



# TOWN COUNCIL REGULAR MEETING

August 07, 2023 at 7:00 PM

Council Chambers – Town Municipal Center

## AGENDA

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**CALL TO ORDER** – *Vice Mayor Bott*

**INVOCATION** – *Councilman Taylor*

**PLEDGE OF ALLEGIANCE** – *Vice Mayor Bott*

**PUBLIC COMMENT** – *Vice Mayor Bott*

**AGENDA ADOPTION** – *Vice Mayor Bott*

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

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

**ADOPTION OF MINUTES** - *Vice Mayor Bott*

5. [Minutes of July 5th Council Meeting](#)

**JOINT PUBLIC HEARING FOR ZONING CHANGES** - *East Side Rezone and RC changes, Height Restrictions - Vice Mayor Bott*

6. [Area Regulation Change Memo](#)
7. [Proposed Zoning Ordinance Changes Memo](#)

**PLANNING COMMISSION RECOMMENDATION OF PROPOSED ZONING CHANGES** - *Chairman Rosenberger*

**COUNCIL CONSIDERATION OF PROPOSED ZONING CHANGES** - *Vice Mayor Bott*

**CONSIDER CHANGE ORDER TO FY23 SPRING PAVING CONTRACT** - *Councilwoman Richardson*

8. [Contract Extension Memo](#)

**CONSIDER CHANGE ORDER TO FY23 SPRING PAVING CONTRACT - *Councilwoman Richardson***

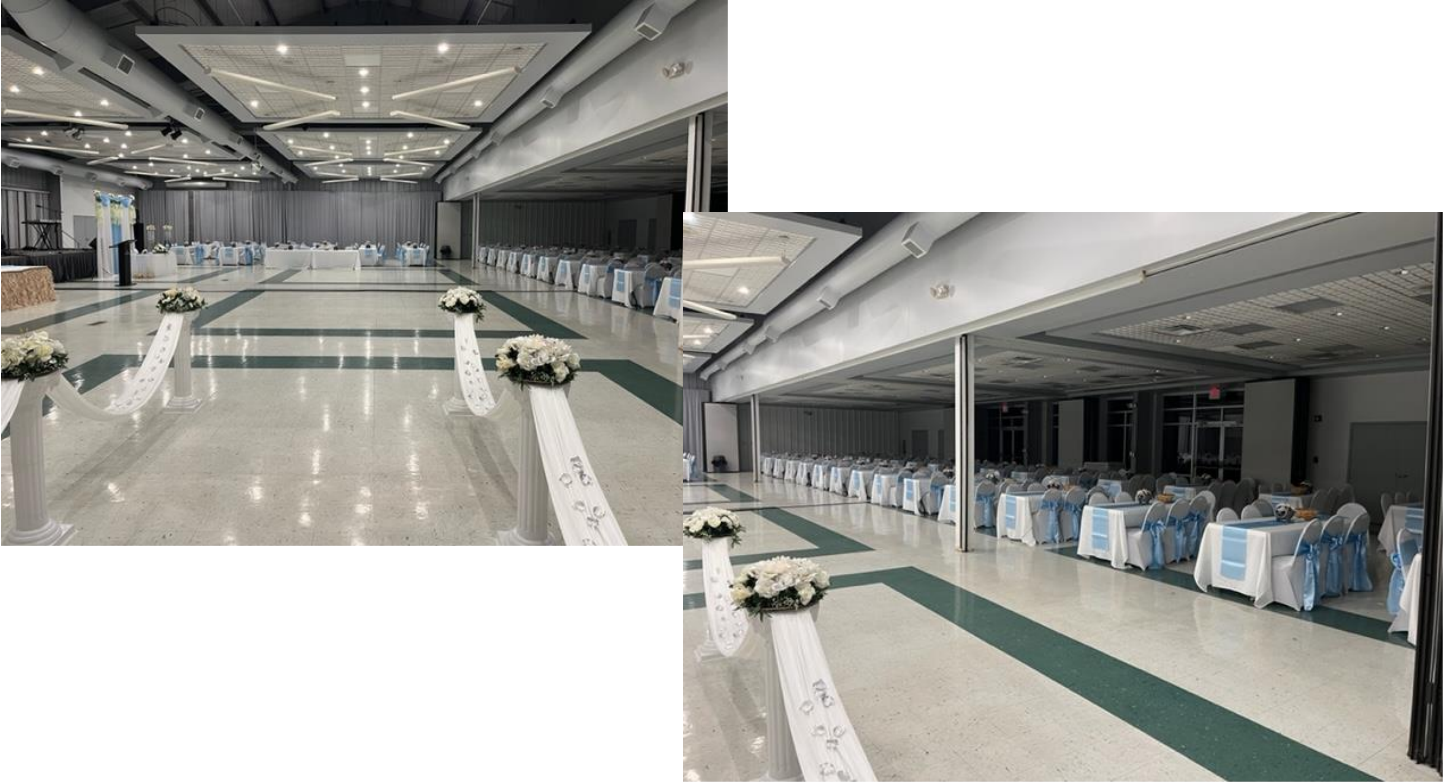
9. [Fall Paving Memo](#)

**MAYOR AND COUNCIL COMMENTS – *Vice Mayor Bott***

**ADJOURN**

**Chincoteague Center:**

Occupancy at the Chincoteague Center for the month of July included 4 community service events, 1 non-profit and 4 commercial events. The Blueberry Festival continues to be a huge success the week before Pony Penning as was Buck-a -Roo bingo sponsored by the Museum of Chincoteague.



**HRSD**

Mayor Leonard and I virtually attended the kickoff meeting for the design of a new sewage treatment plant for the Sunset Bay Facility on July 19<sup>th</sup>. HRSD has officially begun the process of designing a new plant to replace the old plants at Sunset Bay which will eventually serve the downtown and Maddox Blvd. commercial areas. HRSD’s project manager assembled, in one room and virtually, some of the most knowledgeable engineers in the State for this purpose and their review of the project and approach to the design was impressive. While there are still several parameters to finalize, the critical items discussed were an initial design capacity, using 2 package plants and inclusion of the USCG flow.

The possibility of obtaining additional capacity at this site was also discussed. The need for odor and noise control were also recognized as requirements for this design due to the close proximity of residences as was security of the site and attention to aesthetics to support the character of the existing neighborhood. The target for completion of the plant design is mid-September with completion of construction by August of 2024.

Well relocation

In July, Senators Kaine and Warner proposed an amendment to the National Defense Authorization Act (NDAA) which would have authorized NASA to enter into an agreement with the Town to reimburse us for the relocation of our wells. The proposed amendment had to clear the Senate Commerce Committee prior to being included in the NDAA. According to Sen. Kaine’s staff, the Commerce Committee failed to include our language in this amendment. My understanding is that Rep. Kiggans was able to secure a promise to include the legislation in the next NASA reauthorization bill. There seems to be confidence by all of our legislators that this legislation will eventually be successfully attached to a bill that will be passed.

Electric Vehicle Charging Stations:

A&N Innovative Solutions, a subsidiary of ANEC will operate the new charging stations to be located on Post Office St. in our downtown municipal parking lot. I am currently reviewing a lease agreement which will govern Solution’s use of the property for a term of 5 years at \$1 per year. The cost of installation and maintenance of the facility will be completely absorbed by this subsidiary.



The draft sign below will be installed at the site and indicates a \$250 fine for cars that park in these assigned spaces that are not actively charging. This fine is a suggestion and I will prepare an ordinance for review to accompany this.

**ELECTRIC AUTOMOBILE CHARGER  
PARKING ONLY**



**ATTENTION!**  
"EV Parking Only" parking spots are designated parking for ONLY EVs (automobiles with motors fueled by electricity) who are ACTIVELY CHARGING. ANY vehicle (EV or Gas Combustion) parked in the "EV Parking Only" designated parking spots, who is not actively charging their automobile, is subject to both Towing (at vehicle owner's expense) AND a Fine of up to \$250. Not for use by golf cart or any other non-electric vehicle.

**HOW TO CHARGE:**

1. Scan QR Code to the right and follow directions that will appear on your screen.
2. When a valid activation is received, the connector will drop to an ADA height of 48 inches.
3. Simply push the button on the connector to walk cable to your vehicle.
4. When button is released, the cable will stop.
5. BEFORE plugging into vehicle, button can be depressed again if more cable is required.
6. Plug in connector to begin charging.
7. When connector is removed from the vehicle, the cable automatically retracts to the stored position.



For assistance Call: 1-800-000-0000



Meals and TOT:

The data in the table below represent collections for the month of July which reflect the level of business by food and lodgings establishments in Town for the month of June. Both taxes showed positive gains in July year over year with meals taxes out performing the post COVID bubble of FY22.

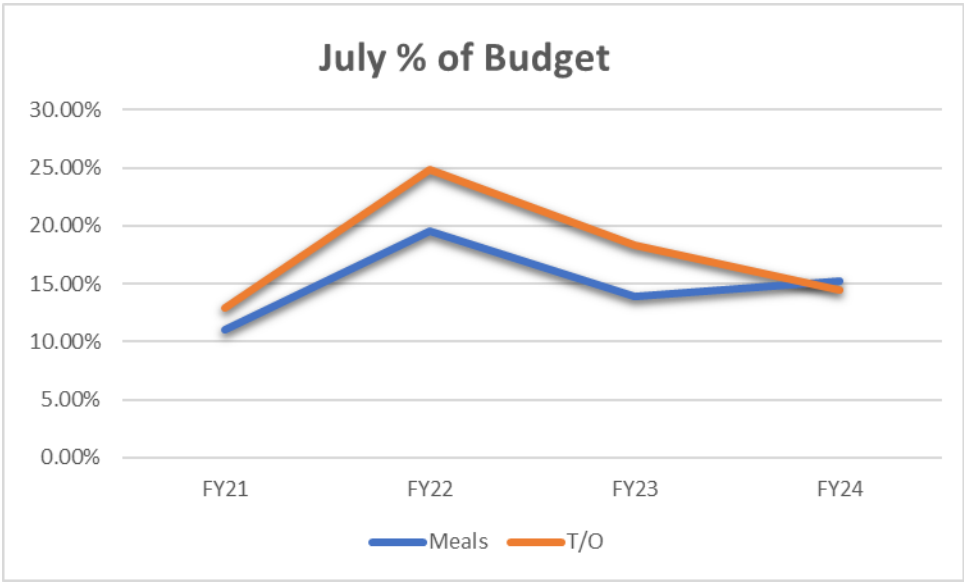
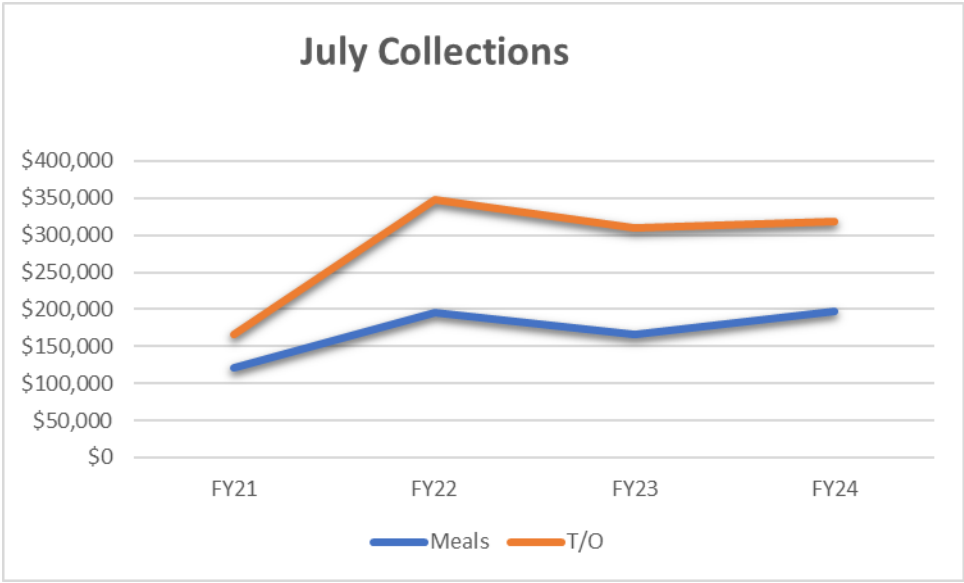
I have changed the report slightly this month for comparison of a 2-year average instead of 3 to eliminate influence of the FY21 COVID numbers. From this you can see that although the meals tax has comfortably exceeded the 2 year average, TOT is slightly behind.

Figures shown are for accounts posted by 07-31-23.

Meals and TOT July (June Activity)					
July Collections			Fiscal Year		
Meals Tax	Tax Collected	2 year average	Budget	YTD	% of Budget
FY21	\$120,855	\$181,111	\$1,100,000	\$120,855	10.99%
FY22	\$195,317		\$1,000,000	\$195,317	19.53%
FY23	\$166,904		\$1,200,000	\$166,904	13.91%
FY24	\$197,813		\$1,300,000	\$197,813	15.22%
<b>Deviation from 2 yr. Meals Tax Avg.</b>		<b>\$16,703</b>			
T/O Tax	Tax Collected	2 year average	Annual Budget	YTD	% of Budget
FY21*	\$166,697	\$329,364	\$1,290,000	\$166,697	12.92%
FY22	\$348,112		\$1,400,000	\$348,112	24.87%
FY23	\$310,615		\$1,700,000	\$310,615	18.27%
FY24	\$318,984		\$2,000,000	\$288,888	14.44%
<b>Deviation from 2 yr. T/O Tax Avg.</b>		<b>-\$10,380</b>			
*Increase in T/O Tax from 4% to 5% effective 1-1-21					

**Meals and TOT: Continued**

TOT showed a slight gain over FY23 and Meals taxes showed a more significant increase.





## Financial Report

The summary below reflects the Town's overall budget picture as of July 31, 2023 for the first month of FY24. You will notice that revenues for the General Fund appear to be down significantly from July of FY23 however last year's MTD and YTD figures reflect the 2<sup>nd</sup> tranche of ARPA funds that were received in July of 22 inflating the totals for that month by about \$1.5M.

<b>BUDGET vs ACTUAL JULY 2023</b>							
<b>Period Ending 07/27/2023</b>							
<b>10 GENERAL FUND</b>	<b>FY24 BUDGET</b>	<b>FY23 MTD</b>	<b>FY24 MTD</b>	<b>FY23 YTD</b>	<b>FY24 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>GENERAL FUND REVENUE TOTAL</b>	<b>\$ 7,563,652.00</b>	<b>\$ 2,108,687.94</b>	<b>\$ 577,816.47</b>	<b>\$ 2,108,687.94</b>	<b>\$ 577,816.47</b>	<b>\$ (6,985,835.53)</b>	<b>8%</b>
<b>GENERAL FUND EXPENSE TOTAL</b>	<b>\$ 7,563,652.00</b>	<b>\$ 609,970.47</b>	<b>\$ 744,687.00</b>	<b>\$ 609,970.47</b>	<b>\$ 744,687.00</b>	<b>\$ 6,818,965.00</b>	<b>10%</b>
<b>30 CURTIS MERRITT HARBOR</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>HARBOR REVENUE TOTAL</b>	<b>\$ 868,284.00</b>	<b>\$ 74,804.29</b>	<b>\$ 62,023.00</b>	<b>\$ 74,804.29</b>	<b>\$ 62,023.00</b>	<b>\$ (806,261.00)</b>	<b>7%</b>
<b>HARBOR EXPENSE TOTAL</b>	<b>\$ 868,284.00</b>	<b>\$ 95,099.31</b>	<b>\$ 59,696.29</b>	<b>\$ 95,099.31</b>	<b>\$ 59,696.29</b>	<b>\$ 808,587.71</b>	<b>7%</b>
<b>70 TROLLEY</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>TROLLEY REVENUE TOTAL</b>	<b>\$ 259,833.00</b>	<b>\$ 26,613.39</b>	<b>\$ 18,324.57</b>	<b>\$ 26,613.39</b>	<b>\$ 18,324.57</b>	<b>\$ (241,508.43)</b>	<b>7%</b>
<b>TROLLEY EXPENSE TOTAL</b>	<b>\$ 259,833.00</b>	<b>\$ 7,354.11</b>	<b>\$ 7,350.01</b>	<b>\$ 7,354.11</b>	<b>\$ 7,350.01</b>	<b>\$ 252,482.99</b>	<b>3%</b>
<b>80 WATER</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>WATER REVENUE TOTAL</b>	<b>\$ 1,015,000.00</b>	<b>\$ 70,197.01</b>	<b>\$ 76,821.29</b>	<b>\$ 70,197.01</b>	<b>\$ 76,821.29</b>	<b>\$ (938,178.71)</b>	<b>8%</b>
<b>WATER EXPENSE TOTAL</b>	<b>\$ 1,015,000.00</b>	<b>\$ 51,239.17</b>	<b>\$ 24,251.54</b>	<b>\$ 51,239.17</b>	<b>\$ 24,251.54</b>	<b>\$ 990,748.46</b>	<b>2%</b>
<b>85 CENTER</b>	<b>FY23 BUDGET</b>	<b>FY22 MTD</b>	<b>FY23 MTD</b>	<b>FY22 YTD</b>	<b>FY23 YTD</b>	<b>VARIANCE</b>	<b>%</b>
<b>CENTER REVENUE TOTAL</b>	<b>\$ 194,650.00</b>	<b>\$ 302,945.17</b>	<b>\$ 2,053.00</b>	<b>\$ 302,945.17</b>	<b>\$ 2,053.00</b>	<b>\$ (192,597.00)</b>	<b>1%</b>
<b>CENTER EXPENSE TOTAL</b>	<b>\$ 194,650.00</b>	<b>\$ 8,891.55</b>	<b>\$ 95,694.37</b>	<b>\$ 8,891.55</b>	<b>\$ 95,694.37</b>	<b>\$ 98,955.63</b>	<b>49%</b>
<b>REVENUE TOTAL</b>	<b>\$ 9,901,419.00</b>	<b>\$ 2,583,247.80</b>	<b>\$ 737,038.33</b>	<b>\$ 2,583,247.80</b>	<b>\$ 737,038.33</b>	<b>\$ (9,164,380.67)</b>	<b>7%</b>
<b>EXPENSE TOTAL</b>	<b>\$ 9,901,419.00</b>	<b>\$ 772,554.61</b>	<b>\$ 931,679.21</b>	<b>\$ 772,554.61</b>	<b>\$ 931,679.21</b>	<b>\$ 8,969,739.79</b>	<b>9%</b>
<b>Difference</b>					<b>\$ 194,640.88</b>	<b>\$ (194,640.88)</b>	



**Trolley:**

Last week we received a visit from Ms. Jennifer Debruhl the director of the Virginia Department of Rails and Public Transportation (DRPT) who spent a short time discussing our program with Billy and myself. She was here for the NG-19 Antares launch and made a point of coming in to introduce herself and offering us any assistance that our program may need.

**Building and Zoning:**

From June 28, 2023, to July 28, 2023, the Building and Zoning Department issued 46 building permits and conducted 33 inspections, 6 case activity cases inspections and 13 Amusement ride inspections.

- 6 Business License site visits.
- 15 zoning site visits.
- 13 building permit plans' reviews.
- 39 walk-ins for building and zoning questions.
- 6 new code cases
- 1 code violation \$60.00

The total value for the building cost of construction. \$ 543,343.76.

The total building permit fees collected were \$ 3,081.91.

# CHINCOTEAGUE POLICE DEPARTMENT

## MONTHLY REPORT TO COUNCIL

July 2023

The Chincoteague Police Department received 451 calls for service which resulted in 19 investigations of criminal offenses that included, 1 shoot, stab, etc, with the intent to maim or kill, 1 robbery, 2 driving under the influence, 2 drunk in public, 1 refusal to take breath or blood test, 1 strangulation of another, 2 assault and battery, 1 give false information to a police officer, 1 obstruction of justice, 1 destruction of property, 1 unauthorized use, 3 hit and runs, 1 credit card theft and 1 death. There were 7 arrests with 12 charges as a result of these investigations.

The Department also responded to 8 animal complaints, 4 alarms, 13 suspicious activities, 7 civil problems, 2 control burn checks, 24 assisting other agencies and 13 welfare checks.

In addition, 113 security checks and 18 public service calls were conducted.

The Department issued 47 citations and 27 warning tickets.

In support of the Fish and Wildlife Service in Virginia (Assateague) the department dispatched 8 assist other agency, 1 visitor contact, 1 disabled motorist and 7 traffic stops.

The department assisted the CVFC Carnival by providing officers at the carnival each night.

On July 4, 2023, all officers assisted with traffic and crowd control for the 4<sup>th</sup> of July Fireworks.

On July 5, 2023, Chief Fisher and Major Greenley met with 1<sup>st</sup> Sgt. Renas and Sgt. Lawson with Va. State Police to update the Pony Penning Plan for this year.

By July 5, 2023, Pfc. Matthews and Pfc. Renas completed their field training.

On July 10, 2023, Ptl. McGee started Basic Police Academy.

On July 12, 2023, Chief Fisher and Major Greenley attended a Pony Swim meeting at the USCG Base.

On July 20, 2023, all officers attended the town wide Pony Penning meeting at CVFC meeting room. Also, after the meeting all officers were trained on Decibel Meters and given copies of new ordinance.

On July 24, 2023, Chief Fisher assisted with Pony Beach Walk and traffic control on Maddox Blvd.

On July 26, 2023, all officers provided assistance for Pony Swim with traffic and crowd control assisted by Va. State Police and Accomack Co. Sheriffs Office.

On July 27 & 28, 2023, The department assisted with the Pony Auction, Governor's signing of bill making Chincoteague pony the Official Pony of Virginia and swim back with Governor and First Lady.

On July 29, 2023, the department provided traffic and crowd control for Fireworks on final night of Carnival

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Public Works: July

Water works employee, Randy Savage at Training for Water Plant Operator Class 3.



Water Plant leak repaired on 7/18/2023







Basketball Court Paved. Goal has been ordered and is due to arrive any day.

Trees trimmed that were encroaching on power lines.

Item 3.







Dump Trucks damaged sidewalk during paving operation (Willow St.). Contractor replaced sidewalk in a timely manner at no charge.

**Other items completed in July**

- **Support activities such as 4<sup>th</sup> of July, Pony Penning, and Rocket Launch**
- **Catching up on Weed Control and ROW Cutting.**
- **Complete Memorial Park Boat parking and pavement markings**
- **Continue routine maintenance of equipment and vehicles.**
- **Safety Meeting regarding aging work force and continued to emphasize the importance of heat safety.**

## TOWN OF CHINCOTEAGUE EMERGENCY SERVICES MONTHLY REPORT

### EMERGENCY MEDICAL SERVICES DIVISION

**Reporting Period:** 07/01/2023 – 07/31/2023

#### **TOTAL EMS RESPONSES: 152**

(19 MORE THAN IN SAME PERIOD 2022): 133

ADVANCED LIFE SUPPORT: **51**

BASIC LIFE SUPPORT: **56**

OTHER: **45** (Fire Stand-by, Public Assist Calls, etc.)

HAZMAT:

### COMMUNITY SERVICE

#### **BP SCREENINGS**

Six BP screenings were conducted at the station this month.

#### **COAST GUARD OPEN HOUSE**

Attended the Coast Guard open house on July 25<sup>th</sup>, to show case employees and the equipment that we use.

### PLANNING

#### **FIREWORKS**

Planned to strategically stage EMS units to have a timely response to emergencies during the July 9<sup>th</sup> fireworks events. We were only able to fully staff one unit and a second partially but a volunteer driver stepped up for it.

#### **PONY SWIM**

Planned enhanced staffing to cover the numerous Pony Swim Week activities. Secured a commitment from the Medical Reserve Corp to provide first-aid at Memorial Park and the carnival grounds as well as providing a misting tent at the carnival grounds to help mitigate heat emergencies during the event. Parksley VFC and Greenbackville VFC each loaned us an ambulance which Accomack County DPS staffed each with two employees as well as staffed their ARGO at the swim site.

#### **ANTARES LAUNCH**

Strategically staged two fully staffed ambulances to enhance response times due to extreme traffic and large volumes of spectators.

## **LOGISTICS**

### **NEW AMBULANCE**

The chassis has arrived on site at the factory in Florida with a tentative begin build date of October and a tentative finished product of what we are now being told is January 2024.

### **AMBULANCE 3-1**

This ambulance suffered the previously reported engine failure and received a replacement engine and transmission. During the test drive it was realized that the new engine had a cracked head, further delaying it returning to service.

### **AMBULANCE 3-0**

This ambulance suffered an electrical malfunction and is out of service. Greenbackville VFC once again loaned ambulance 2-2 for us to use.

## **TRAINING**

### **CONTINUING EDUCATION**

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

- Obstetrical Emergencies
- Pediatric Cardiac Arrest

## **EMERGENCY MANAGEMENT DIVISION**

- Daily weather monitoring.
- Attended monthly NASA Range Schedule Work Group meeting.
- Final July 4<sup>th</sup> Fireworks AAR was completed.
- Attended the POD EX mid-term planning meeting to continue exercise planning for the September 12, 2023, exercise.
- Held a Hazard Mitigation Plan review with the building administrator and town manager. Updates were compiled and sent to the ANPDC.
- Held July 29<sup>th</sup> Fireworks planning meeting with July 4<sup>th</sup> AAR review in conjunction with the Antares NG-19 planning meeting.
- Completed the July 29<sup>th</sup> Fireworks Incident Action Plan for operations.
- Attended the USCG 2023 Pony Penning planning meeting.
- Held final Pony Penning planning meeting to review the 2022 AAR and finalize plans.
- Completed the 2023 Pony Penning Incident Action Plan and disseminated to operations staff.
- Attended virtual conference call to discuss logistics for an upcoming visit of the Governor's EMS Advisory Board, Financial Assistance Review Committee in September. The purpose of the visit is to showcase rural eastern Virginia so that the FARC can see why assistance is needed during the EMS grant cycles. The FARC will overnight in Chincoteague.
- Attended NASA Security Outside Agency Brief concerning Antares NG-19

- Participated in multiple Weather Conference calls on July 29<sup>th</sup> with NOAA NWS Wakefield to plan for fireworks.
- Completed the Incident Action Plan for Antares NG-19 launch and disseminated to operations staff.
- Issued two Code Red calls concerning road closures for the July 29<sup>th</sup> Fireworks event.
- Meeting with governor's security staff to discuss area and swim back details.
- Held Hotwash to capture items for the 2023 Pony Penning After Action Report. Also, included July 29<sup>th</sup> fireworks and the Antares launch in order to complete their respective AAR's.
- Maintained weekly situational awareness with Accomack County, Northampton County, VDH, VDEM, FEMA and Joint Information Center.

**MINUTES OF THE JULY 5, 2023**  
**CHINCOTEAGUE TOWN COUNCIL MEETING**  
**Council Chambers**

**Council Members Present:**

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

**Council Members Absent:****Staff Present:**

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

**Call to Order**

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

**Invocation**

Councilman Taylor offered the invocation.

**Pledge of Allegiance**

Mayor Leonard led in the Pledge of Allegiance.

**Public Comment**

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

**Agenda Adoption**

**Councilwoman Bowden motioned, seconded by Councilwoman Richardson to adopt the agenda as presented. Unanimously approved.**

**Staff Reports****General Government**

Town Manager Tolbert reported on the Chincoteague Center events and activities for June reminding that they are preparing for the Blueberry Festival and Buckaroo Bingo. He reported that the HVAC project small equipment has been delivered and the larger equipment will be shipped this week. He advised that the Curtis Merritt Harbor is full. The recent surveillance camera installations are providing excellent coverage including the fueling facility and boat ramp. He also reported that Mr. Marsh with ANEC advised they are ready to begin the pilot phase of their EV charging station project. They met earlier today to select the location and the chargers will be shipped in the next few weeks. Town Manager Tolbert also reviewed the

Financial Report. He reviewed the Building and Zoning report. He also gave an update on the sewage treatment plant.

Councilman Taylor asked if the vehicle owner would be responsible to pay for charging their vehicles.

Town Manager Tolbert advised they would. He added that ANEC is creating a subsidiary who will run and operate the chargers.

### Police Department

Chief Fisher gave the Department's report. He also advised he attended the graduation for Pfc. Matthews and Pfc. Renas on June 6<sup>th</sup>. On June 15<sup>th</sup> DMV Program Manager, Mr. Dwight Jenkins conducted a grant site visit with Major Greenley and Cpl. Gladding. On June 20<sup>th</sup>, Major Greenley and Town Manager Tolbert attended an Accomack County School Board meeting to request the resigning of the MOU for School Resource Officers. On June 22, Chief Fisher attended the Pony Swim meeting with Town officials. All officers were fitted for new bullet proof vests that were obtained through an ARPA grant. He reported that they are able to get a new police vehicle with the ARPA grant. On June 24<sup>th</sup>, Chief Fisher, Investigator Barnes, and SRO Carmody assisted with traffic control for the American Legion Legacy Ride. He added there were between 250-300 motorcycles here. On June 29<sup>th</sup>, Chief Fisher, Captain Greenley, and Investigator Barnes had training on how to handle people with mental illness.

Mayor Leonard asked if there has been an uptick in overdoses.

Chief Fisher advised lately they have had 2 which is rare.

There was further discussion.

### Public Works Department

Public Works Director Parks advised that he and Waterworks Supervisor Quillen attended training on Lead and Copper Rule Revisions. They are required to replace all lead pipes. He advised that there are none left, and gooseneck lines don't count. He added that they are requiring the Town to inventory all lead pipes.

Town Manager Tolbert explained the requirement further. He asked what the deadline was.

Public Works Director Parks advised they have until October 15, 2024.

Councilwoman Bowden asked how they identify the lines.

Public Works Director Parks responded that they would have to dig. They can rule out properties that were built after 1983 as lead was banned. The Town would be responsible for the replacement of the water mains.



Public Works Director Parks reported that the Cropper Street project is complete, the Maddox Boulevard paving and markings are complete, the width is now 37' leaving a 7' bike lane on each side. He reported that 37 security cameras have been installed and operational.

There was discussion regarding the camera placements, views, storage, and nighttime views.

Public Works Director Parks added that the Public Works staff also held safety meetings. He added that for July they are planning for Pony Penning, weed control and right-of-way cutting, complete Memorial Park boat parking and pavement markings, and continue maintenance of equipment and vehicles.

### Emergency Services

Director of Emergency Services Rush advised of the EMS calls for June. They had dual training with CPD. He showed pictures of a helicopter patient pickup with Thunderbirds in the background. He also advised they attended fireworks planning, Pony Swim planning meetings. He reported that the Antares launch is scheduled for August 1<sup>st</sup>. They're still working on POD-X. They're watching tropical storm activity. He summarized that June's calls for service were up, the AEDs are back ordered, and he reminded everyone to be weather aware. He added that he is working with Accomack County on staffing and standby while both ambulances are out. He reminded everyone that fireworks will be on July 29<sup>th</sup> and Antares launch is August 1<sup>st</sup>.

### **Committee Reports:**

#### **Public Works Committee**

Councilwoman Richardson advised they met June 6<sup>th</sup> and this was discussed at the last Council meeting.

#### **Ordinance Committee**

Councilman Savage reported they met June 8<sup>th</sup> to consider commercial dumpster regulations and parking regulations.

Town Manager Tolbert further explained that the Committee reviewed the Health Department regulations pertaining to dumpsters and the Committee decided to adopt ordinances that parallel the regulations. He reviewed the changes. He was asked to send notification to all business owners along with notice about flags.

Councilwoman Bowden asked if letters were sent to Highland Park residents.

Town Manager Tolbert advised they have not, but signage has been ordered for each entrance.

There was further discussion about parking part way in the ditches, ditch maintenance, and filling ditches. They continued discussion about the dumpster ordinance.

### **Adoption of the Minutes of the June 5<sup>th</sup> and June 15<sup>th</sup>, Council Meetings**

**Councilman Savage motioned, seconded by Councilwoman Bowden to adopt the minutes of the June 5<sup>th</sup> and June 15<sup>th</sup>, Council meetings as presented. Unanimously approved.**

### **Mayor and Council Comments**

Councilwoman Bowden commended Director of Emergency Services Rush, Chief Fisher and Public Works Director Parks and their departments for a fantastic job with the 4<sup>th</sup> of July events. She stated that she sees it all in the information stand and she stated that they looked fantastic. She also stated that the Town needs to get on the bandwagon and hire a planner. She feels they're getting too much, too quick, too soon and feels a planner will give direction and guidance.

Vice Mayor Bott agreed and felt there are 2 good examples here with parking and dumpsters. Their job would be to research all angles of things. He feels it will be an invaluable benefit.

Councilman McComb concurred on hiring a planner and he also concurred on the 4<sup>th</sup> of July planning, adding that it went well.

Councilman Taylor stated they are very blessed with the employees. He added that you don't know what you've got until they're gone, and he wants to take care of what we have with the Town. He stated that when July is gone, he bets they'll beat or be close to the 2021 levels. He also wants to show the employees that they appreciate them.

Councilman Savage gave kudos to the staff for doing a fine job. He expressed his appreciation for what they're doing. He also stated that he appreciates the Town Manager for what he's doing. He too agreed that they need a Town planner.

Mayor Leonard stated that he had a couple of conversations over the last couple of days to readdress the golf cart issue. He also understands that there have been calls in the office as well. He feels the traffic light at Maddox and Chicken City is causing problems in the afternoon.

There was discussion.

### **Adjourn**

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

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J. Arthur Leonard, Mayor

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Michael T. Tolbert, Town Manager

# Town of Chincoteague, Inc.



TO: Vice Mayor Bott and Members of Council  
FROM: Michael Tolbert, Town Manager  
DATE: August 7, 2023  
SUBJECT: Area Regulations

At its May 9th meeting, the Planning Commission voted to include proposed changes to each section of the zoning ordinance that contains Area Regulations for the purpose of regulating the heights of new structures. This addition to the code will require the height of any new structure, which takes advantage of the “average setback rule” to more closely match the heights of surrounding structures.

This change affects zones R-1,R-2,R-3,R-4, C-1,C-2,C-3,C-4. It does not affect the Agricultural zone because the average setback rule does not apply. This change will help to maintain the character of existing neighborhoods.

An example of the modification to each section of the ordinance is attached.

**Council is asked to consider the proposed changes following the public hearing and the Planning Commission’s recommendation.**

**Sec. 3.3. Area regulations.**

3.3.1. *Lot size.* The minimum lot size for permitted uses shall be 15,000 square feet. (For permitted uses utilizing individual sewage disposal systems, a larger area may be required by the health official.)

3.3.2. *Setback.* Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from any street right-of-way. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived and the setback line may be the average setback of the structures on either side. This rule *shall be known as the “average setback rule” and* shall not apply to corner lots or new subdivisions after enactment of this ordinance. This distance shall be known as the setback line.

3.3.3. *Open space.*

- (1) The minimum side yard setback for each main structure shall be 15 feet.
- (2) Each main structure shall have a minimum rear yard setback of 35 feet except waterfront properties would have no required setback.

3.3.4. *Height regulations.*

- (1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies. *Structures using the “average setback rule” as referenced in 3.3.2 must not exceed the average height of structures on either side of the proposed structure. The building official may make minimum allowances for compliance with applicable flood zone and building code requirements.*
- (2) No accessory building or structure shall be more than 25 feet in height.
- (3) Roof area extending above the maximum three-story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.
- (4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.
- (5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).
- (6) Parapet walls shall not extend more than four feet above the maximum building height for nonresidential structures.

3.3.5. *Corner lots.*

- (1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- (2) The side yard abutting or next to the street shall be 35 feet for both the main and accessory buildings/structures excluding steps, and a landing not greater than five feet by five feet.

(Ord. of 4-3-95; Ord. of 7-3-1995; Ord. of 11-6-1995; Ord. of 7-7-1997; Ord. of 4-13-98; Ord. of 4-5-99; Ord. of 5-17-2001; Amended 10-19-2007, 3-22-2012, 4-2-2012, 5-4-2015, 12-5-2016)

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(Republication) Page 1 of 1

# Town of Chincoteague, Inc.



TO: Vice Mayor Bott and Members of Council  
FROM: Michael Tolbert, Town Manager  
DATE: August 7, 2023  
SUBJECT: Proposed Zoning Changes

At its May 9, 2023, meeting the Town of Chincoteague Planning Commission entertained a request from citizens to protect a certain area of shoreline bordering East Side Drive from development which would adversely affect its view by residents and travelers on that road. Other reasons for the request were to maintain the character of the neighborhood and to protect the delicate ecology of this area and preserve it for future generations.

The planning commission at its June 13, 2023, meeting, voted to recommend to Council the inclusion of the subject properties in the Resource Conservation (RC) Zone. Further, the Planning Commission voted to recommend some structural changes to the RC zone to further protect this and other shorelines surrounding the Island. These changes are outlined and included in the attached documents.

This letter shall serve as official notice per Sec. 15.2-2204 of the Code of Virginia that the Town Council and Planning Commission will conduct a joint public hearing on Monday August 7, 2023, in the Chincoteague Center 6155 Community Dr. Chincoteague Va. 23336 for the purpose of receiving comments from affected and surrounding property owners.

The area of rezoning to be considered is indicated in the attached maps and includes all or part of the following lots.

- 30A6-33A,B
- 30A6-33-1,2,3
- 30A4-40-3A
- 30A6-A-39
- 30A6-A-41
- 30A6-14-A

30A4-A-129A2,3,4,5  
30A4-A-129B2,3,4

Concerned citizens, owners and neighbors are encouraged to attend the public hearing on August 7 to voice their concerns on this change.

PART II - CODE OF ORDINANCES  
Appendix A - ZONING  
ARTICLE V. - OTHER DISTRICTS  
SECTION C. RC RESOURCE CONSERVATION

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## SECTION C. RC RESOURCE CONSERVATION

*Statement of intent.* The resource conservation district is established for the specific purpose of conserving essential lands and open spaces for the protection of natural resources and waters and the reduction of pollution, soil erosion, and hazards from floods, fires and storms. Uses within this district shall be limited to those conservation uses expressly permitted by right. Any proposal for the conversion of such lands to another use shall be evaluated for its impact on the town's existing resources and needs, and may be authorized only after reasonable and orderly zoning amendment process in accordance with the review procedures and standards specified in this ordinance.

### Sec. 5.7. Uses permitted by right.

The following uses shall be permitted in the RC resource conservation district, subject to all other provisions of this ordinance:

- 5.7.1. Game preserves and conservation areas.
- 5.7.2. Fish hatcheries and fish ponds; wildlife/waterfowl ponds.
- 5.7.3. Drainage, erosion and flood control devices.
- 5.7.4. Wells, water reservoirs and water control structures.
- 5.7.5. ~~Accessory structures.~~
- 5.7.5. Seafood and shellfish landing and receiving **areas.** ~~storage and shipping facilities.~~
- 5.7.6. Aquaculture and mariculture ~~facilities and~~ activities.
- 5.7.8. ~~Commercial kayak and boat rental facilities.~~
- 5.7.7. Public parks **and** recreational areas. ~~marinas and other public buildings.~~
- 5.7.10. ~~Lodges, hunting clubs, boating clubs.~~
- 5.7.8. Fences.
  - (1) All fences to be located from a point even with the rear of the main structure (excluding open decks and open porches) extending to the front lot line shall have a maximum height of four feet and shall be at least 30 percent open space when viewed at any point perpendicular (90-degree angle) to the fence

line, regardless of construction materials. Any fence on the remainder of the property shall have a maximum height of six feet and may be of solid construction. A fence previously in compliance with this section may remain in place if a new addition is constructed to an existing residence.

- (2) As to any lot on which there is no existing main structure, all fences shall have a maximum height of four feet and shall be at least 30 percent open space, when viewed at any point perpendicular (90degree angle) to the fence line, except for a fence erected or constructed along the rear lot line which may have a maximum height of six feet and may be of solid construction.
- (3) Fully enclosed containment fences of solid construction may be erected to enclose aboveground sewage disposal systems and fuel storage tanks. Such containment fences shall not extend more than three feet beyond the perimeter of that to be enclosed. The containment fence shall not extend more than one foot above that to be enclosed and shall not exceed a maximum height of six feet. Such

Chincoteague, Virginia, Code of Ordinances

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containment fences shall not be placed closer than five feet from any side or rear lot line and shall not be placed closer than 15 feet from the front lot line.

5.7.12. Public utilities.

## **Sec. 5.8. Special exceptions; special use permits; conditional use.**

5.8.1. Public utilities generating, booster or relay stations, transformer substations, transmission and distribution lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewage facilities.

5.8.2. Such other temporary or permanent use of land, buildings, or structures as may be permitted by the town council as a conditional use in accordance with article IX of this appendix.

## **Sec. 5.9. Area regulations.**

~~5.9.1. Lot size.~~

- ~~(1) The minimum lot size for permitted residential dwellings shall be five acres, or a minimum individual lot size of one acre as long as the allowable gross density does not exceed one unit per five acres on any given parcel of land.~~

~~5.9.2. Setback. Structures excluding steps, and a landing not greater than five feet by five feet shall be located a minimum of 50 feet from the edge of any street right of way. This distance shall be known as the setback line. When a structure is to be built in an area where there are existing structures, the minimum setback may be waived, and the setback line may be the average setback of the structures on either side. This shall not apply to corner lots or new subdivisions after enactment of this ordinance.~~

~~5.9.3. Open space.~~

- ~~(1) The minimum side yard setback for each main structure shall be 50 feet, and the total width of the two required side yards shall be 100 feet or more.~~
- ~~(2) The minimum side yard for accessory structures shall be 30 feet or more.~~

~~5.9.4. Height regulations.~~



# Town of Chincoteague, Inc.

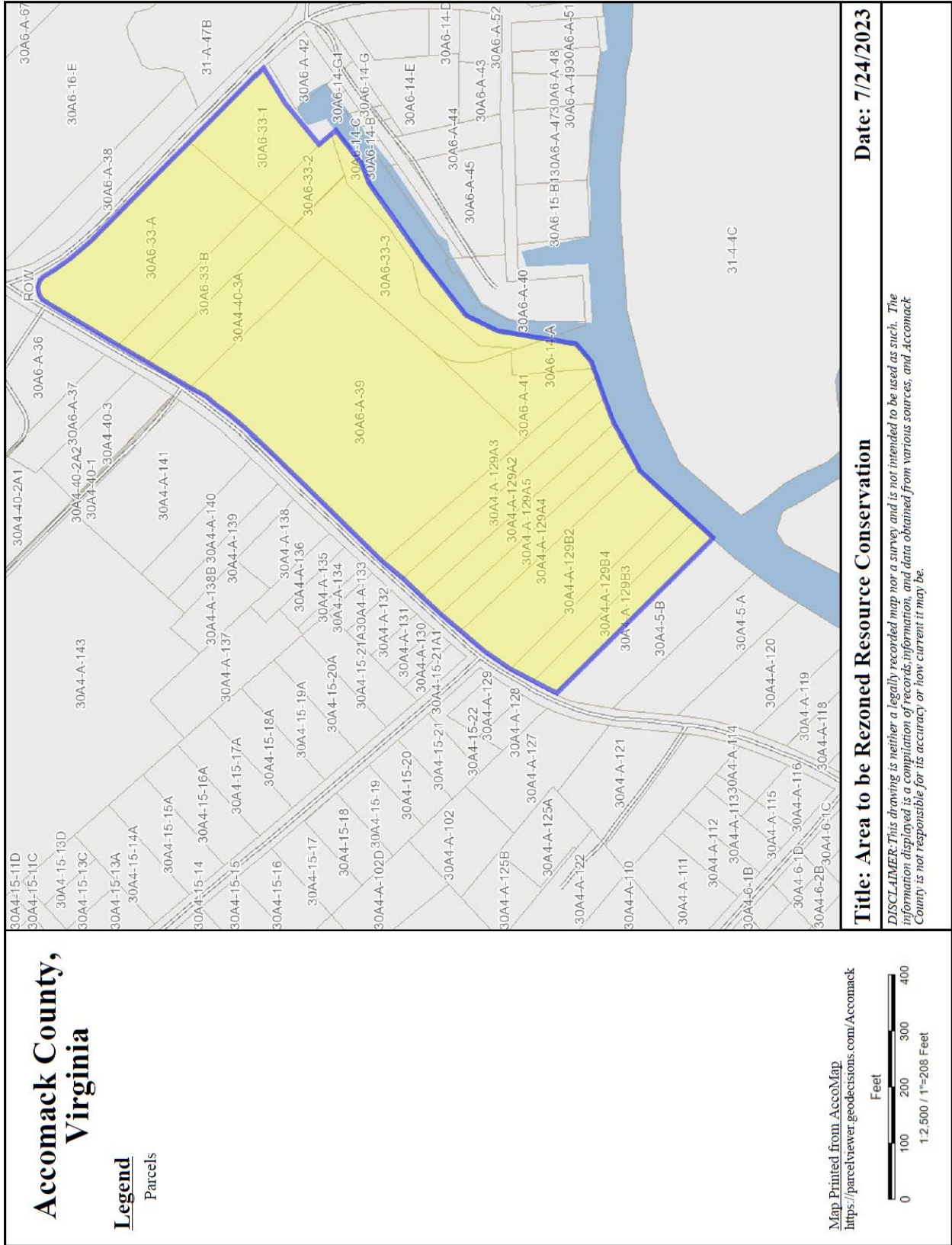
- ~~(1) Buildings and other structures may be erected up to 36 feet in height in accordance with section 2.24 (definition of building and structure height). No structure shall exceed three stories in height. Exception: enclosures below the base flood elevation used for incidental storage, parking garages, and means of egress shall be exempt from being considered a story if such total space is less than 600 square feet in area, however the height restriction still applies.~~
- ~~(2) No accessory building or structure shall be more than 25 feet in height.~~
- ~~(3) Roof area extending above the maximum three-story building height shall not be constructed or converted for human occupancy or use. Exception: HVAC equipment if visually screened from view, elevator bulkheads or stair structures for roof access.~~
- ~~(4) Chimneys and flues shall not be more than six feet above the height of the main buildings upon which they rest.~~
- ~~(5) Church spires, belfries, monuments, flagpoles, television antennae and radio aerials may be no higher than 70 feet above mean sea level (excluding public utilities).~~
- ~~(6) Parapet walls shall not extend more than four feet above the maximum building height for nonresidential structures.~~

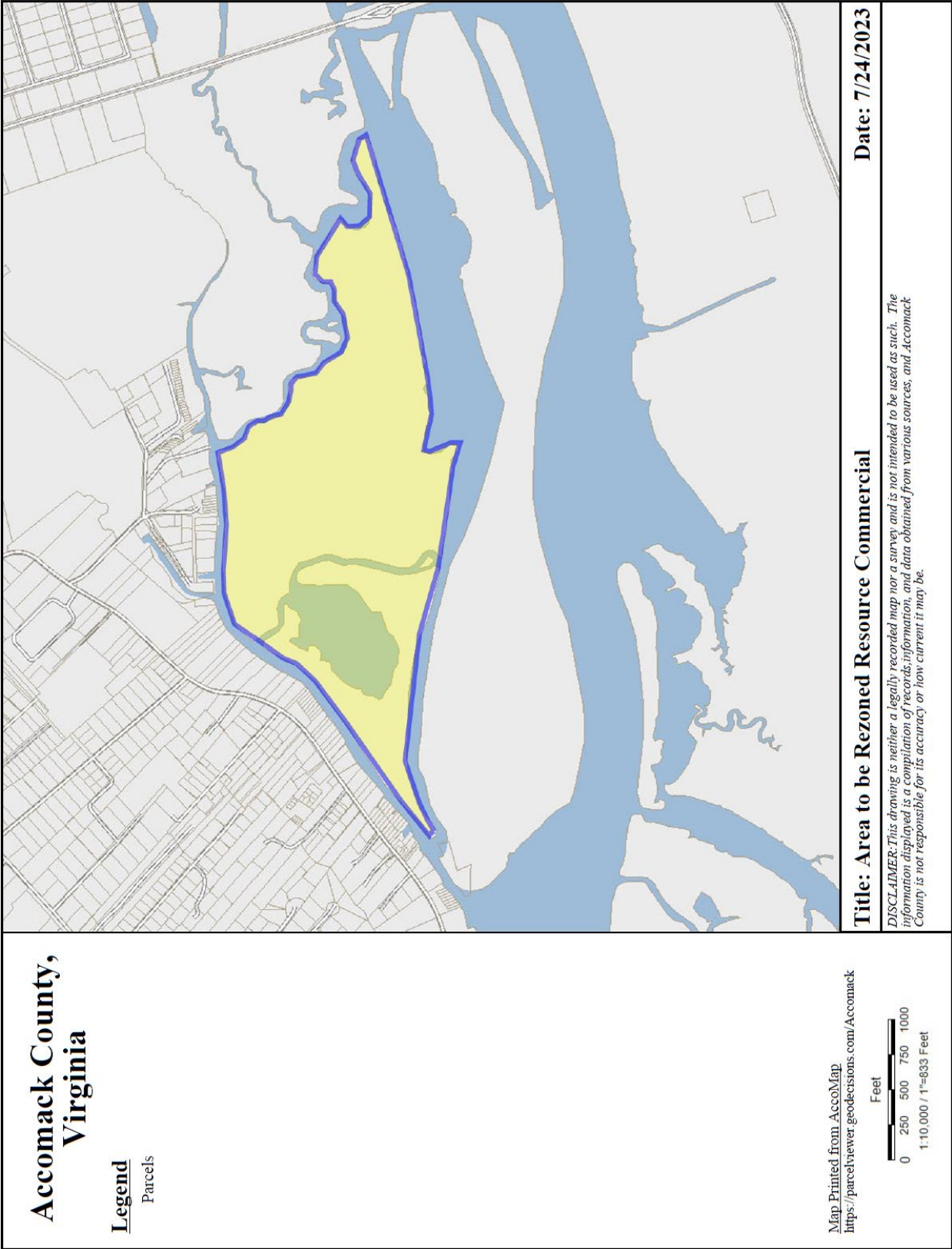
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## ~~5.9.5. Corner lots.~~

- ~~(1) Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.~~

~~(Ord. of 2-5-2001; Amended 4-2-2012, 5-4-2015, 12-5-2016)~~





# Town of Chincoteague, Inc.

**Council is asked to consider the recommendation of the Planning Commission following the conclusion of the public hearing as it pertains to the following proposed changes;**

- 1. Modify Section C. Resource Conservation District, Sec. 5.7 – 5.9 per the above changes.**
- 2. Change the zoning district of the proposed marsh areas along East Side Rd. from C-1, Neighborhood Commercial and R-3, Mixed Use Residential to RC Resource Conservation.**

# Town of Chincoteague, Inc.



TO: Vice Mayor Bott and Members of Council

FROM: Councilwoman Richardson, Chair, Public Works Committee

DATE: August 7, 2023

SUBJECT: Paving Contract Extension

At its August 1 meeting, the Public Works Committee reviewed and approved a recommendation by staff to extend the existing FY23 paving contract with Paragon Paving through the end of 2023. This action allows the Town to take advantage of existing lower unit pricing and accomplish the South Main Street paving project.

**Council is asked to vote to extend this contract.**

# Town of Chincoteague, Inc.



TO: Vice Mayor Bott and Members of Council

FROM: Ellen Richardson, Chairwoman, Public Works Committee

DATE: August 7, 2023

SUBJECT: Fall Paving Project

At its August 1 meeting, the Public Works Committee reviewed and ultimately approved a staff recommendation to pave South Main St. from the vicinity of Beebe Rd. to Curtiss Merritt Harbor.

The paving of South Main St. has been delayed for 2 paving cycles to allow the completion of heavy construction in that area. Now that these activities have ceased, we have an opportunity to accomplish this project. The Scope of this project will include the addition of drainage structures near the Harbor entrance and Northward for several hundred feet. The road base in the area of the Harbor entrance will also be wedged up on the western edge improving the driving experience and assisting drainage of this area.

Using unit prices from our existing FY23 paving contract, the cost of this project will be \$315,000.

**Council is asked to vote on approval of this recommendation from the public works committee.**