FROM: Michael Tolbert, Town Manager

DATE: June 3, 2024

SUBJECT: Request for MOU

On May28, I received a request from Ms. Susan Rillo, Town manager of Onley, to consider renting some of our mosquito spaying equipment. The Town of Onley sprays mosquitoes using similar equipment and chemicals as Chincoteague. Onley is currently experiencing critical issues with their sprayer and they are investing in a new one. Until that new gear arrives, they have no way of applying pesticides.

Ms. Rillo asked if Chincoteague would be willing to rent one of our sprayers to Onley in the interim. Since the Town of Chincoteague was recently in a similar situation, it appears that both towns could benefit from a memorandum of understanding (MOU) that permits the use of each other's equipment. An MOU would dictate the terms of use during an outage so that it would not affect the application schedule of the municipality providing the equipment.

Ms. Rillo will ask Onley's attorney to draft an MOU pending affirmative votes by both councils.

Council is asked to vote to approve the creation of an MOU with Town of Onley for the sharing of mosquito control equipment. The final draft of the MOU would be presented to Council for approval.

Town of Chincoteague, Inc.



June 3, 2024 Council:

CLOSED MEETING MOTION:

In accordance with Section § 2.2-3711,A, 3 of the Code of Virginia I move that the Council convene a closed session for the purpose of consideration of the acquisition of real property for a public purpose.

Certification Motion:

In accordance with section 2.2-3712(D) of the Code of Virginia, I will entertain a motion that the Council certify that to the best of each members' 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.**

Ask for a vote by show of hands.