



TOWN COUNCIL WORKSHOP MEETING

June 20, 2024 at 6:00 PM

Council Chambers – Town Municipal Center

AGENDA

CALL TO ORDER – *Mayor Leonard*

INVOCATION - *Councilman Savage*

PLEDGE OF ALLEGIANCE – *Mayor Leonard*

PUBLIC COMMENT – *Mayor Leonard*

- [1.](#) Rules for Public Comment
- [2.](#) Mr. Kelly Conklin

AGENDA ADOPTION – *Mayor Leonard*

CONSIDER TRAFFIC CODE ADDOPTION - *Mr. Tolbert*

- [3.](#) FY24 State Traffic Code Memo

CONSIDER FY24 BUDGET SURPLUS ALLOCATION - *Vice Mayor Bott*

- [4.](#) FY24 Budget Surplus Allocation

CONSIDER FY24 PERSONNEL MERIT INCREASES - *Vice Mayor Bott*

- [5.](#) FY24 Employee Review Memo

CONSIDER ABANDONED VESSEL CONTRACT AWARD - *Mr. Tolbert*

- [6.](#) Abandoned Vessel Contract Memo

MAYOR & COUNCIL ANNOUNCEMENTS – *Mayor Leonard*

CLOSED MEETING in Accordance with § 2.2-3711 (A) (1,7) of the Code of Virginia for performance evaluation of staff and legal briefings by staff pursuant to pending litigation.

- [7.](#) Closed Meeting Motion

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

- [8.](#) Certification Motion

ADJOURN

Town of Chincoteague, Inc.



Rules for Public Comment:

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

Mayor and Council:

I cannot be with you tonight but would like to share my thoughts concerning the Carnival ground waterfront parking lot that was mentioned at the last council meeting. (Full disclosure, our family owns the property immediately to the north, where the Kiwanis barn is located.)

We have much to be proud of on our island. We have been blessed with forward thinking Mayors and council members. One piece of evidence supporting my assertion is our many attractive parks, boat ramps and harbor. As we all know, access to the waterfront is limited. I encourage you to seize opportunities to preserve access when possible. One opportunity is property you already own—the Carnival waterfront parking lot. Of all the town owned properties this has to be the most under-utilized and least attractive.

I encourage you to view this property as another waterfront park. Imagine a boardwalk where locals and visitors alike could enjoy the beautiful sunsets. Rocket launches could be viewed from the boardwalk. There could be a kayak put in to access that end of the island. If water depth permits, a pier could be installed and folks could arrive at the carnival by boat. I am sure there are other ideas that would allow this property's potential to be maximized by citizens and visitors alike.

Thanks for letting me share my thoughts on this topic.

Sincerely,

Kelly Conklin



TO: Mayor Leonard and Town Council

FROM: Michael Tolbert, Town Manager

DATE: June 20, 2024

SUBJECT: Vehicle and Traffic Code

It is requested that Council adopt Chapter 58, Traffic and Vehicles of the Town Code. This “readopting” occurs annually to ensure that the Town Code aligns with any changes in the relevant portion of the Code of Virginia chapter 58 with the new changes follows:

TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

Sec. 58-1. Compliance with chapter; violations and penalties generally.

(a) It shall be unlawful for any person to violate or fail to comply with any of the sections of this chapter or of any rule or regulation promulgated pursuant to this chapter.

(b) Every person convicted of a violation of any of the sections of this chapter for which no other penalty is provided shall be punished by a fine of not more than \$200.00.

(Code 1977, § 11-21)

State law references—Penalties for motor vehicle violations, Code of Virginia, § 46.2-113; town prohibited from imposing a penalty for violation of motor vehicle ordinance in excess of that imposed by state for a similar offense, Code of Virginia, § 46.2-1300.

Sec. 58-2. Adoption of state law; former provisions.

(a) Pursuant to the authority of Code of Virginia, § 46.2-1313, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, in effect on July 1, 2023, except those provisions and requirements the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the Town, are adopted and incorporated herein by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town. Such provisions and requirements hereby adopted, *mutatis mutandis*, are made a part of this section as fully as though set forth at length herein, and it shall be unlawful for any person within the town to violate or fail, neglect, or refuse to comply with the provisions of Title 46.2 of the Code of Virginia of 1950, as amended; Article 9 (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended, which are adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia of 1950, as amended; (§16.1-278 *et seq.*) of Chapter 11 of Title 16.1 of the Code of Virginia of 1950, as amended; and Article 2 (§18.2-266 *et seq.*) of Chapter 7 of Title 18.2 of the Code of Virginia of 1950, as amended. Amendments to the above provisions of the laws of the Commonwealth of Virginia hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of the town.

(Code 1977, § 11-1; Ord. of 6-21-2001; Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-6-11, 6-4-12, 6-3-13, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 6-3-19, 7-16-20, 6-05-2023, 6-20-24)

(b) The provisions of this section, as readopted, shall be effective as of 12:01 am July 1, 2023. As of such effective date, such readoption shall replace former section 58-2 as it existed prior to the effective date of readoption, provided that such repeal shall not affect any act or offense done or committed or any penalty or forfeiture incurred or any right established or suit or action pending on that day. Except as otherwise provided, neither the repeal of section 58-2 nor the enactment of this readoption shall apply to offenses committed prior to the effective date of this section, and prosecution for such offense shall be governed by pitot law, which is continued in effect for that purpose.

(Code 1977, § 11-1; Ord. Of 6-21-2001' Readopted 6-3-02, 6-2-03, 7-6-04, 6-16-05, 6-15-06, 6-4-07, 6-2-08, 7-1-09, 6-17-10, 6-19-14, 6-18-15, 6-16-16, 6-15-18, 6-3-19, 7-16-20, 6-05-2023, 6-20-24)

Town of Chincoteague, Inc.



TO: Mayor Leonard and Members of Council
 FROM: Christopher Bott, Vice Mayor
 DATE: June 20, 2024
 SUBJECT: FY24 Budget Surplus

The Budget and Personnel Committee met on June 11 to review the anticipated FY24 budget surplus and consider allocation of those funds. The following is a review of information presented along with the committee’s recommendation.

Budget Discipline during FY24 was very good and once again, conservative budgeting has produced an end of year surplus. All expenditures in the tables below are projected as of June 30 but are based on information available by June 4, 2024.

Expenditures by individual fund are represented in the chart below.

<u>EXPENDITURE TOTALS</u>	<u>BUDGET</u>	<u>EOY PROJ.</u>	<u>DELTA</u>	<u>NOTES:</u>
<i>Departments</i>				
<i>GENERAL GOVERNMENT</i>	\$2,469,519	\$2,349,827	-\$119,692	- APRP Proj. Expenditures- NA
<i>EMERGENCY SERVICES</i>	\$1,304,989	\$1,176,450	-\$128,539	- More Part Timers
<i>PUBLIC WORKS</i>	\$1,302,870	\$1,427,536	\$124,666	- Excavator and equipment
<i>MOSQUITO CONTROL</i>	\$138,241	\$81,116	-\$57,125	- Stockpile of Trumpet
<i>ROADS</i>	\$705,160	\$676,799	-\$28,361	
<i>POLICE</i>	\$1,313,220	\$1,369,301	\$56,081	
<i>DISPATCH</i>	\$329,653	\$316,343	-\$13,310	
TOTAL GENERAL FUND	\$7,563,652	\$7,397,372	-\$166,280	
TOTAL HARBOR FUND	\$868,284	\$652,555	-\$215,729	
TOTAL TROLLEY FUND	\$259,833	\$83,353	-\$176,480	- New Trolley Paid for in FY23
TOTAL WATER FUND	\$1,015,000	\$942,887	-\$72,113	
TOTAL CENTER FUND	\$194,650	\$545,931	\$351,281	- HVAC Delayed to FY24
TOTAL EXPENDITURES	\$9,901,419	\$9,622,098	-\$279,321	

Town of Chincoteague, Inc.

Revenues by individual fund are represented in the following chart.

<u>REVENUE TOTALS</u>	<u>FY24</u>	<u>EOY PROJ.</u>	<u>DELTA</u>	<u>NOTES:</u>
TOTAL GENERAL FUND	\$7,563,652	\$9,019,617	\$1,455,965	- Meals, TOT, LGIP Int.,
TOTAL HARBOR FUND	\$868,284	\$674,223	-\$194,061	- No VPA Grant
TOTAL TROLLEY FUND	\$259,833	\$238,463	-\$21,370	- New Trolley Paid for in FY23
TOTAL WATER FUND	\$1,015,000	\$1,261,249	\$246,249	- Water Rent, Availability Fees, Main Extensions
TOTAL CENTER FUND	\$194,650	\$221,749	\$27,099	
TOTAL REVENUES	\$9,901,419	\$11,415,301	\$1,513,882	

Revenues over expenses are represented in the following table.

	<u>FY24</u>	<u>EOY PROJ.</u>	<u>NOTES:</u>
GENERAL FUND	\$0	\$1,622,245	- TOT, MT, INT,
HARBOR	\$0	\$21,668	- FUEL
TROLLEY	\$0	\$155,110	- NEW TROLLEY
WATER	\$0	\$318,362	- WATER RENTS, AVAILABILITY FEES
CENTER	\$0	-\$324,182	- HVAC , SOUND SYS
TOTAL DEFECIT / SURPLUS	\$0	\$1,793,203	

While total revenues over expenses are considerable, I recommend that we maintain the following discipline when allocating each overage.

Harbor: The small excess in the Harbor Fund does not merit consideration for reallocation and would be better served to remain in the Harbor fund.

Trolley: The Trolley Fund balance is the result of the receipt of reimbursement for the new trolley, originally budgeted in FY23, after the FY24 fiscal year had begun. These funds replace funds from the General Fund dispersed for the FY23 trolley purchase.

Water: The overage in Water is due to the unexpected increase in water usage as well as several unbudgeted water main extensions and availability fees. These funds should remain in the Water Fund as reserves so as to maintain the Water Fund’s Enterprise status.

Center: The Center’s deficit is the result of the delay, until FY24, in completing the HVAC project and the midyear decision to install the new Audio-Visual equipment.

General Fund: The General Fund overage of \$1,622,245 consists mostly of excess revenues from RE and PP taxes as well as Meals, TOT, and Bank Fr. Taxes. Another large component is excess interest income. For FY24 the prediction for interest income from our LGIP account exceeds budget by \$528,800. My recommendation for this revenue is for it to remain in our investment account as a reserve. Earned interest is applied only to the GF Savings subaccount in LGIP and this interest could be used to increase the balance of other subaccounts within LGIP without withdrawing it from the investment.

Town of Chincoteague, Inc.

With reference to the above, the committee is recommending the following distribution of surplus funds.

FY24 Surplus Funds:	\$1,793,203	
Harbor	\$20,668	Remains in Harbor Acct.
Trolley	\$155,110	Remains in General Fund
Water	\$318,362	Remains in Water Reserve Acct
General Fund		
- Interest Income	\$528,800	Remains in LGIP Investment Acct.
- Property Acquisition Reserve	\$50,000	CIP FY24 - Replaces Budget Removal
- Additional Paving	\$48,850	Additional VDOT Funds
- Unscheduled Water Line Repl.	\$57,950	CIP FY24, 25 Required Critical Repairs
- Eel Creek Culvert Engineering	\$50,000	CIP FY25, Culvert is Failing
- Mem Park Pier Repairs	\$50,000	CIP FY25, Repairs Becoming Critical
- Chamber Public RR Sewage	\$45,000	CIP FY26, Sewage for Planned Restroom
- MP Sewage Repair/Replace	\$45,000	Existing Drain Fields are Failing.
- Municipal Center Digital Sign	\$42,000	Council Request
- Christmas Decoration Repl.	\$50,000	CIP FY25, RR Park Decorations
- DJA Gym Composite Floor	\$70,000	CIP FY26, With YMCA contractor
- BKP Site Lighting	\$25,000	CIP FY25, Increases Visibility and Security
- CMH Fiber Optic @ Fuel Pumps	\$25,000	CIP FY24, Fuel Pumps more Reliable
- Boat Ramp Reserve	\$50,000	Current Acct. Depleted
- <u>Playground Equipment Reserve</u>	<u>\$50,000</u>	<u>Current Acct. Depleted</u>
- Remaining Unallocated Funds	\$111,463	Covers Inaccurate Surplus Estimates

Council is asked to vote to allocate the above predicted surplus as defined and to direct staff to prepare an amendment to the FY24 Budget reflecting these allocations.

Town of Chincoteague, Inc.



TO: Mayor Leonard and Members of Council
FROM: Christopher Bott, Vice Mayor
DATE: June 20, 2024
SUBJECT: FY24 Employee Reviews

The Budget and Personnel Committee met on June 11 to consider employee performance and reviews for FY24 as evaluated by department heads. The following presentation was considered and is recommended to council for consideration.

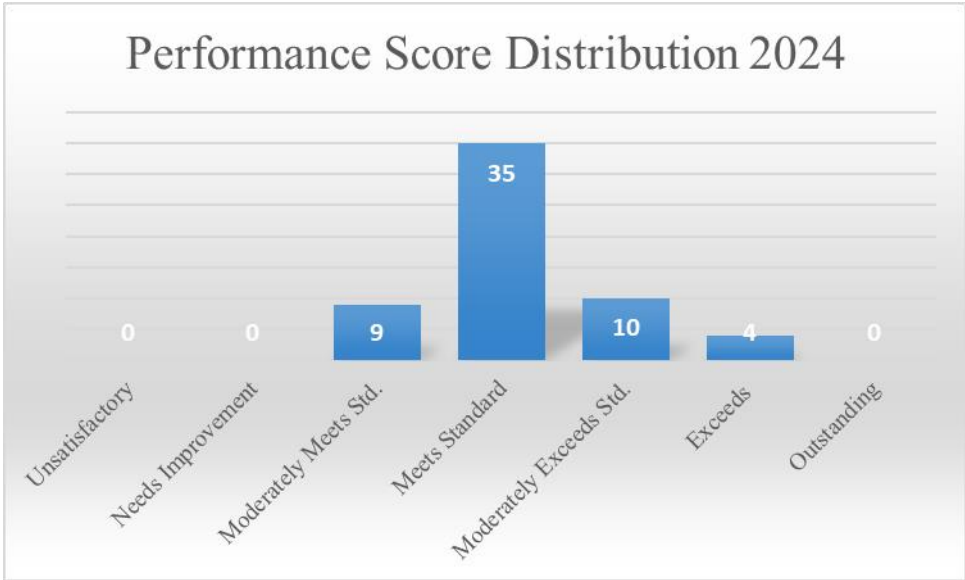
During the month May and early June, all department heads evaluated the performance of their employees. The town uses an evaluation tool produced by Insperity which measures the performance of each employee in the same 11 competencies and 50 different skills. A rating is assigned for each competency and an overall composite score from 1-5 is calculated by the software. Each employee's composite score is then translated into a percentage increase in salary according to the scoring chart below:

Perf Score	Increase	Ratings
5.00	8.00	Outstanding
4.75	7.00	
4.50	6.00	Exceeds Job Requirements
4.25	5.00	
4.00	4.00	
3.75	3.00	Meets Job Requirements
3.50	2.75	
3.25	2.50	
3.00	2.25	
2.75	2.00	Needs Improvement
2.50	1.50	
2.25	1.00	
2.00	0.50	
1.75	0.00	

Town of Chincoteague, Inc.

For FY24, the average overall Performance Score was 3.37 “Meets job Requirements” and the average raise was 2.28%. The highest score was 4.22 ”Exceeds Job Requirements” and the lowest was 2.65 “Moderately Meets Standard”. As in previous years, raises for FY25 were budgeted at 2.5%. These values are consistent with previous years’ scores and increases and approximated a standard bell curve.

Distribution	# of Employees
Unsatisfactory	0
Needs Improvement	0
Moderately Meets Std.	9
Meets Standard	35
Moderately Exceeds Std.	10
Exceeds	4
Outstanding	0



Town of Chincoteague, Inc.

By Department:

Department	Average Score	Average Raise	Budget (Over/Under)	Notes
EMS	3.37	1.79%	-\$2,525	Incl. several recently raised or new Emp.
General Government	3.52	2.79%	\$1,665	
Public Works	3.29	2.10%	-\$808	
Police Department	3.36	2.02%	-\$2,290	
Total Over/ Under			-\$3,958	

Performance Scores across departments compared well indicating that supervisors were consistently evaluating each employee’s skills and competencies.

The total budgeted raise across all departments for FY25 was \$78,817. Total cost of raise after employee evaluations was \$74,979. The performance pay increase proposal is therefore under budget by \$3,958.

The Committee recommends that Council accepts the raise as presented for FY25.

Council is asked to vote to approve this raise for FY25.

Town of Chincoteague, Inc.



TO: Mayor Lenoard and Members of Council

FROM: Michael Tolbert, Town Manager

DATE: June 20, 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 and a recent request was granted to include a 5th vessel near the abandoned equipment site.

The town originally advertised the project in the Eastern Shore Post and subsequently received 3 responsive quotations. All responsive contractors were then asked to submit a revised price to include the 5th vessel. We received 2 revised prices. A tabulation of contractors' quotations is below.

Contractor	Qualifications	Orig. Quote	Revised Quote
Fisher Marine Construction	Class A, Va.	\$57,500	\$65,000
Cockrell Marine Railway Inc.	Class A, Va.	\$48,000	\$52,000
Mark Ross Construction	Class A, Va.	\$55,500	None

With respect to Council's inquiry into the award of this contract to non-local contractors, the following excerpt is taken from the VMRC's grant manual.

VI COMPLIANCE REQUIREMENTS

6.1 State and Federal Laws, Authorized Disposal Sites

Projects must comply with all local, state, and federal regulations, obtain state or federal permits, if necessary; and follow all applicable laws related to procurement for any labor, equipment, materials, facilities, construction, and other services related to the project funded.

Town of Chincoteague, Inc.

Town procurement policy gives preference to local Vendors and also allows consideration of the “best responsible vendor” on the basis of character, integrity, reputation, judgement, experience, and efficiency. State procurement law contains no such provision.

After a review of references for the lowest responsive contractor, I have found no reason to disqualify his submission.

Staff recommends that the contract be awarded to Cockrell Marine Railway Inc.as the lowest responsive bidder, for the lump sum price of \$52,000.

Council is asked to vote to award this contract.

Town of Chincoteague, Inc.



June 20, 2024 Workshop Council Meeting

CLOSED MEETING MOTION:

**In accordance with Section § 2.2-3711,A-1,7 of the Code of Virginia
I move that the Council convene a closed session for the purpose of
discussion and review of specific personnel performance and legal
briefings by staff pursuant to pending litigation.**

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.