



TOWN COUNCIL REGULAR MEETING

November 04, 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*

AGENDA ADOPTION – *Mayor Leonard*

STAFF REPORTS - *Mr. Tolbert*

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

COMMITTEE REPORTS – *Council*

5. [Cemetery Committee Minutes 10-4-24](#)
6. [Budget and Personnel Committee Minutes 10-8-24](#)
7. [Planning Commission Minutes 10-08-24](#)
8. [RCEC Minutes 10-10-24](#)

ADOPTION OF MINUTES - *Mayor Leonard*

9. [Council Meeting Minutes 10-7-24](#)
10. [Workshop Minutes 10-17-24](#)

PUBLIC HEARING - MURALS

11. [Rules for Public Hearings](#)
12. [Public Hearing Notice](#)
13. [Mural Ordinance Resolution](#)

MAYOR AND COUNCIL COMMENTS – *Mayor Leonard*

ADJOURN

Dumpster Ordinance:

As you know, the commercial solid waste collection ordinance was modified in the Fall of 2023 to include additional requirements for dumpsters. Among other requirements, these include placing all dumpsters on a cleanable pad and screening them from view of a public right of way or adjacent properties. Violations include an initial warning followed by progressively increasing fines that do not exceed \$1,000 in any 12-month period. The Town office will begin to enforce this ordinance in January of 2025. All business owners were notified of the changes to this ordinance in January of 2024 in their business license renewal notice and again by mail last month.

New Positions:

The Town is currently seeking to fill two positions, Town Planner and Finance Director. The Planner position has been vacant for several years and our current Finance Director, Kelly Lewis will be retiring in April. Both vacancies have been advertised on an internet hiring site as well as the VML website. I am currently reviewing multiple applications for both jobs.

Tax Time:

Tax time is upon us! We received the tax data files from the County on the week of October 21 and they were immediately sent to our financial software vendor to be formatted. Copying of the files began on Wednesday and everyone in the office is busy filing folding and stuffing bills so that they can be mailed by November 5.

Taxes are due on December 5, making it the busiest time of year for the General Government Employees.





An indoor rummage sale took place on October 5th with 217 attendees



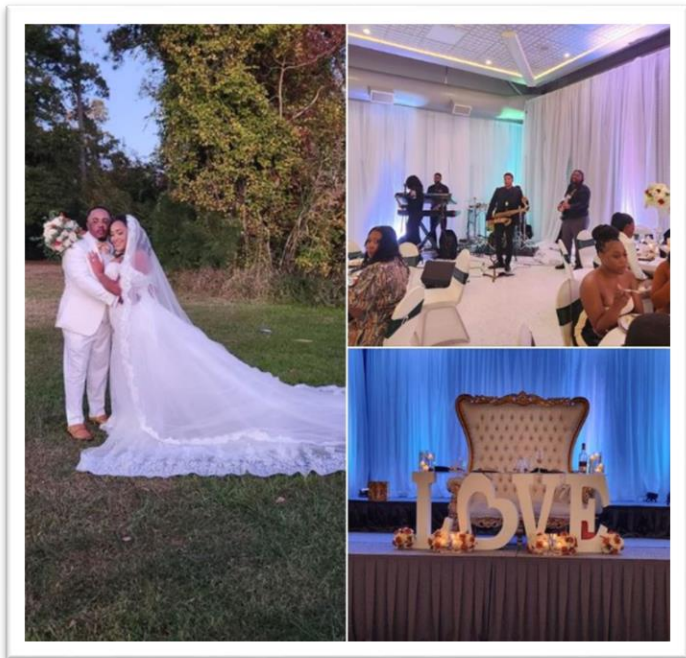
Candidate Forum – A candidate Forum was held on October 22 with over 200 attendees. Questions were submitted by residents and former Accomack County Circuit Court Clerk Sammy Cooper Moderated the event

All candidates for local office participated in this event.



The center continues to be a popular wedding venue with two 300 guest weddings in October.

The month's events ended with a blood drive by the Kiwanis and Bingo sponsored by the Village Neighbors.



Looking ahead for November we have elections on the 5th, paint night with Sandy Skys on the 14th, little league dinner and auction with the Deloreans on the 16th, and we have planned the 1st annual center holiday craft show on November 23rd. We are still looking for a few more local vendors! The tables will be \$50 each or 3 for \$125. Please call Mary Esther for more information or to reserve your table. (757)-336-6519 ext. 5.

Meals and TOT:

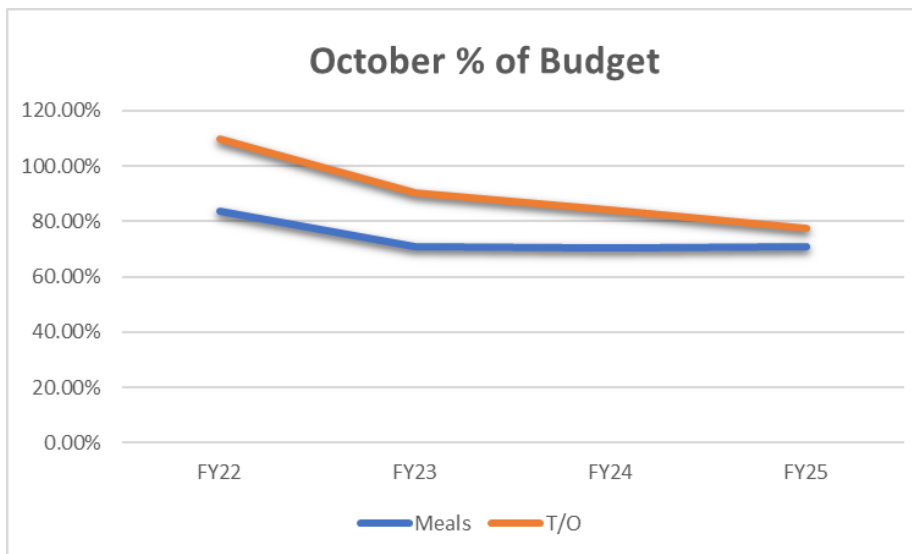
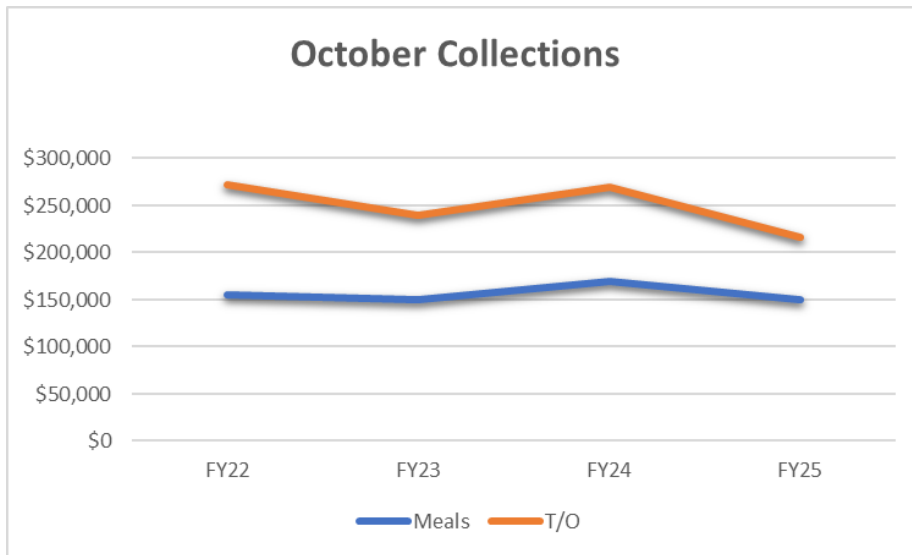
Item 1.

The data in the table below represent excise tax collections for the month of October which reflect the level of business by food and lodging establishments in Town for the month of September. While meals tax collections are down by over 11%, the percentage of budget is holding steady at just over 71%. This is significant and indicates that we are on track to attain budgeted revenues.

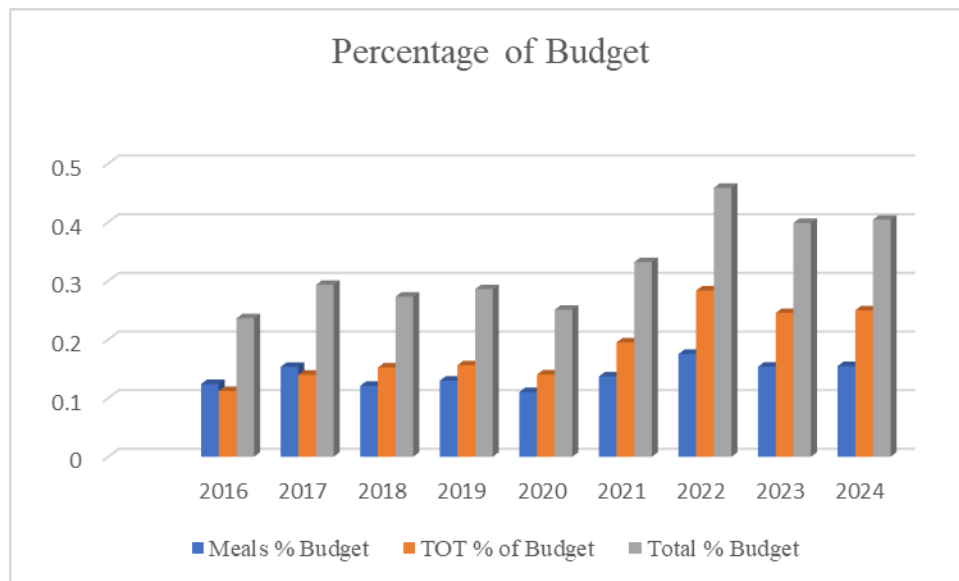
Transient Occupancy Taxes are off for the month by nearly \$58,000 year over year as is percentage of budget. October 2024 TOT is the lowest post COVID collections.

Meals and TOT October (September Activity)					
October Collections			Fiscal Year		
Meals Tax	Tax Collected	2 year average	Budget	YTD	% of Budget
FY22	\$155,683	\$159,540	\$1,000,000	\$836,523	83.65%
FY23	\$150,093		\$1,200,000	\$849,538	70.79%
FY24	\$168,987		\$1,300,000	\$917,768	70.60%
FY25	\$149,508		\$1,300,000	\$924,181	71.09%
Deviation from 2 yr. Meals Tax Avg.		-\$10,032			
T/O Tax	Tax Collected	2 year average	Annual Budget	YTD	% of Budget
FY22	\$272,237	\$254,244	\$1,400,000	\$1,534,196	109.59%
FY23	\$239,572		\$1,700,000	\$1,532,866	90.17%
FY24	\$268,915		\$2,000,000	\$1,686,821	84.34%
FY25	\$216,141		\$2,200,000	\$1,706,530	77.57%
Deviation from 2 yr. T/O Tax Avg.		-\$38,103			

Figures shown are for accounts posted by 10-29-24.



Meals TOT Percentage of Budget									
Fiscal Yr.	2016	2017	2018	2019	2020	2021	2022	2023	2024
Meals % Budget	12.40%	15.34%	12.09%	12.97%	11.04%	13.69%	17.53%	15.37%	15.45%
TOT % of Budget	11.21%	13.98%	15.22%	15.61%	14.04%	19.50%	28.34%	24.51%	24.97%
Total % Budget	23.61%	29.32%	27.31%	28.58%	25.08%	33.19%	45.86%	39.88%	40.43%



The summary below reflects the Town's overall budget picture as of October 29, 2024. The deficiency in revenues present in September has been resolved with the quarterly apportionment of our VDOT roads funds. The trolley account will indicate a loss until the approval of our latest grant request expected during the month of November.

BUDGET vs ACTUAL - October 2024							
10 GENERAL FUND	FY 25 BUDGET	FY 24 MTD	FY 25 MTD	FY 24 YTD	FY 25 YTD	VARIANCE	%
GENERAL FUND REVENUE TOTAL	\$ 9,586,140.00	\$ 698,161.35	\$ 732,676.72	\$ 3,769,370.12	\$ 3,729,019.56	\$ (5,857,120.44)	39%
GENERAL FUND EXPENSES TOTAL	\$ 9,586,140.00	\$ 833,682.18	\$ 467,724.62	\$ 2,529,259.71	\$ 2,516,653.89	\$ 7,069,486.11	26%
GENERAL GOVERNMENT EXPENSE TOTAL	\$ 2,794,880.00	\$ 155,083.77	\$ 110,811.70	\$ 686,738.54	\$ 755,957.25	\$ 2,038,922.75	27%
EMS EXPENSE TOTAL	\$ 1,454,458.00	\$ 111,053.06	\$ 101,022.45	\$ 359,403.71	\$ 473,878.97	\$ 980,579.03	33%
PUBLIC WORKS EXPENSE TOTAL	\$ 2,453,895.00	\$ 134,545.66	\$ 90,469.24	\$ 532,294.97	\$ 367,412.82	\$ 2,086,482.18	15%
MOSQUITO CONTROL EXPENSE TOTAL	\$ 172,498.00	\$ (15,837.08)	\$ 2,187.69	\$ 57,328.75	\$ 29,461.59	\$ 143,036.41	17%
ROADS EXPENSE TOTAL	\$ 928,500.00	\$ 272,560.85	\$ 40,149.66	\$ 365,370.32	\$ 320,313.53	\$ 608,186.47	34%
POLICE EXPENSE TOTAL	\$ 1,445,335.00	\$ 141,536.98	\$ 105,328.00	\$ 412,740.63	\$ 466,948.43	\$ 978,386.57	32%
DISPATCHERS EXPENSE TOTAL	\$ 336,574.00	\$ 34,738.94	\$ 17,755.88	\$ 115,382.79	\$ 102,681.30	\$ 233,892.70	31%
30 CURTIS MERRITT HARBOR FUND	FY 25 BUDGET	FY 24 MTD	FY 25 MTD	FY 24 YTD	FY 25 YTD	VARIANCE	%
CURTIS MERRITT HARBOR REVENUE TOTAL	\$ 822,269.00	\$ 55,037.95	\$ 5,103.04	\$ 464,059.51	\$ 291,956.86	\$ (530,312.14)	36%
CURTIS MERRITT HARBOR EXPENSE TOTAL	\$ 822,269.00	\$ 36,654.37	\$ 49,355.00	\$ 288,399.14	\$ 320,442.81	\$ 501,826.19	39%
70 TROLLEY FUND	FY 25 BUDGET	FY 24 MTD	FY 25 MTD	FY 24 YTD	FY 25 YTD	VARIANCE	%
TROLLEY REVENUE TOTAL	\$ 92,803.00	\$ 15,492.35	\$ 2,067.60	\$ 216,267.45	\$ 23,964.80	\$ (68,838.20)	26%
TROLLEY EXPENSE TOTAL	\$ 92,803.00	\$ 9,046.15	\$ 5,541.33	\$ 38,397.52	\$ 48,722.01	\$ 44,080.99	53%
80 WATER FUND	FY 25 BUDGET	FY 24 MTD	FY 25 MTD	FY 24 YTD	FY 25 YTD	VARIANCE	%
WATER REVENUE TOTAL	\$ 1,028,000.00	\$ 104,561.40	\$ 94,927.78	\$ 412,382.69	\$ 405,149.01	\$ (622,850.99)	39%
WATER EXPENSE TOTAL	\$ 1,028,000.00	\$ 62,526.57	\$ 37,945.27	\$ 226,854.24	\$ 247,864.20	\$ 780,135.80	24%
85 CENTER FUND	FY 25 BUDGET	FY 24 MTD	FY 25 MTD	FY 24 YTD	FY 25 YTD	VARIANCE	%
CENTER REVENUE TOTAL	\$ 218,400.00	\$ 28,584.87	\$ 1,527.00	\$ 85,717.02	\$ 102,029.73	\$ (116,370.27)	47%
CENTER EXPENSE TOTAL	\$ 218,400.00	\$ 11,352.15	\$ 12,538.55	\$ 216,000.39	\$ 56,194.65	\$ 162,205.35	26%
	FY 25 BUDGET	FY 24 MTD	FY 25 MTD	FY 24 YTD	FY 25 YTD	VARIANCE	%
REVENUE TOTAL	\$ 11,747,612.00	\$ 901,837.92	\$ 836,302.14	\$ 4,947,796.79	\$ 4,552,119.96	\$ (7,195,492.04)	39%
EXPENSE TOTAL	\$ 11,747,612.00	\$ 953,261.42	\$ 573,104.77	\$ 3,298,911.00	\$ 3,189,877.56	\$ 8,557,734.44	27%
Difference					\$ (1,362,242.40)	\$ 1,362,242.40	



From September 29, 2024 to October 28, 2024, the Building and Zoning Department issued 41 permits and conducted Forty inspections and Six case activity cases inspections.

Three Business License site visits.

Six code violations.

four zoning site visits.

Thirty - one permit plans' reviews.

I attended two training classes VBCOA code Training in Virginia Beach and Flood plain Training in Richmond, Va

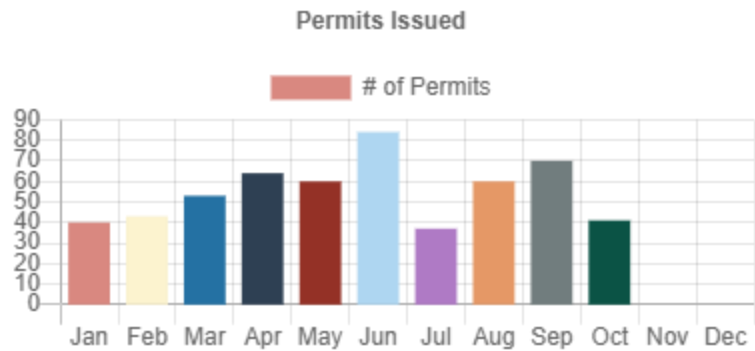
Thirty -Seven walk- ins for building and zoning questions.

Work without a permit fees. \$ 60.00

The total value for the building cost of construction. \$1,228,899.10

The total building permit fees collected were \$ 2,273.73

A quick glance at the permits issued by month indicates as you might expect the number of permits increase as spring begins peaking in June. Item 1.



Permit #	Permit Date	permit type	LOCATION ADDRESS	Permit Issuance Date	Account Number	Fee Date
203619	10/28/2024	ACCESSORY BUILDING	6053 Quillen Drive	10/28/2024		10/28/2024
203620	10/28/2024	Reroof	7141 Margarets Ln, Chincoteague Island, VA 23336	10/28/2024		10/29/2024
203621	10/28/2024	Reroof	7143 Margarets Ln Chincoteague Island, VA 23336	10/28/2024		10/28/2024
203622	10/28/2024	Reroof	7139 Margarets Ln Chincoteague Island, VA 23336	10/28/2024		10/29/2024
203614	10/23/2024	ADDITION	6022 Collins Street	10/23/2024		10/23/2024
203617	10/23/2024		2930 Main Street			10/28/2024
203609	10/22/2024	ADDITION	8128 Beebe Rd SITE R-76	10/22/2024		10/22/2024
203611	10/22/2024	ADDITION	8128 BEEBE RD SITE R-10	10/22/2024		10/22/2024
203613	10/22/2024	DECK	8128 BEEBE RD SITE F-8	10/22/2024		10/22/2024
203606	10/21/2024	Reroof	5122 Serenity Lane	10/21/2024		10/21/2024

Permit #	Permit Date	permit type	LOCATION ADDRESS	Permit Issuance Date	Account Number	Fee Date
203608	10/21/2024	Reroof	8022 Mire Pond Two	10/21/2024		10/21/2024
203213	10/21/2024	ACCESSORY BUILDING	4499 Shady Lane	10/21/2024		10/21/2024
203604	10/18/2024	Reroof	292 Highland Park Dr Chincoteague Island, VA 23336 - 2214	10/18/2024		10/18/2024
203600	10/17/2024	Reroof	7085 Maddox Boulevard	10/17/2024		10/21/2024
203603	10/17/2024	Fence	8211 Seahorse Drive	10/17/2024		10/17/2024
203593	10/14/2024	Reroof	5466 Holly Ct	10/15/2024		10/15/2024
203595	10/14/2024	Reroof	4341 Chicken City Rd, Chincoteague Island, VA 23336	10/15/2024		10/15/2024
203596	10/14/2024	ENCAPSULATE CRAWSPACE	4150 Grumpys Lane	10/14/2024		10/15/2024
203591	10/11/2024	Reroof	8128 Beebe Road LOT R-73	10/11/2024		10/11/2024
203590	10/10/2024	BULKHEAD	5115 Richardson Street	10/10/2024		10/10/2024
203588	10/9/2024	Reroof	6465 Pine Drive	10/9/2024		10/21/2024
203589	10/9/2024	Reroof	7092 Maple Street	10/9/2024		10/10/2024
203584	10/7/2024	Demolition	3539 Ridge Road	10/7/2024		10/7/2024
203585	10/7/2024	DECK	3234 Lekites Drive	10/2/2024		10/7/2024
203586	10/7/2024	Fence	4164 Division Street	10/7/2024		10/7/2024
203587	10/7/2024	ADDITION	4408 Williams Lane	10/15/2024		10/15/2024

CHINCOTEAGUE POLICE DEPARTMENT

Item 2.

MONTHLY REPORT TO COUNCIL

October 2024

The Chincoteague Police Department received 338 calls for service, resulting in 18 investigations of criminal offenses and 14 arrest including: 1 Burglary/Breaking & Entering, 1 Theft from Building, 2 Larceny, 3 Destruction/Damage/Vandalism of Property, 1 Disorderly Conduct, 1 DUI, 1 Liquor Law Violation and 8 Other offenses.

The Department responded to 4 alarms, 12 suspicious activities, 2 civil problems, 6 control burn checks, 19 assisting other agencies, 7 welfare checks, 3 animal complaints, 4 accidents, 1 trespass, 2 thefts and 4 suspicious persons.

In addition, 131 security checks and 15 public service calls were conducted.

The Department issued 29 citations and 14 warning tickets.

In support of the Fish and Wildlife Service in Virginia (Assateague) the department received 1 CFS including: 1 Maritime Distress/Flare Sighting

On October 1st – 4th Chief Greenley, Sgt. Stevens and Cpl. Butler attended the annual VALEAC conference for accreditation training.

On October 2nd- 4th Investigator Barnes attended the Pre-Employment Background Investigations at Newport News Police Training Academy.

On October 4th The Chincoteague Police Department completed traffic control for the homecoming parade.

On October 7th – 11th Lt. Gladding attended In-Service training at Chesapeake Bay Bridge Tunnel.

On October 8th Chief Greenley attended recertification course for Intox EC/IR II.

On October 12th the Chincoteague Police Department completed traffic control and foot patrol for the Oyster Festival.

On October 16th Chief Greenley and Inv. Barnes provided extra staffing at CHS.

On October 24th SRO Geminiani completed community outreach program at the Library, reading to kids and show and tell of police cruiser.

On October 24th all officers completed requalification with firearms.

On October 29th all officers attended Axon training for body worn cameras and in car video systems, via video conference.

On October 30th all officers completed annual physical agility testing.

On October 31st the Chincoteague Police Department completed traffic control and foot patrol for Halloween Trick or Treating downtown and in Sunnywood Dr.

Public Works: October

Drainage maintenance was done at Ocean Breeze and Misty Meadows. Ocean Breeze- The end of Sea Bird was completely blocked. New Pipe was installed. Misty Meadows- Basketball removal.





Trees and bushes at Dog Park were “groomed”.



Inlets were made in preparation for stope drain replacement on Poplar Street.



100 feet of 8 inch storm drain was replaced on Poplar Street. The road was collapsing in several places and one driveway needs to be replaced.



Miscellaneous road cuts, mainly due to waterline repairs, were permanatly patched with hot mix asphalt.

The Road Scholars worked for three afternoons painting street signs, trash enclosures, and miscellaneous improvements.

Item 3.



Items Planned to be completed in November.

- **Connect new water line on Wildcat Road. (materials were ordered early in Oct.)**
- **Christmas decorations!**
- **Start RCEC approved projects.**
- **Continue routine maintenance of equipment and vehicles.**

TOWN OF CHINCOTEAGUE EMERGENCY SERVICES MONTHLY REPORT

EMERGENCY MEDICAL SERVICES DIVISION

Reporting Period: 10/01/2024 – 10/28/2024

TOTAL EMS RESPONSES: 80

(13 MORE THAN IN SAME PERIOD 2023): 67

ADVANCED LIFE SUPPORT: **28**

BASIC LIFE SUPPORT: **24**

OTHER: **28** (Fire Stand-by, Public Assist Calls, etc.)

HAZMAT: **0**

COMMUNITY SERVICE

BP SCREENINGS

Four BP screenings were conducted at the station this month as well as a B-12 shot.

CHS FOOTBALL STANDBY

Provided standby EMS at the CHS football game, October 4th and 25th.

PLANNING

PULSARA

At the request of Riverside Shore Memorial, the Pulsara “go-live” date was pushed to January 6, 2025.

LOGISTICS

DRUG KIT TRANSITION

The DEA registration was received and we are awaiting our CSOS paperwork. Once returned to us, we can order and stock medication kits as well as complete final training for staff. At the time of this report, we are the only agency on Virginia’s Eastern Shore to be this far in the process. We anticipate a “go live” date of November 18. Riverside Shore Memorial has agreed to continue to support any Eastern Shore agency past the November 27th deadline since there is a backlog at the DEA, and since all agencies have at least started the process.

IV SOLUTIONS

You may have heard of the nationwide shortage of IV fluids due to the flooded Baxter factory in North Carolina. Fluid usage guidance was updated by the Virginia Department of Health to minimize shortages. We were also able to obtain some extra supply to avoid a local shortage within our agency until production is back online.

TRAINING

CONTINUING EDUCATION

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

- Central Nervous System Injuries
- Hemorrhage Control
- Fluid Resuscitation
- Field Triage

EMERGENCY MANAGEMENT DIVISION

- Weather and situational awareness monitoring.
- Held trick or treat planning meeting with planning team. Identified Saturday, November 2, from 2-5PM as a rain date if needed. The date and time were chosen to minimize impacts to the downtown restaurants.
- Code Red calls to Sunnywood residents, advising of road closures.
- EMS staff hung door hanger access permits to all homes in Sunnywood
- Attended Eastern Shore Disaster Preparedness Coalition quarterly meeting
- Attended Delmarva Catastrophic Planning Workgroup with this month's focus on the transportation section.
- Attended Wallops Monthly Range Scheduling Meeting
- Attended Wallops Range Schedule Workgroup
- Meeting with Island Library to schedule a fire drill and an extinguisher use class as is now required for public libraries.

**TOWN OF CHINCOTEAGUE
CEMETERY COMMITTEE MEETING MINUTES
OF THE OCTOBER 3, 2024 MEETING
Council Chambers**

Members Present:

Councilwoman Ellen Richardson, Chairwoman
Mr. Gary Turnquist
Mrs. Amanda Betts

Members Absent:

Others Present:

Michael T. Tolbert., Town Manager

Call to Order

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

Public Comment

There was none.

Agenda Adoption

Mr. Turnquist motioned, seconded by Mrs. Betts to adopt the agenda as presented. All present were in favor and the motion was carried.

Financial Report:

Chairwoman Richardson advised that the Cemetery fund currently has a balance of \$12,739.65.

Consider Cemetery Cleaning Schedule

Chairwoman Richardson advised they need to set a date for cemetery cleaning.

Mr. Turnquist advised it is usually the week prior to Veteran's Day.

The Committee decided November 4th – 9th as Cemetery Cleanup Week..

There was discussion about the Town taking care of mowing, cutting back limbs, and a tree that was removed at Redman's Cemetery. Discussion continued about making repairs and corrections.

Mr. Turnquist suggested they do an inspection of the cemeteries, and the Committee agreed to go November 2nd.

Consider Decorations Announcement

The Committee discussed leaving the decorations that have recently been put out, but to remove those that had been blown around and in poor shape.

Town Manager Tolbert advised he will put out an announcement.

Committee Member Comments/Other Discussion

Chairwoman Richardson asked if there was some type of weed cutter that they could use to knock a few small areas down. She advised that 2 small brush cutters were paid out of the Cemetery fund. There was further discussion about possibly contacting the USCG and Navy to help.

Adjournment

Mrs. Betts motioned, seconded by Mr. Turnquist to adjourn the meeting. All present were in favor and the motion was carried.

**MINUTES OF THE OCTOBER 8, 2024
BUDGET AND PERSONNEL COMMITTEE MEETING
Municipal Building Conference Room**

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
Bryan Rush, Director of Emergency Services

Call to Order

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

Public Comment

There was none.

Agenda Adoption

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

Alternative Revenue Discussion

Vice Mayor Bott stated that they talked about attempting to increase revenue. They also looked at encouraging permanent residency.

Town Manager Tolbert commented on the impediment in the State Constitution with uniformity in class. They are looking at creating a class. He and Mayor Leonard are meeting with the State Legislatives, and he is working on a Legislative Priorities list. He reviewed the item on the list that pertained to tax relief in specific classes.

There was discussion about verbiage and presenting it to the General Assembly.

They also discussed current fees, rates, and taxes.

Review of Social Media and Technology Acceptable Use Policy

Town Manager Tolbert advised he was presented with 2 social media use policies adding that it is very detailed. He commented further and explained how it would work. He further reviewed the proposed policy. He advised that the policy manual should be given to the Committee later this year for approval.

Review Proposed Salary Scale

Town Manager Tolbert advised that the salary scale hasn't been updated since 2019 and should be updated every 5 years. He discussed salary increases to CPD and EMS and the adjustment to other departments. He stated that some of the titles are no longer used, and he listed those. He reported that the Planner position has been advertised as well as the Finance Director position. He continued with the review.

There was further discussion about salaries, annual leave, and sick leave.

Town Manager Tolbert advised that when the salary scale is complete it will be presented to Council.

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 motioned, 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 motioned, 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 motioned, seconded by Councilman McComb to adjourn the meeting. Unanimously approved.

**MINUTES OF THE
PLANNING COMMISSION MEETING
TOWN OF CHINCOTEAGUE, VIRGINIA
OCTOBER 8, 2024 - 7:00 P.M. – Council Chambers**

Commission Members Present:

Mrs. Mollie Cherrix, Vice Chairperson
Mr. David Britton
Mr. Michael Dendler
Mr. Steve Katsetos
Mr. K. Savage, Councilman

Commission Members Absent:

Mr. Ray Rosenberger, Chairman
Mr. Robert Shendock

Staff Present:

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

Call to Order

Vice Chairwoman Cherrix called the meeting to order at 7:00 p.m.

Invocation

Councilman Savage offered the invocation.

Pledge of Allegiance

Vice Chairwoman Cherrix led in the Pledge of Allegiance.

Public Participation

Vice Chairwoman Cherrix opened the floor for public participation.

- Mrs. Patricia Farley, 3243 Lisa's Lane, spoke about the Sign Ordinance and the Mural Ordinance. She believes that the Sign Ordinance for political signs is excellent, except that the definition of political signs is too vague. She added that there is a provision in the Sign Ordinance for 1st Amendment signs that are by right allowed with a category of political cause. She thinks that the Ordinance looks at political "campaign" signs as opposed to just political signs. She explained further. She also stated that she was on the committee that contributed to the content of the mural at the old Showard Brother's location. She thinks this ordinance is excellent. There are 2 sections she is concerned about and wondered if they could be modified or eliminated. She advised that the first one is under Section 15.17.2, murals shall not be permitted under the primary façade of the structure and if its on the corner of the façade shouldn't have a mural. She commented further and added she would like to leave it up to the Planning Commission and the governing body. The other section she has concerns about is 6.17.6, murals must not contain wording of any kind. She also felt that the Planning Commission and Council could make that decision in this case. She added that this only covers murals and there are other forms of art and explained that there is someone who would like to build a sculpture for the Town. She suggested adding something about this. She is also concerned that murals could only be on private property. She stated that there are a lot of public art projects on public property. She added that water towers are a favorite art. She doesn't feel

this should be excluded. The Planning Commission and Council could make the decision about the appropriate location of the mural when it is reviewed.

Adoption of Agenda

Mr. Katsetos motioned, seconded by Mr. Dendler to adopt the agenda as presented. Unanimously approved.

Approval of the Minutes

Mr. Britton motioned, seconded by Mr. Dendler to approve the minutes of the August 13, 2024, meeting as presented. Unanimously approved.

Consider Modification to section 7.5.5 Political Signs

Town Manager Tolbert explained that they had an inquiry at the Town office as to when they could erect a political sign. The Town Code is silent on that. He checked the State Code, and it doesn't appear that it cannot be done. The Ordinance Committee modified the Ordinance specifying a time frame prior to an election to erect a political sign. The Ordinance Committee discussed this and determined it should be 30 days prior to the date that the 1st legal vote could be cast. He further explained that the reason the Ordinance was crafted that way was if the General Assembly decided to change the date for early voting, the Town's Ordinance would still be valid because it is tied to the 1st day a vote can be cast rather than a specific time frame. He showed the ordinance and the addition. He read the Ordinance with proposed changes.

“Section 7.4.5 Political Campaign Signs - Owner of said parcel must give consent on the placement of such signs. Such signs shall not exceed 32 square feet in area and be located on private property. **Signs may not be placed or erected earlier than 30 days prior to the first day in which a vote may be legally cast for the subject election.** Political signs may not be placed in the sight distance triangle and shall be removed no later than 14 days after the election has occurred.”

Mr. Britton feels 30 days is sufficient. He asked when early voting starts.

Town Manager Tolbert advised it is 60 days prior, which means the signs will be out 90 days before an election.

There were further comments about where the signs are allowed to be placed.

Mr. Dendler referred to the difference between a sign and a flag and asked at what point would it be considered a sign, because it doesn't follow this kind of regulation.

Building and Zoning Administrator Bowden advised that with a sign, if it's less than 15sq.ft. you can put a sign or a flag on a flagpole in the front yard.

Town Manager Tolbert advised that the Ordinance Committee has approved and recommends the changes to Council.

Mr. Britton motioned, seconded by Mr. Dendler to recommend the change to full council. All present were in favor and the motion was carried.

Town Manager Tolbert advised that the public hearing has been advertised and the change will be in the public hearing at the workshop meeting, Thursday October 17th.

Consider Mural Ordinance

Town Manager Tolbert advised that the Town does not have an ordinance that addresses murals. He stated that guidelines should be set.

There was further discussion.

Announcements or Comments

There was none.

Adjourn

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

Vice Chairwoman, Mollie Cherrix

**MINUTES OF THE OCTOBER 10, 2024
RECREATION & COMMUNITY ENHANCEMENT
COMMITTEE MEETING
Town Council Chambers**

Members Present:

Mr. Gene Wayne Taylor, Chairman
Mr. Chris Bott, Vice Mayor
Mr. William McComb, Councilman

Members Absent:

Ms. Donna Leonard

Council and Staff Present:

Mr. Michael Tolbert, Town Manager

Call to Order

Chairman Taylor called the meeting to order at 5:30 p.m.

Public Comment

Chairman Taylor opened the floor for public comment. There was no public comment.

Agenda Adoption

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

Memorial Park Baseball Field and Fishing Pier Review / BKP Gates, Hangouts, Shading / Dog Park Deck

Memorial Park Volleyball Court

Town Manager Tolbert advised that these were the items brought up at the last meeting with the prices. He reviewed the cost of the Volleyball Court at Memorial Park adding that Public Works will install it at the edge of left field.

There was discussion.

Councilman McComb motioned, seconded by Vice Mayor Bott to recommend to Council to approve funding for a volleyball court at Memorial Park. All present were in favor and the motion was carried.

Memorial Park Baseball Field Fencing

Town Manager Tolbert advised the next thing to discuss is the fence repair at Memorial Park, 3rd base fabric only and 1st base fabric and poles. He advised of the cost.

They discussed potential flooding and possible solutions.

Councilman McComb motioned, seconded by Vice Mayor Bott to recommend to Council to approve the funding for the fence repair, replacement, and new fencing at Memorial Park. All present were in favor and the motion was carried.

Brianna's Kindness Park Gates

Councilman Taylor asked if Town Manager Tolbert has talked with the fence company about the gap in the fence at Brianna's Kindness Park.

Town Manager Tolbert advised he has talked about putting gates at the Brianna's Kindness Park but hasn't heard back with a price.

There was discussion about liability and Town Manager Tolbert advised he will look into this as well.

Brianna's Kindness Park Shade Structures

Town Manager Tolbert reported on the cost of the shade structures for the 3 existing benches located at the BKP playground which includes installation by Public Works. He advised there is funding for this from donations.

There was discussion about the structure size and height, placement, cost, and colors.

Councilman McComb motioned, seconded by Vice Mayor Bott to recommend to Council to approve the purchase of shade structures at Brianna's Kindness Park. All present were in favor and the motion was carried.

Brianna's Kindness Park Hangouts and Charging Stations

Town Manager Tolbert advised of the cost associated with the hangouts and charging stations.

Councilman McComb motioned, seconded by Vice Mayor Bott to recommend to Council to approve the purchase the hangouts and charging stations at the Brianna's Kindness Park. All present were in favor and the motion was carried.

Memorial Park Fishing Pier Decking/Element Replacement

Town Manager Tolbert advised that the elements of the existing fishing pier need replacement or repair. The scope of this work includes replacement of cross bracing and joists as necessary and 100% of the decking. Public Works will do this work in-house. He reviewed the cost associated with the project.

Councilman McComb motioned, seconded by Vice Mayor Bott to recommend to Council to approve the funding for the replacement or repair of the fishing pier decking at Memorial Park. All present were in favor and the motion was carried.

Dog Park Platform for Benches

Town Manager Tolbert advised they have identified a solution to the low wet area surrounding the benches at the Dog Park. He recommended construction of a raised platform in the corner under the shade sail will help keep the area dry and allow the existing benches to be bolted in place. He added that Public Works will provide the labor. He reviewed the cost as well.

There was discussion.

Councilman McComb motioned, seconded by Vice Mayor Bott to recommend to Council to approve the funding for the building of a raised platform at the Dog Park. All present were in favor and the motion was carried.

Town Manager Tolbert advised of the funding for each recommendation.

Update on Donald J. Amrien Gym Floor Installation

Town Manager Tolbert reported that the installation of the floor will be at same time as the YMCA new gym floor is installed. He advised of the cost. He also stated he will contact Mr. Landsberger for more information.

Committee Comments

There were none.

Adjournment

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

**MINUTES OF THE OCTOBER 7, 2024
CHINCOTEAGUE TOWN COUNCIL MEETING
Council Chambers
7:00 p.m.**

Council Members Present:

J. Arthur Leonard, Mayor
Christopher D. Bott, Vice Mayor
Denise P. Bowden, Councilwoman
Ellen W. Richardson, Councilwoman
K. Jay Savage, Councilman
Gene W. Taylor, Councilman

Council Members Absent:

William T. McComb, Jr., Councilman

Staff Present:

Mr. Michael T. Tolbert, Town Manager
Mr. Tyler Greenley, Chief of Police
Mr. Bryan Rush, Director of Emergency Services
Mr. Wes Parks, Public Works Director

Call to Order

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

Invocation

Councilman Taylor offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Public Comment

Mayor Leonard opened the floor for public comment.

- Mrs. Patricia Farley, 3243 Lisa's Lane, thanked Council for posting the schedule regarding the political signs. She feels it's a great idea and thanked the Ordinance Committee. She referred to the first amendment of the Sign Ordinance stating that there is no definition of political signs and feels that political signs could be confused with other signs. She suggested adding the word political "campaign" signs. She added that she hopes this includes all forms of signs.

- Mrs. Paula Nees, 6417 Canal Lane, stated she read in the Eastern Shore Post of the Accomack County Fall Cleanup scheduled for Saturday, October 12th. She wondered if there was another plan to make people aware. The County Fall Cleanup is October 12th from 8:30 a.m. to 4:00 p.m. and the number for the County Public Works is 757-787-1468. She asked about a community sign where information like this could be shared. She also reported that the County's Spring cleanup is tentatively scheduled for May 20th.

- Ms. Donna Leonard, 6415 Leonard Lane, stated she was contacted by several people

about the green sensory equipment at Brianna's Kindness Park that has been broken and advised they contacted the Town, but it hasn't been fixed. She asked for mulch to be added around the base of the equipment as well. She addressed the Assateague Island parking lot situation. She advised she went to the public information meeting last week that was not well attended. She feels uneasy with the current plan the USFW gave the Town 8 years ago. She misses the communication between the USFW and the public. She commented further adding that that Assateague is being managed by the wrong organization under the Department of Interior. She gave some history and asked the Town to take an aggressive move and ask the Department of Interior to evaluate the needs of Assateague Island for today. The National Park Service has a proven record. She described the Maryland side of Assateague verses the Virginis side. She feels the National Park Service could do better than the USFW. She gave her opinion and ideas of the relocation of the parking lot. After further comments, she feels the NPS can manage the seashore better than the USFW. She asked Council to have discussions about this and see if the Department of Interior would consider an evaluation of its needs and its future.

Agenda Adoption

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

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Staff Reports

General Government

Town Manager Tolbert gave an update on the new sewage collection system. He advised that Director of Emergency Services Rush has been requested to serve a 2nd 3-year term as the VML's representative to the Governor's Advisory Board for Emergency Medical Services. He also reported that the traffic signals have been returned to the off-season settings. The design of the South Main Street sidewalk, connecting Beebe Road to the Curtis Merritt Harbor continues to progress. He gave the September report for the Chincoteague Center which included the Plein Air Art Show, a few weddings, a fall craft night, and the Village Neighbors' Bingo. He reported on the October events as well. He then gave the Trolley ridership for September, which was down, and Transportation Director King has received a quote for a new trolley.

Town Manager Tolbert reviewed the Cigarette Tax for the year adding that all Cigarette Tax revenue is allocated for EMS salaries. He gave the Meals and Transient Occupancy Tax Collection Report along with the Financial Report for September. He then gave the Building and Zoning Report which included 61 permits, 45 inspections, and 7 activity case inspections, 5 Business License site visits, 7 Code case violations, 8 Zoning site visits, 41 permit plans' reviews, and 27 walk-ins. The total value for building cost of construction was \$1,889,591.38 and the total building permit fees collection were \$6,739.98.

Councilwoman Bowden asked to review the slide regarding the sidewalks on South Main Street. She stated that they casually mentioned this before, she explained that on the west side just past Beebe Road, the marsh grass is dying. She suggested getting a biologist to look into this. She stated that a couple of people in the community have mentioned it to her.

Town Manager Tolbert stated they can look into this. He added that the sidewalk is being planned on the east side of the road.

Councilwoman Bowden asked Councilman Savage about places on East Side.

Councilman Savage advised there are a couple of places.

Vice Mayor Bott stated that he thought VDOT pulled out of the sidewalk project.

Town Manager Tolbert advised that the Town is in a program they call Ready Set Go where they prepare paperwork and submit for the Town to receive a grant. There have been three meetings so far and they have done quite a bit of work on this design. When the design is finished, and the Town agrees to proceed they will submit this for the Local Assistance Grant.

Police Department

Chief Greenley reviewed the monthly Police report advising that on September 14th the Department held the 20th annual Poker Run for the Kids. On September 16th Dispatcher McJilton graduated Basic Dispatch Academy. On September 19th, he and Investigator Barnes attended a table-top liaison activity with the USCG where they talked about different various things. On September 30th through October 3rd, he and Sgt. Stevens, and Officer Butler attended the VLEPSC conference in Lynchburg, Va.

Councilwoman Bowden stated that she was in New Jersey a couple of weeks ago and they have a speed radar with blue lights that go off if you're speeding. She asked if the Town would price this. She commented further.

Councilman Savage asked about the liaison meeting with the USCG and asked what they discussed.

Chief Greenley advised they were keeping them abreast of what kind of boats and services they have and what Wachapreague has as well. It was to get to know each other. He added that the VSP and Accomack County Sheriff's Department were also there. VMRC was not there.

Public Works Department

Public Works Director Parks reported that they focused on the lead and copper inventory by October 16th. They also did the lead sampling this month and passed it with flying colors. The Public Works staff pressure washed the water tank, they acquired and installed the broom attachment for the backhoe, and brush cutter and compactor on the skid steer loader. They fabricated a new grate for the storm sewer tank at the traffic circle. They cleared vines, debris, and bushes from the downtown parking lot fence and replaced the decking on the Harbor fishing pier. He advised they will concentrate on connecting the new waterline on Wildcat, survey existing conditions on Taylor Street, continue with storm drain improvements on Poplar Street, and continue with routine maintenance of vehicles and equipment.

Councilwoman Bowden asked why the Memorial Park restrooms were closed this weekend.

Public Works Director Parks advised it was due to the high tides and it filled the septic tanks.

Councilwoman Bowden asked clearing the ditches and they're waiting on Miss Utility.

Public Works Director Parks advised they are, and they're waiting on the Miss Utility locates to be done which should be by 7:00 a.m. Thursday.

Emergency Services

Director of Emergency Services Rush reported they ended September with 111 calls which is 31 more calls than last September and the busiest September ever. He advised that the Narcan Leave Behind Program began last month and he explained the process. They also continue with weather monitoring. He mentioned the medical waste incident and that all three; Delaware, Maryland and Virginia, worked together for the better part of a week. He thanked Finance Director Lewis and Town Manager Tolbert for attending a couple of meetings that he was unable to attend. This was to get the report out to everyone to let them know what was going on. He stated they're still doing the regional catastrophic planning and should have a good exercise together by early fall of next year. He participated in the closed POD EOC Activation in conjunction with VDH and ESRH. He showed slides of a category 5 hurricane Milton currently in the Gulf and explained the path, timeline, and landfall issues. He gave the damage report from hurricane Helene. He added that Milton shouldn't pose a risk to Virginia. He asked to keep the folks in Florida in their thoughts and prayers. He urged everyone to prepare now.

Councilwoman Bowden asked to see the infrared slide of Hurricane Milton again. She commented on the second formation in the northeast quadrant.

Director of Emergency Services Rush explained that the east and northeast quadrant is the worst of a hurricane.

Councilman Taylor asked if they determined where the medical waste came from.

Director of Emergency Services Rush advised they have not.

Councilman Taylor stated there is blame on the northern parts in New York and New Jersey. He stated that it could be closer than we think. He added that this isn't the first time but if this was a different time of the year it could have been costly to Chincoteague and Ocean City.

Director of Emergency Services Rush stated that there is an ongoing investigation and hopefully they'll find out and penalize the parties involved.

Vice Mayor Bott asked about the Opioid lawsuit fund and if they were getting any of this.

Director of Emergency Services Rush advised that those funds are managing the Narcan Leave Behind Program.

Committee Report

Public Works Committee

Councilwoman Richardson reported that the Committee met on September 4th. She advised that Public Works Director Parks has already reported some of the things that has been done. She added that they decided on the Spring Paving schedule and advised that on Taylor Street they will replace the waterline, storm drainage, mill and pave the road and replace sidewalks. They would also like to have sidewalks all the way down on one side of the street.

Councilwoman Bowden asked if there were any grants in Virginia for sidewalks.

Town Manager Tolbert advised that he knew of none, but they could use the UAE grant funds for sidewalks. He added that when the Town puts in sidewalks it is done by a 50/50 cost share. He reported that he has mailed letters to all property owners on Taylor Street but has not heard back from any.

Councilwoman Bowden stated that so many places would benefit with sidewalks and it would be awesome if they could find the money.

Harbor Committee

Mayor Leonard advised they met on September 6th. They discussed no wake zones, and he advised of the new zone near Waterside Motel to Lewis Creek. They also discussed the Kid's Fishing Day which is October 20th.

Councilwoman Richardson asked if they plan to put more decking on the boardwalk near the fuel tanks. She also wanted to know if they were going to go all the way to the water.

Town Manager Tolbert stated that part of the decking was replaced near the fuel pumps. He added that they plan to at a later time but want to hit worse areas first.

Councilwoman Bowden mentioned the fuel pumps at the Harbor and stressed that the little clips won't hold the hose.

Town Manager Tolber advised that the reels have springs on them that won't let the ratchet engage in the sprocket. He stated that they have just received a box of springs and plan to install it in the next few days.

There were brief comments.

Ordinance Committee

Councilman Savage reported that they met on September 12th. They reviewed the temporary sign limitations. He read the change and advised there is a public hearing scheduled for October 17th. It will be discussed at the Planning Commission meeting tomorrow night. They discussed the Metal Detection Ordinance which was approved at the Council Workshop meeting. They also discussed the Mural Ordinance, and the Committee agreed that the governing body should have the opportunity to approve through a Conditional Use Permit. The first approval would be by the Planning Commission and then by Council with a public hearing on the Conditional Use

Permit. They also talked about the Scooters and Electric Bicycle Ordinance with the concerns about public safety. They considered a Speed Limit Reduction Ordinance in the Downtown area. They feel that reducing the speed limit from 25 mph to 15 mph is appropriate.

Councilwoman Bowden feels Mrs. Farley brought up a good point on the campaign signs. She suggested to add “campaign”.

Town Manager Tolbert stated that the intention is to have it tied to the election. He will confirm the wording in the State Ordinance. He stated that it will go to the Planning Commission tomorrow night as it is part of the Zoning Ordinance. They will make recommendations and bring it to Council for the public hearing on October 17th. If there are any issues with the definition it will be fixed prior to the public hearing.

Adoption of Minutes of September 3rd and September 19th Council Meetings

Councilman Taylor motioned, seconded by Councilwoman Bowden to adopt the minutes of the September 3rd and September 19th Council meetings as presented. All present were in favor and the motion was carried.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Consider Downtown Speed Limit Change

Town Manager Tolbert advised that at the September 12th meeting the Ordinance Committee reviewed, considered, and recommends the reduction of the speed limit in the Downtown area from the current 25mph to 15mph. The recent change of the State Code on this matter by the General Assembly allows localities to change speed limits within their jurisdiction by ordinance without first going through the previous lengthy process of an engineering study. The Ordinance Committee recommends the ordinance change.

Vice Mayor Bott was unsure if he is in favor of this 100%. He stated that he hasn't seen the evidence without the studies, traffic reports or speed reports. He mentioned the Downtown Revitalization adding that there was great consideration to reduce the speed naturally with the bump-outs. He isn't sure it is worth changing or even if it is necessary. He asked if specific events were discussed.

Town Manager Tolbert advised he didn't believe so and they didn't discuss specific events.

Councilwoman Bowden stated that a few years ago. She has had quite a few complaints about speeding. She added that Mrs. Conser brought up that at the crosswalk at the Library, you have to be in the middle of it to be seen. She stated she is in favor of the change in that area because there are so many things happening. She commented further.

Vice Mayor Bott stated that they used to have delineators at the crosswalks to slow down traffic. They have also had complaints about speeding at the south end of the Island. He would like to see more evidence before they take a vote. He added that taking it to Jester Street which is wide-open territory, and he hopes it doesn't become a trap of sorts.

Mayor Leonard advised that the last time it was brought up they took the camera there to record the speed. It was only 1 at a speed of 35 or maybe 40 mph.

Chief Greenley stated that it was probably during the day and naturally during the day because of the volume.

Mayor Leonard stated that traffic isn't an issue in the Downtown and the Town is creating a problem. He feels they're creating a problem and maybe setting a precedence. He suggested that what if the people on Maddox Blvd. complained about all the people crossing Maddox Blvd. in the middle of summer. He asked would they make it a 15mph speed limit from the bridge all the way to the other bridge. He stated he doesn't see it as a problem Downtown. He was there the other day, and people were naturally slowing down on their own.

Councilman Taylor asked when the speed trailer was in the Downtown area last.

Chief Greenley advised it was about 2 years ago. He stated that it has been moved in different spots adding that he is having trouble with the software and downloading the data.

Councilman Taylor asked if he would move it back Downtown for more data.

Councilwoman Bowden stated that there are 7 crosswalks and so many pedestrians Downtown. She feels there are people visiting not used to slowing in that area. She stated that it takes one person going 30-40mph to hit someone. She added that they have the opportunity to make it safer and she feels they should look into it or get the flashing blue lights radar.

Councilman Savage agreed and stated incidents at 20 mph where people don't look, and you can't see pedestrians at the Mumford Street crosswalk. People don't look going into the crosswalks. He mentioned the scooter and electric bike safety issues. He feels it's a safety issue.

Mayor Leonard asked how to enforce that.

Vice Mayor Bott stated he doesn't deny the safety issue but feels there is a better way and wants to see a study.

Councilman Savage agrees with the delineator.

Councilwoman Bowden stated that it has been narrowed so much and with bigger cars and campers they get run over.

Councilwoman Richardson asked if they could use bright paint on the crosswalks as the bricks are subdued.

Public Works Director Parks stated there is a concrete border that can be painted.

Councilwoman Bowden added that at night, it isn't well lit.

Vice Mayor Bott motioned, seconded by Councilman Taylor to table the matter until they get more information.

Ayes: Bott, Bowden, Richardson, Savage, Taylor

Nays: None

Absent: McComb

Mayor and Council Comments

Councilman Taylor asked for prayers southern neighbors and for those in the storm's path.

Vice Mayor Bott mentioned the Council meeting last month where they passed money down to the nonprofit organizations in the community. He felt it was neat to see that the extra income isn't just staying for the operation of the Town. They were able to pass some of it down into the community so the groups can use it to contribute to making it a little better around here as well.

Councilwoman Bowden referred to Ms. Leonard's comments about the USFW. She stated she was at the meeting and asked if the beach moves north would they maintain the south beach and was advised they would not. She stated that the Town already has a problem with the Inlet. She added that with a couple of wash-overs, and it doesn't put it back together, could be a disaster for the south end and east side. She also asked what the closest parking space is to the beach and was advised it is 100 yards away and the last parking spot is ¼ mile. She feels that people would not get the same beach experience. She asked about the relevance of the USFW who have made it clear they don't want people there. She feels they didn't pay attention to their neighbors, the people of Chincoteague. She added that it fell on deaf ears. She added that they don't care what it will do for Chincoteague. She feels they are destroying everything they stand for.

Councilwoman Bowden advised that one of the Town's long-time employees is now home. She asked everyone to keep her in their prayers. She also thanked the employees for everything they do.

Mayor Leonard stated that today is October 7th and asked everyone to keep their friends in Israel in their thoughts. He also asked everyone to think about the folks in west North Carolina. He mentioned the community pulling together through the work of Mrs. Brittany Adams and Mr. Roger Adams for getting a truck of supplies together. They sent the truck to Pocomoke where it was unloaded onto another truck and transported in a convoy of 7 or 8 semi-trucks to North Carolina. He also reported that he attended the Navy ball. He stated that the Navy was here during WWII and is now back doing a lot and doing a great job. He asked everyone to keep them in our thoughts. He also asked everyone to keep those in Florida in their thoughts. He reminded everyone that the Oyster Festival is this weekend and hopes the weather will be good. He stated to be careful what you wish for. He concluded with "Roll Tide".

Closed Meeting – In accordance with §2.2-3711(A) (3) of the Code of Virginia that the Council convene a closed session for the discussion and consideration of the purchase of real property for a public purpose.

Councilman Savage motioned, seconded by Councilwoman Bowden to go into a closed meeting in accordance with §2.2-3712 (A) (3) of the Code of Virginia that the Council

convene a closed session for the discussion and consideration of the purchase of real property for a public purpose.

All present were in favor and the motion was carried.

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

Nays: None

Absent: None

Certification of Closed Meeting in Accordance with §2.2-3712 (D) of the Code of Virginia
Councilman Savage motioned, seconded by Councilwoman Bowden to certify that to the best of each member's knowledge:

- 1. Only public business lawfully exempted from open meeting requirements was discussed and**
- 2. Only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered.**

All present were in favor and the motion was carried.

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

Nays: None

Absent: None

Adjourn

Councilman Savage motioned, seconded by Councilwoman Bowden to adjourn.

Unanimously approved.

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

**MINUTES OF THE OCTOBER 17, 2024
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING
Council Chambers**

Council Members Present:

J. Arthur Leonard, Mayor
Christopher D. Bott, Vice Mayor
Denise P. Bowden, Councilwoman
William T. McComb, Jr., Councilman
Ellen W. Richardson, Councilwoman
K. Jay Savage, Councilman
Gene W. Taylor, Councilman

Council Members Absent:

Staff Present:

Mr. Michael T. Tolbert, Town Manager

Call to Order

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

Invocation

Councilman Savage offered the invocation.

Pledge of Allegiance

Mayor Leonard led in the Pledge of Allegiance.

Public Comment

Mayor Leonard opened the floor for public comment. There was none.

Agenda Adoption

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

Proclamation – Cemetery Cleanup Week

Town Manager Tolbert read the proclamation.



PROCLAMATION

WHEREAS, throughout our community there are many cemeteries and family burial grounds; and

WHEREAS, over the years many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

WHEREAS, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

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

NOW, THEREFORE, I, Mayor John A. Leonard do hereby proclaim the week of November 4th through 9th, 2024, as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 17th day of October 2024.

J. Arthur Leonard, Mayor

ATTEST:

Michael T. Tolbert, Town Manager

Public Hearing – Political Signs

Mayor Leonard opened the public hearing.

- Mrs. Patricia Farley, 3243 Lisa's Lane, addressed 2 concerns with the proposed ordinance. She stated that there is no definition in the ordinance for "Political Signs", it only states what the rules are for political signs. She feels the 1st Amendment of the sign article gives permission to have signs for political causes. She added that political signs need to be differentiated between political causes. She suggested that political signs reflect candidacy or campaign signs, and she gave examples. She then asked what a political sign was, and listed a banner, billboard, signs stuck in the ground, flags, something that flies on a house or on a pole, or up on a shed. She feels it is important. She stated that the definition of a sign included all of the types of signs she listed. She added that all types of signs, however, are decided that are defined as political signs need to abide by the new rules. She agrees with the limitation on when political signs should be out. Mrs. Farley feels the ordinance is weak. She also feels this should be rethought adding that there is no rush. She commented further and urged Council to table this and work on it to be brought up in a future meeting.

- Mr. Paul Brzozowski, 5122 Main Street, commented that he agreed with the removal of political signs within 14 days after an election. He asked for clarification of the 30 days before.

Town Manager Tolbert advised that it is 30 days before the 1st vote can be legally cast.

Mr. Brzozowski concurred that there is no rush and he feels that people didn't have a chance to weigh in on this.

- Town Manager Tolbert read a comment he received via email from Ms. Linda Ladas, 3241 Cakey Lane. "I am respectfully submitting my comments and questions regarding the proposed ordinance limiting the placement of political signs to be discussed during this evening's meeting. My questions are: Who proposed this change in the existing ordinance? What was the reason(s) for the proposed change? What is definition of "political sign", e.g. is it for just individual candidate(s) or does it include political opinion views such as "Support Gun Control Legislation", "Go Brandon"?"

If ordinance includes signs of "opinions or views", who decides regulations on whether or not they are permissible? Does the ordinance include flags, billboard or banners? and, if so, what size? What is definition of "sight distance triangle"? What is Town's definition of "clutter"?

In my opinion, this kind of regulation change represents a "slippery slope" of unintended consequences. First, some might view the change as a kind of Town Council voter suppression tactic to try and limit public involvement in our elections. Second, it might encourage citizens to come up with other ways to express their support, i.e. banners from balconies, more stickers on public property like street signs, telephone poles, etc. Who and how will change be enforced? Police issuing tickets, fines being assessed, police confiscating signs from personal property?"

Mayor Leonard closed the public comment. He asked for Council comment.

Councilwoman Bowden stated that when they discussed this at the Ordinance Committee, she wasn't a fan of it, and was unaware there was a problem. She does agree with no later than 14 days the political signs should be removed. She agrees with the comments tonight on definition. She asked where they draw the line whether it's a campaign sign or isn't. She feels they have time. She does not want to outlaw everything and take away someone's 1st Amendment right. She feels there should be a better definition of this because it covers such a broad spectrum and area. She asked how they differentiate.

Councilman McComb feels they need a better definition of what constitutes a political sign. He likes the time frame on the front and back of the election as to when the signs go up and come down. He feels they look messy when they've been up too long. They don't want to intrude on someone's 1st Amendment right.

Councilwoman Bowden commented further.

Vice Mayor Bott motioned, seconded by Councilwoman Bowden to table this matter and send it back to the Planning Commission. Unanimously approved.

Consider RCEC Recommendations

Councilman Taylor listed and explained the costs associated with the RCEC's proposed projects.

Mem. Pk. Volleyball Court

Net and poles	\$4,500
Boarder curb	\$2,500
Washed Sand	\$5,000
	\$12,000

Mem. Pk. Fence Repair

3rd base Fabric only

1st base Fabric and poles

\$7,866

(**Includes 6' Fenced Dugouts)

Brianna's Kindness Park (BKP) - Shade structures for the 3 existing benches located at the BKP playground including installation by Public Works.

Purchase - \$13,803.07

BKP "Hangouts" – 4 Mesh Rope Swings - @ \$1,700 =	\$ 6,800
Deck under hangouts	\$10,000
<u>4 Charging Stations</u>	<u>\$ 1,500</u>
Total Project	\$18,300

Memorial Park Pier Deck Replacement – Councilman Taylor advised that they will replace cross bracing and joists as necessary as well as the decking. Public Works will do this work in house again netting considerable savings. - \$22,000.

Dog Park Deck – Councilman Taylor stated that they will construct a raised platform in the corner under the shade sail that will keep the area dry. Again, Public Works will provide the labor. - \$2,500.

Town Manager Tolbert reported that Brianna's Kindness Park projects will be paid for by a donation from the Island Community House of \$48,602.76 and the rest will be transferred from a reserve account. He stated that the money donated by the Island Community House was specifically for Brianna's Kindness Park and they should have approximately \$15,000 left. The money for Memorial Park; ballfield, pier replacement, and volleyball court will be taken from the Parks, Recreation, and Beach Conservation reserve and if there is a surplus the funds will be replaced in that fund.

Mayor Leonard asked if another shade station is installed, will they put another deck at the Dog park.

Town Manager Tolbert advised they will and reviewed the details.

Mayor Leonard asked if the volleyball court was going where the old one was.

Town Manger Tolbert advised it is

Mayor Leonard asked if the fence would be set like a Little League field at 200 ft.

Town Manager Tolbert explained that now that they have added trailer parking for the boat ramp, they have taken part of the outfield, they can still get a little over 200 ft, which is Little League and high school ball fields.

Mayor Leonard asked if there was any money for the ballfield. He expressed how bad it was because of flooding and lack of management.

Town Manager Tolbert advised the RCEC discussed this but did not set aside funds for this.

There was discussion to possibly change the field to face the opposite direction.

Councilman McComb motioned, seconded by Councilwoman Bowden to approve the projects for Brianna's Kindness Park Memorial Park, and the Dog Park and to fund as presented. Unanimously approved

Council Announcements

Councilman Savage expressed his appreciation for the Public Works out doing their jobs getting a lot done. He also stated that he appreciates the Town.

Councilman Taylor stated he wants everyone to pray for our Country. He added that a lot of times they're divided. He stated that when you start working together you find out you can put things aside, love one another, care for one another, and work together to get things done. He added that they are blessed in our Town that people work together.

Councilman McComb appreciated the information on the political sign ordinance.

Councilwoman Bowden stated she appreciated everyone's input on that as well. She stated that when you sit there, you think about all these great ideas, but sometimes it takes other people to ask the right questions. She added that they have some people in the community who are going through some serious health problems. She stated that they could use all the prayers they could give.

Mayor Leonard concluded with, "Go Yankees!"

Adjournment

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

J. Arthur Leonard, Mayor

Michael T. Tolbert, Town Manager

<https://www.youtube.com/watch?v=dHbqpOo96JI>



Rules for Public Comment at Public Hearings:

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. Attorneys representing clients will be limited to 10 minutes.
5. A speaker cannot reserve or transfer time to another speaker.
6. Speakers must not use profanity, threatening language or otherwise be abusive to Council or Committee members.
7. Signs and placards are not allowed inside the Council Chambers.
8. Speakers shall not address specific personnel matters which involve individual employees in a public meeting.
9. Members of the Council will not answer questions directly or engage with speakers.
10. Specific questions shall be directed to the Mayor who shall at his shall discretion solicit a response from the appropriate staff member.

Town of Chincoteague, Inc.



Town of Chincoteague Notice of Public Hearing

The Chincoteague Town Council will conduct a public hearing commencing at 7 P.M. on November 4, 2024, in the Council Chambers at the municipal building located at, 6150 Community Dr. Chincoteague, Va. 23336 to afford interested parties the opportunity to be heard or present written comments concerning a proposed ordinance regulating the display of murals on commercial properties. The full ordinance may be viewed at the Town office or on the Town's website at www.chincoteague-va.gov. Written Comments may be submitted to the Town Manager until 5PM on the November 4th, 2024 at the above physical address or to mtolbert@chincoteague-va.gov.



An Ordinance Regulating the Creation and Display of Murals.

WHEREAS: The display of any mural is often significantly larger than commercial signs as allowed by current zoning regulations and is likewise viewed by proportionally more people; and,

WHEREAS: Any mural, by virtue of its difficulty and expense, would be intended to be displayed for multiple years and decades: and,

WHEREAS: The display of a mural would signal a community's character and values and likewise leave a lasting impression on visitors to the community and inappropriate or distasteful displays can adversely affect levels of business and property values; and,

WHEREAS: The Town Council desires to maintain the upstanding character of the community and relate its puritan values by allowing only appropriate and tasteful public displays within its jurisdiction; now

THEREFORE BE IT ORDAINED by the Town Council of Chincoteague on this 4th day of November, 2024 that:

Appendix A, Article VI of The Code of the Town of Chincoteague, Virginia shall be amended to add section H. "Murals", Section 6.17-6.18 which said sections read as follows:

ARTICLE VI – GENERAL PROVISION

SECTION H . Murals

Sec. 6.17 Standards.

Sec 6.17.1 – Definition.

Mural shall mean a hand produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic generally for the purpose of decoration or artistic expression, including but not limited to, painting, fresco, or mosaic. Murals shall not be considered as signs as defined by Sec. 7.2.47.

Sec 6.17.2 – Mural Placement.

- a. Mural shall be allowed in all Commercial zones on structures with a current commercial use. Murals shall not be allowed on structures used as residences regardless of zone.

- b. Mural shall not be permitted on the primary façade of a structure. A primary facade is defined, for purposes of this section, as the building elevation that faces the adjacent street right-of-way and/or is the primary pedestrian entrance. A building located on a corner street shall be considered to have two (2) primary facades.
- c. Mural shall be prohibited on the backs of buildings that back onto residential districts.

Sec 6.17.3 - Prohibited Mural Types (this list is not all inclusive).

- a. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic, or which interferes with the proposed operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
- b. Murals that project from the wall surface, except for the minimum necessary protrusion to mount the mural to the wall or structure.
- c. Murals which contain material that when taken as a whole (i) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (ii) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (iii) a reasonable person would find the material lacks serious literary, artistic or scientific value.
- d. Murals that are directed to incite or produce imminent lawless action and are likely to incite or produce such action.
- e. Murals that convey threats of violence that are directed at a person or group of persons that have the intent of placing the target at risk of bodily harm.
- f. Murals that contain a commercial message or represent a commercial product or service which can be reasonably inferred as an advertisement.

Sec 6.17.4 - Surface Preparation.

Sand and high-pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes in any historic district or any building listed or eligible for listing on the Local, State, or National Register of Historic Buildings. Treatments that cause damage to historic materials shall not be used, which may include painting directly onto brick or other building materials that contribute to the historic integrity of the building.

Sec. 6.17.5 - Maintenance.

- a. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the Director of Public Works and incorporated into the Conditional Use Permit (CUP). A mural exhibit shall be deemed to be in a state of disrepair when twenty-five (25) percent or more of the display surface area contains peeling, fading or flaking paint or is otherwise not preserved in the way it was originally created be it by natural degradation or damage.
- b. The display surface shall be kept clean and neatly painted and free from corrosion.
- c. Any mural that is not maintained according to the maintenance schedule incorporated into the mural permit or that falls into a state of disrepair may be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material by the Director of Public Works, or his/her designee, all in the manner provided for in the Conditional Use Permit. Murals subject to removal shall be provided a time limit of thirty (30) days from the date of the written notice for such removal or covering. Additional time may be authorized by the Director of Public Works for good cause.

Sec. 6.17.6 - Design Standards.

- a. Murals must not contain wording of any kind. Artist signatures shall be allowed and shall be sized as appropriate to the mural's overall scale with a maximum limit two (2) square feet. Proposed size of the signature shall be included in the initial application.
- b. The proposed mural will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.
- c. The location and scale of the proposed mural shall enhance the commercial district and the building or structure on which it is located.
- d. The proposed mural will be well integrated with the building's wall and other elements of the property and enhance the architecture or aesthetics of a building.
- e. The proposed mural, by its design, construction, and location, will not have an adverse effect on any adjoining property or the permitted use thereof.
- f. The proposed mural shall not be detrimental to the public health, safety, or welfare.
- g. The mural will not have a detrimental effect on the structural integrity of the wall on which it is applied or affixed. An analysis by a licensed Engineer may be appropriate in some cases and will be as required by the Building Code official.
- h. The maintenance schedule shall be reasonable for the mural and the building on which it is applied or affixed.

Sec 6.18 Mural Permit.

Sec. 6.18.1 – Conditional Use Permit Required

The installation of any mural shall require Conditional Use Permit issued by the Town Council with such conditions as are appropriate for each application. No permit shall be considered without written permission from the owner of the building upon which the mural is proposed.

Sec. 6.18.2 - Application Requirements.

Each application shall contain, as a minimum, the following information:

- a. Site plan showing the lot and building dimensions and indicating the proposed location of the mural.
- b. Pictures of the building elevations.
- c. A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural.
- d. A color drawing, minimum 11" X 17" of the proposed mural.
- e. A proposed maintenance schedule that includes a definite service life of the mural along with the description of required maintenance and the intervals at which maintenance is required.
- f. Specifications for any paint or coating used in the preparation of the mural. Paint and coatings shall be reviewed for appropriateness of use by the Public Works Director.
- g. Written confirmation by the mural provider/installer that no damage or negative impact will occur to the wall surface that the mural is to be applied to.
- h. Written permission from the owner of the building to which the mural is intended to be applied if applicant is not the building owner.
- i. An acknowledgement that the mural must be removed or covered if so ordered by the Town Council for failure to maintain the mural as provided herein, for reaching a state of dilapidation as described in subsection 5.c above or for violating any condition included in the original Conditional Use Permit.

Sec 6.18.3 - Mural Permit Review.

Town of Chincoteague, Inc.

Applications for a mural conditional use permit shall be distributed to the Planning Commission for comment regarding consistency between the application and the requirements herein. The Planning Commission shall review the application and make a recommendation to the Council who shall, after the appropriate public hearing, issue or deny the Conditional Use Permit. The Planning Commission and/or Town Council may, at their discretion, include conditions not specifically listed here as appropriate for individual applications.

Yeas:

Nays:

Adopted by the Town Council of Chincoteague on November 4, 2024.

By: _____

John Arthur Leonard, Mayor

ATTEST: _____

Michael T Tolbert, Town Manager