

REGULAR COUNCIL MEETING A G E N D A

TOWN OF CHINCOTEAGUE

October 7, 2013 - 7:00 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN TAYLOR

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

STAFF UP-DATE

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

-
1. Consider Adoption of the Minutes
 - Regular Council Meeting of September 3, 2013 (Page 2 of 56)
 - Special Council Meeting of September 19, 2013 (Page 8 of 56)
 2. Joint Public Hearing for a Possible Sign Ordinance Revision (Page 12 of 56)
 3. Discuss the 911 Dispatch Service and its funding (Page 21 of 56)
 4. Budget and Personnel Committee Report of Aug 28 & Sept 17, 2013 (Mayor Tarr) (Page 26 of 56)
 5. Resolution of Irrevocable Election Not to Participate in Virginia Local Disability Program (Page 28 of 56)
 6. Banking Resolution for Shore Bank (Page 29 of 56)
 7. Public Works Committee Report of September 4, 2013 (Councilwoman Richardson) (Page 35 of 56)
 8. Bids on the Fall Paving Contract # 01-PAV-13 (Page 37 of 56)
 9. Recreation & Community Enhancement Com Report of September 10, 2013 (Councilman Jester) (Page 38 of 56)
 10. Ordinance Committee Report of September 12, 2013 (Councilman Howard) (Page 40 of 56)
The following may require a motion:
 - Possible Revision to Chapter 2, Article V, Finance (Page 40 of 56)
 11. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)
 12. Closed Meeting in Accordance with Section 2.2-3711(A) (7) of the Code of Virginia.
 - Legal Matters

ADJOURN: implementation

**MINUTES OF THE SEPTEMBER 3, 2013
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
Gene W. Taylor, Councilman
Terry Howard, Councilman

CALL TO ORDER

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

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

OPEN FORUM/PUBLIC PARTICIPATION

Mayor Tarr opened the floor for public participation.

- Mr. Todd Burbage with the Fairfield Inn came to thank Council. He advised that the new motel opened July 14th. He thanked everyone for all their efforts, especially the Town of Chincoteague. He advised they are looking forward to rebuilding the Chincoteague Inn.
- Mr. Mike Meyers approached Council once again regarding his neighbor filling in his land. He stated that since his last Council meeting the neighbor has spread over 100 loads of sand in his own back yard. He described the work that has been done to date. He pleaded with the Town to give him a cease and desist order because he is in violation to the National Flood Insurance Program. He again reviewed the accounts of his actions trying to stop his neighbor from filling in his own land. He stated that when the Town agreed to participate in the National Flood Insurance Program they agreed to abide by the minimum amount of regulations and requirements. He also stated that if they fail to abide by these regulations, FEMA can put the Town on probation and anyone who has flood insurance will automatically get a surcharge of \$90.00.

Mr. Meyers read from the Town Ordinance. He continued to give an account of his actions to date. He reviewed a handout from the Town. He quoted a statement on the handout, "Always check with the Building Department before you build on, regrade or fill in your property. A permit may be required to ensure a project may not cause problems on other properties." He feels that his neighbor's concrete/rock wall is an obstruction. He doesn't care about the sand.

There were further comments and complaints.

- Mr. Del Goddard, resident of Ocean Breeze, came back to Council with the paperwork mentioned from last month's meeting regarding Seaweed Drive. He thanked Council for having a concrete truck fill in the potholes. But, feels this is only a Band-Aid. He stated that this isn't about the side roads. It's about Ridge Road, a main road of Chincoteague. He feels there has to be a way to settle this. Mr. Goddard stated that it's getting worse by the day and suggested working with the owner. He feels that this involves everyone on Chincoteague. He showed where this was supposed to be turned over to the property owners, but wasn't because no one followed up on it and the corporation was terminated.
- Mr. Barry Abell stated that he was told that he will be part of the next Parks and Recreation Board meeting. He reminded Council of the discussion of a memorial at the Waterfront Park location. He feels it's important. He met with WCTG about supporting a downtown memorial. He read the broadcast that requested community support. He reminded everyone that the raffle will be held October 12th and raised over \$25,000. He thanked Council for putting him on the Board agenda.

STAFF UPDATE

Planning Department

Town Planner Neville stated that the Planning Report is included in the packet. He stated they will be meeting Tuesday, September 9th at 7:00 p.m. to review the Subdivision Ordinance and several of those sections. He mentioned the Commercial Sign Ordinance public hearing that is scheduled for October 7th and will allow the Planning Commission time to review the proposed changes. He provided an update about the CCP. The USF&W has received comments from the solicitor and have made changes based on those comments. He stated that the revised document should be ready by the end of October.

Town Planner Neville also stated that they have been reviewing the Flood Plain maps. They have been focusing on revisions and corrections. They have also been reviewing the issues Mr. Meyers has raised. They are continuing to coordinate with the County regarding the Sediment and Erosion Control Permit. They will have a dialog whether the minimum requirements are adequate. A letter was provided to FEMA that describes how the Town administers permits for fill and grading. There is a conference call schedule with FEMA later this week.

They commented on Mr. Lou Hinds retirement and who would be filling in for him.

Councilman Howard asked Town Planner Neville to explain the Soil and Erosion Ordinance.

Town Planner Neville stated that when someone is building a new house, in the permitting process there are check lists that FEMA wants the Town to complete. They do not issue the permit until they check with the state. He stated that what is at issue is that there was no "new" construction taking place in the Meyers matter. It was placement of fill initially. The Town has adopted a Town Code section for Erosion and Sediment Control which delegates the permit process to Accomack County. They have a full review process for fill and grading activity. The Town has been talking to FEMA about the active permit process and there may be some additional review necessary. He added that it isn't a broken process. They are trying to design a permit with the Agency's standards to be able to approve or disapprove the permit/application.

He added that currently with the fill activity, they can only refer to the Soil and Sediment Control process. FEMA recommended a Flood Plain Development Permit. He added that Building and Zoning Administrator Lewis suggested criteria and a fee schedule so that it's enforceable.

Police Department

Chief Lewis advised that the monthly report was included in the agenda packet. He reminded Council that Saturday, September 14th at 1:00 p.m. until 9:00 p.m. is the Annual Poker Run – Ride for Kids, Auction and Block Party.

Councilman Howard asked for clarification about the calls. He asked why the landline calls are listed separate than the wireless calls.

Chief Lewis stated that it is just for information purposes.

Councilman Howard was just unsure of why and how it was listed.

Chief Lewis briefly reviewed the report.

Public Works Department

Public Works Director Spurlock advised that the monthly report has been included in the agenda packet. He reported on the culvert on the south end of Main Street. He stated that the manufacturer completed an inspection and advised that is structurally sound.

Councilwoman Richardson asked what he was planning to do to correct the erosion around it.

Public Works Director Spurlock stated that there is a material that can be pumped under the road.

Councilman Howard asked for clarification.

Public Works Director Spurlock explained the erosion because the water is infiltrating through the headwall. He explained the process to keep this from happening further.

Councilman Jester commented on how much better the roads look by using the tractor to cut the brush back.

Public Works Director Spurlock commented that the US Fish & Wildlife helped tremendously.

Councilman Taylor mentioned that the sight triangles need to be cut back also.

General Government

Town Manager Ritter reported that there were 94 EMS responses for the month of August which is down 13 from August 2012. He reminded Council that only half of Labor Day weekend fell within that timeframe. He stated that under Emergency Services the potential for the next Antares Rocket could be September 13th if the LADEE launch is successful. He reported that the Auditors were here August 12th through the 15th. There were excellent findings and they reviewed the Procurement Policy. They recommended that the Ordinance Committee review

this to bring it up to date. Staff has been working on delinquent taxes and turned them over to Mr. Elliott. He reported on the revenues. He advised that staff will begin working on the quarterly newsletter. He also stated that he will be attending an ICMA conference.

There was discussion of the revenues and explanations of the differences.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

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

- 1. Consider Adoption of the Minutes**
 - **Regular Council Meeting of August 5, 2013**
 - **Special Council Meeting of August 15, 2013**

Vice Mayor Leonard motioned, seconded by Councilwoman Richardson to adopt the minutes as presented. Unanimously approved

- 2. Public Safety Committee Report of August 6, 2013**

Mayor Tarr entertained questions regarding the report.

Councilman Howard asked for information regarding the LADEE launch.

Town Manager Ritter stated that it is on the agenda to discuss.

- ~~**3. Discuss Keeping 911 Dispatch**~~

- 4. Discuss the LADEE Rocket Launch**

Town Manager Ritter reviewed the handouts and fact sheet for the LADEE Launch scheduled for Friday, September 6th at 11:27p.m. He explained the viewing sites and road closures. He reviewed the shuttle service and Pony Express routes along with the designated parking areas. He also reviewed the backup dates. He reported that all motels have been notified. He stated that there are 6 CERT members to assist in parking vehicles. He also advised that Atlantic Volunteer Fire Company will be on scene to light up the area around the traffic circle. Businesses have been contacted by the Chamber to stay open during this event.

Councilman Jester feels that it's important that the leadership from the Town go talk to the businesses to let them know that the Town has a Plan for safety and answer questions they may have.

Councilman Howard stated that he reviewed the launch windows and doesn't understand the report.

Town Manager Ritter reviewed the launch schedule.

Councilman Jester explained that the launch is very calculated for the window. He stated that if they don't launch within a certain amount of time they scrub the launch for that night.

Town Manager Ritter advised they have delivered the packets to all the motels. He stated that the shuttle service will start at 9:00 p.m.

There were further comments and discussions.

5. Approval of Repairs to Well Number 4

Public Works Director Spurlock explained that one of the main wells is in need of repair. There have been 2 proposals. He advised that A.C. Schultes submitted a proposal. He stated that the Town has done work with them before and recommended that Council consider approving the contract to A. C. Schultes in the total amount of \$40,939 (\$20,554 + \$20,385) for Well 4 redevelopment and pump repairs.

There was discussion about the Procurement Policy and funding.

Public Works Director Spurlock advised there will be a budget amendment.

Councilman Howard asked about the camera inspections. He is unsure of exactly what they're going to do with the well.

Public Works Director Spurlock advised that it is in the report and explained a little further.

Councilman Taylor motioned, seconded by Vice Mayor Leonard to approve the proposal from A. C. Schultes of Delaware, Inc. in the amount of \$40,939.00 for Well #4 redevelopment and pump repairs. Unanimously approved.

6. Possible Approval of the Skate Park Repairs

Town Planner Neville reported on an issue regarding needed repairs at the Skate Park. He advised that Skate Park ramps have previously been repaired through the manufacturer warranty. He also advised that there are other ramps in need of repair as they are a safety hazard. He stated that Public Works Director Spurlock has received an estimate for repair in the amount of \$2,620. He also stated that the Town has a Playground Reserve Fund. Town Planner Neville asked if Council wanted to have the repairs done or to remove the unsafe ramps.

Councilman Jester asked about the repairs made last year.

Town Manager Ritter advised they were manufacturer replacements.

Councilman Jester asked if these repairs were to the ramps that were repaired last year.

Public Works Director Spurlock advised they are not.

Councilman Howard asked about the use of this facility.

Councilman Muth advised that Wednesday nights during soccer practice it is being used.

Mayor Tarr asked why they're doing something different this year than last year.

Town Manager Ritter advised that last year the ramps replaced were still under warranty.

Councilman Taylor expressed the importance of the repairs and the Skate Park.

Councilman Howard motioned, seconded by Councilwoman Richardson to approve the repairs to the Skate Park in the amount of \$2,620. Unanimously approved.

7. Mayor & Council Announcements or Comments

Councilwoman Richardson commented on the Committee for 911. She requested that they keep the public informed.

Mayor Tarr assured her that the information from the 911 Committee would be in the agenda packet also.

Vice Mayor Leonard stated that he has been approached about the birds on the Causeway. He stated that it looks like a war zone. He is unsure if the Town can do anything but suggested contacting Game and Inland Fisheries. He feels this could be the cause of an accident. He suggested signage.

Mayor Tarr asked Town Manager Ritter to contact VDOT and the Refuge about the safety options.

Councilman Taylor mentioned 911 and feels the public should be made aware that 911 will be open as usual and nothing changes.

Town Attorney Poulson stated that Council should have received a copy of the final court order on the Carter matter.

Adjourn

Councilman Howard motioned, seconded by Vice Mayor Leonard to adjourn. Unanimously approved.

Mayor

Town Manager

MINUTES OF THE SEPTEMBER 19, 2013
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING

Council Members Present:

John H. Tarr, Mayor
J. Arthur Leonard, Vice Mayor
Ellen W. Richardson, Councilwoman
John N. Jester, Jr., Councilman
Tripp Muth, Councilman
Gene W. Taylor, Councilman
Terry Howard, Councilman

CALL TO ORDER

Mayor Tarr called the meeting to order at 5:00 p.m.

INVOCATION

Councilman Howard offered the invocation.

PLEDGE OF ALLEGIANCE

Mayor Tarr led in the Pledge of Allegiance.

CLOSED MEETING IN ACCORDANCE WITH SEC. 2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSION OF LEGAL MATTERS.

Vice Mayor Leonard moved, seconded by Councilman Howard to convene a closed meeting under Section 2.2-3711(A)(7) of the Code of Virginia to discuss personnel matters. Unanimously approved.

Vice Mayor Leonard moved, seconded by Councilman Howard to reconvene in regular session. Unanimously approved.

Councilman Howard moved, seconded by Vice Mayor Leonard to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(7) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Jester, Leonard, Howard, Richardson, Muth, Taylor
Nays- None
Absent- None

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Mayor Tarr requested an additional agenda item to consider the draft Floodplain Zoning Permit application form. Councilman Taylor motioned, seconded by Councilman Muth to adopt the agenda as revised. Unanimously approved.

1. Presentation/Discussion – FEMA Draft Flood Insurance Rate Maps

Town Planner Neville presented information to Council about the draft Flood Insurance Rate Maps (DFIRM) that have been prepared by FEMA. The Town provided comments on the preliminary maps to correct street names and labels and to request a change to the Limit of Moderate Wave Action (LiMWA) line along the shoreline.

FEMA's presentation to Town and County staff in Accomac on July 31st, informed the community of three (3) main responsibilities:

- Review the DFIRM maps during a 90 day appeal period (possibly beginning in October 2013)
- Conduct outreach communication with the public
- Update Flood Ordinance to comply with minimum standards and adopt the new maps before September 2014

Mr. Neville stated that approximately 1,044 structures on Chincoteague Island will possibly be removed from the 100 year floodplain district based on a study map prepared by Accomack County. The difference in base flood elevation from the current maps to the new maps was discussed.

Council members asked several questions about information contained in the staff report.

2. Review of draft Zoning Permit application form for Floodplain Ordinance compliance

Mayor Tarr described how a property owner's storm damage repair project on North Main Street has generated a zoning complaint, and FEMA's direction to the Town that a zoning permit is required by our Flood Ordinance for any development activity in the floodplain.

Town Planner Neville presented a draft Town of Chincoteague Zoning Permit that kept the basic format of a Building Permit, and incorporated floodplain information based on a sample from Nags Head, NC. He stated that Town Attorney Poulson had reviewed the draft form, suggested several revisions and agreed that this was a requirement of our current Town Code, Chapter 30- Floods.

Council members discussed with Town Staff the permit requirements from other agencies, the erosion and sediment control permit process, and whether this permit would apply to any amount of fill or grading. The need for reasonable exclusions from the zoning permit was proposed so that small projects would not have to be permitted, inspected and enforced.

An application fee of \$60 for residential, and \$90 for commercial was proposed by Staff based on the current fee schedule for 'other uses'. Council members discussed several alternatives and decided to suspend the application fee until such time as the Flood Ordinance can be revised to include reasonable exemptions that are acceptable to FEMA.

Councilman Howard motioned, seconded by Councilman Jester to approve the use of the Zoning Permit application form for Floodplain Ordinance compliance with the application fee suspended. Unanimously approved.



**TOWN OF CHINCOTEAGUE
ZONING PERMIT APPLICATION**

PERMIT NUMBER _____ PERMIT FEE \$ _____

PROPERTY OWNER/TENANT: _____ PHONE# _____
ADDRESS: _____

CONTRACTOR: _____ PHONE# _____
ADDRESS: _____

LOCATION OF WORK: _____ PARCEL ID# _____
LOT SIZE: _____ FEMA MAP PANEL: _____ FLOOD ZONE _____

TYPE OF DEVELOPMENT (check all that apply): <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> NON-RESIDENTIAL <input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> ADDITION <input type="checkbox"/> RENOVATION <input type="checkbox"/> EXCAVATION <input type="checkbox"/> FILL <input type="checkbox"/> GRADING <input type="checkbox"/> EROSION CONTROL <input type="checkbox"/> OTHER PROJECT DESCRIPTION: _____ _____ _____
AREA OF DEVELOPMENT (sq.ft.) _____ COST OF CONSTRUCTION: \$ _____

APPLICANT AGREES TO ALLOW SITE INSPECTION(S) BY THE ZONING OFFICIAL

ALL DEVELOPMENT WITHIN ANY FLOODPLAIN DISTRICT MUST COMPLY WITH THE FOLLOWING:

(a) Permit Requirement - All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of Town Code, Chapter 30 – Floods, all other applicable Town codes and ordinances, as amended, and the Town subdivision regulations. Prior to the issuance of any such permit, the zoning officer shall require applications to comply with all applicable Town, County, State and Federal laws (separate permits are required).

(b) The application shall incorporate the following information:

- (1) For structures to be elevated, the elevation of the lowest floor (including basement).
- (2) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
- (3) The elevation of the one hundred (100)-year flood
- (4) Topographic information showing existing and proposed ground elevations. (best available)

I HEREBY ACKNOWLEDGE THE INFORMATION CONTAINED IN THIS APPLICATION:

APPLICANT: (PRINT) _____

SIGNATURE: _____ DATE _____

BUILDING DEPARTMENT USE ONLY:

_____ APPROVED _____ APPROVED WITH CONDITIONS (ATTACHED)

_____ DENIED

_____ ZONING OFFICIAL _____ DATE

SHOW LOCATION OF EXISTING STRUCTURES WITH DASHED LINES AND IDENTIFY THE PROPOSED DEVELOPMENT ACTIVITY WITH SOLID LINES.

Site Plan

NOTICE TO APPLICANT: THE REQUIREMENTS OF TOWN CODE CHAPTER 30 ARE INTENDED TO CONFORM TO FEMA FLOOD INSURANCE STANDARDS AND MAY BE REVISED DURING THE PERMIT PERIOD. THIS ORDINANCE DOES NOT IMPLY THAT AREA OUTSIDE THE FLOODPLAIN DISTRICT, OR THAT LAND USES PERMITTED WITHIN SUCH DISTRICT, WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. THIS ORDINANCE SHALL NOT CREATE LIABILITY ON THE PART OF THE TOWN OR ANY OFFICER OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THIS ORDINANCE OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE THEREUNDER. (REC. 30-308) AND (D).

3. Council Member Comments

No further comments were offered.

Adjourn

Vice Mayor Leonard motioned, seconded by Councilman Taylor to adjourn. Unanimously approved.

Mayor

Town Manager



STAFF REPORT

To: Mayor Tarr and Town Council Members
Chairman Rosenberger and Planning Commissioners

Through: Robert Ritter, Town Manger

From: Bill Neville, Director of Planning

Date: October 7, 2013

Subject: Commercial Sign Ordinance

❖ **Joint Public Hearing**

Sign Ordinance – Amend Appendix A – Zoning, Section 7.13 Commercial Districts, of the Town Code with changes including but not limited to an increase of permitted sign area and revision to the method of calculation for multiple businesses on a single lot of record.

Commercial Sign Ordinance Amendment Summary

The current Town of Chincoteague Sign Ordinance (revised and adopted in June 2008) defines and organizes different sign types in several main groups: ‘permitted as a matter of right’, ‘temporary’, ‘construction and maintenance’, ‘prohibited’, ‘nonconforming’, and ‘permitted’. Included within the permitted sign group for commercial zoning districts are the following sign types:

- Freestanding signs
- Wall signs
- Window signs
- Hanging signs
- Projecting signs
- Roof and mansard façade signs
- Changeable letter signs
- Directory and incidental signs
- Menu/Sandwich Board Signs
- Banners
- Flags

A combination of standards for maximum size, number, height and location are described in the Ordinance which applies to all signs, whether a sign permit is required or not. Minor revisions have been adopted when the combination of these standards does not meet the purpose and intent of the overall Sign Ordinance.

Background

Town Council considered the requests of two separate business owners regarding the Commercial Sign Ordinance and whether it adequately provides for multiple businesses located on the same lot.

The Town of Chincoteague Board of Zoning Appeals met on May 9, 2013 to hear an application for multiple zoning variances to permit commercial sign area for the Chincoteague Inn Restaurant located at South Main Street and Marlin Street. This site has served as one example of a large single lot that contains multiple businesses located in separate freestanding buildings. The BZA granted temporary relief from the Ordinance to permit a second freestanding sign, following construction of the new Fairfield Inn & Suites.

Town Council requested Planning Commission recommendations for a general amendment to the Commercial Sign Ordinance if needed to address the current limitation of permitted signage for multiple businesses in separate buildings on the same lot.

The Planning Commission met several times to review a re-drafting of Sign Ordinance Section 7.13 proposed by Town Attorney Jon Poulson. Town Attorney Poulson proposed a re-organization of Section 7.13 so that the general standards are incorporated into each section.

This re-organization would allow a business owner to find which section applies to their situation and determine what can be approved. Permitted signage would then be tied to the business or main structure rather than the lot of record. A new section (7.13.1.3) is also proposed to specifically describe the example of one lot containing multiple buildings with multiple businesses.

Recommendations of the Planning Commission were considered by Town Council during a workshop on August 15th. Several small changes were added to allow all multiple businesses on a single lot a minimum amount of sign area on a freestanding sign in addition to building mounted signs for business identification.



Proposed Commercial Sign Ordinance

Sec. 7.13. Commercial districts

Within a commercial district, all business signs require a permit unless specifically exempted hereunder and are subject to the following provisions:

7.13.1.1 Lot of record occupied by one (1) business with existing business license issued by the Town of Chincoteague.

The number of signs for a permitted business on a lot of record with one (1) main structure occupied by a single permitted business shall be limited to two (2), not including incidental, directory, or directional signs, unless otherwise specifically provided for and permitted hereunder. The total combined square footage of all permitted signs shall not exceed one hundred (100) square feet in area. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise provided for and permitted under Sec. 7.13.1.7 Roof and mansard façade signs, and 7.13.1.8 Freestanding signs.

Two additional signs shall be permitted not to exceed twenty five (25) square feet each if the main business structure faces more than one public street or a navigable waterway.

7.13.1.2 Lot of record occupied by a building containing more than one business, “multi-business main structure”, with an existing business license issued by the Town of Chincoteague.

The number of signs for a permitted business on a lot of record with one main structure occupied by more than one permitted business, a multi-business main structure, shall be limited to two (2) per business, not including incidental, directory or directional signs, unless otherwise specifically provided for and permitted hereunder.

The total combined square footage of all permitted signs for such businesses shall not exceed one hundred (100) square feet in area. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area per business, nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise specifically provided for and permitted under 7.13.1.7 Roof and mansard façade signs, and 7.13.1.8 Freestanding signs.

In addition to the maximum allowed combined total area permitted for such businesses in a multi-business main structure, there shall be permitted one additional wall sign or projecting sign, not to exceed twenty (20) square feet for business identification for each such business, and permitted freestanding sign area not to exceed twenty (20) square feet.

Two additional signs for the multi-business main structure shall be permitted not to exceed twenty five (25) square feet each if the multi-business main structure faces more than one public street or navigable water.

7.13.1.3 *Lot of record occupied by two or more separate main structures each containing one or more separate businesses, “multi-main structures” with an existing business license issued by the Town of Chincoteague.*

The number of signs for a permitted business on a lot of record with two or more separate main structures, multi-main structures, whereon each such main structure may be occupied by one or more separate licensed businesses shall be limited to two (2) per business, not including incidental, directory, or directional signs, unless specifically provided for and permitted hereunder.

The total combined square footage of all permitted signs for such businesses shall not exceed one hundred (100) square feet in area within each such main structure. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise specifically provided for and permitted under 7.13.1.7. Roof and mansard façade signs, and 7.13.1.8 Freestanding signs.

In addition to the maximum allowed combined total area permitted for such businesses in a multi-business main structure, there shall be permitted one additional wall sign or projecting sign, not to exceed twenty (20) square feet for business identification for each such business, and permitted freestanding sign area not to exceed twenty (20) square feet.

Two additional signs for the separate main structure shall be permitted not to exceed twenty five (25) square feet each if the separate main structure faces more than one public street or navigable water.

7.13.1.4 *Multiple incidental and directory signs.*

Signs on the interior of a lot shall be allowed and do not require a permit. The square footage of these signs is not included in determining the total permitted sign area. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for a business located off premise.

7.13.1.5 *Signs hung on marquees.*

No sign shall be hung on a marquee, canopy, awning, or portico if such sign shall extend beyond the established street line. The area of any such sign shall be included in determining the total permitted area.

7.13.1.6 *Signs, advertising occupants, etc.*

Signs advertising only the name of the occupant of a store, office or building, the business or occupation conducted or the products sold therein may be placed on show windows; provided, that not more than 30 percent of the area of such windows shall be

covered. The square footage of any such sign shall be included in determining the total permitted area of signs.

7.13.1.7 Roof and mansard façade signs.

Any such roof or mansard façade sign shall not exceed 32 square feet in sign area. The area of any such sign shall be included in determining the total permitted sign area. Signs on mansard façade shall not extend above the highest point of the mansard façade. Roof signs shall begin one foot from roof edge and not extend more than four vertical feet from that point.

7.3.1.8 Free standing signs

There shall be no more than one (1) free standing sign for any separate main structure whether occupied by one or more licensed businesses on a lot of record and not to exceed two (2) free standing signs per lot. The maximum area of any such free standing sign shall be sixty four (64) feet per licensed business or one hundred-twenty eight square feet (128) in total, and such free standing sign shall not exceed twelve (12) feet in height. The area of such sign shall be included in determining the maximum square footage area permitted any such business or structure, as applicable under Sec. 7.13. The height of the free standing sign shall be determined from existing grade within a radius not to exceed six (6) feet from the support system of the free standing sign. The base of any sign without a commercial message is not included in the computed permitted sign area. Sign bases are included in the overall height. Each free standing sign must incorporate a legally assigned street number for the business that it identifies or advertises. Free standing signs shall not be placed within the established sight distance triangle.

7.13.1.9 Window signs.

A window sign shall be considered as a wall sign, and shall not exceed more than 30% of the window area in which they are displayed and shall not be placed higher than ten (10) feet above the entrance of the door sill plate. Such signs shall be limited to a maximum combined area of 64 square feet total and shall not exceed ten (10) feet in height. The area of any such sign shall be included in determining the total permitted sign area.

7.13.1.10 Flags, Commercial.

Two flags, displaying a commercial message, with a maximum area each of fifteen (15) square feet shall be permitted for any business. Flags must be mounted securely to a wall or from a permanent flag pole. A home occupation is allowed one flag with a commercial message no greater than 15 square feet. Flags not exceeding 15 square feet in area and displaying an art design which reflects merchandise sold on the premises without any commercial wording, or “open and welcome flags” are permitted. The area of any such flags shall not be included in determining the total permitted sign area.

7.13.1.11 Projecting signs.

One projecting sign shall be permitted for any licensed business fronting on any public road or parking lot with public entrance to such business. Any such sign shall not exceed twelve (12) feet in height from grade and shall not exceed twenty (20) square feet in area.

Such sign shall maintain a vertical clearance from any sidewalk, adjacent to said business of not less than nine (9) feet and shall not extend beyond the outside edge of the public sidewalk. If such sign extends over a public right-of-way, a Land Use Permit is required. The area of any such sign shall be included in determining in the total permitted sign area of any such business.

7.13.1.12 Changeable letter signs.

Manually changeable sign(s) shall be permitted when built as an integral part of the business identification sign(s). The area of the changeable letters portion of the business identification sign(s) shall not exceed fifteen square feet or one third of the total area of the sign(s) whichever is less. The total area of the changeable letter area shall be included in determining the total permitted sign area for any such business and shall meet any applicable sign height restrictions.

Nonprofit and charitable organizations shall be permitted stand alone changeable letter signs which conform to Section 7.4.2. Temporary signs nonprofit and charitable organizations.

Town Staff Analysis / Recommendation

The proposed changes to the Commercial Sign Ordinance (Section 7.13.1) will create a new and consistent standard to address the recent problems identified by business owners located in ‘multi-main structures’.

The revised ordinance proposes to remove the provision of Section 7.13.1 that ties maximum permitted sign area to each lot, and to replace it with a calculation based on each main structure with one or more business.

The existing regulation that limits permitted sign area based on building width will be deleted thereby allowing a primary business to apply for up to 100 square feet of permitted sign area for each qualified main structure.

Existing businesses in buildings less than 100 feet wide may qualify for more signage than is currently permitted if this amendment is approved (unless non-conforming signs exceed the permitted area).

An additional 40 square feet sign area, over and above the 100 square foot maximum sign area, is guaranteed for each business in a multi-business main building. (20 on the building and 20 on the freestanding sign)

Town Staff recommends approval of the proposed revisions subject to a final review by Town Attorney Poulson and a joint public hearing with the Planning Commission and Town Council.

September 9, 2013

Eastern Shore News

Dear Mr. Sellard:

The Town of Chincoteague requests the following public notice be published in the Eastern Shore News on 9/18 and 9/25 and the Chincoteague Beacon on 10/3.

Thank you.

William Neville
Planning Director

Public Notice

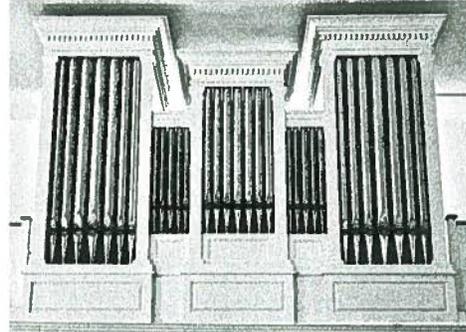
The Mayor, Town Council and the Planning Commission of the Town of Chincoteague will hold a joint public hearing on **October 7, 2013 at 5:00 p.m.** in the Council Chambers located at 6150 Community Drive to hear public comment on the following matter:

Sign Ordinance – Amend Appendix A – Zoning, Section 7.13 Commercial Districts, of the Town Code with changes including but not limited to an increase of permitted sign area and revision to the method of calculation for multiple businesses on a single lot of record.

For additional information, and to review a copy of the draft documents, please contact William Neville, Planning Director at (757) 336-6519.



Hungars Episcopal Church's history dates back to 1623 making it the third-oldest church congregation in America.



The church, located at 10107 Bayside Road in Machipongo, a few miles north of Eastville, invites the public to four organ concerts that complete its 2013 schedule.

Fall concerts announced by Hungars Church

By Hungars Episcopal Church

MACHIPONGO — Hungars Episcopal Church brings rich musical traditions back to the community with a 969-pipe organ that fills the historic church.

The church, located at 10107 Bayside Road in Machipongo, a few miles north of Eastville, invites the public to four organ concerts that complete its 2013 schedule. Admission is free.

Hungars Episcopal Church's history dates back to 1623 making it the third-oldest church congregation in America.

During the hardest years of economic decline on the Eastern Shore, parishioners melted down parts of its organ for fishing weights after the Revolutionary War, when the parish stood empty because of the disestablishment of the Anglican religion in Virginia.

There have been numerous replacements but no pipe organ until this year after an ailing 25-year-old electronic instrument failed.

The 100-member congregation joined together to find the resources to build a proper organ that complemented the colonial architecture.

They turned to the Holtkamp Organ Company, one of America's oldest and most respected pipe organ builders. The company traces its lineage to 1855 with generations of organ builders.

The new custom-built grand pipe organ that dominates the gallery was designed with 13 stops to accommodate the intricacies of the music in the Episcopal liturgy. The result is a sound with warmth and clarity that made its debut in March 2013.

The 2013 Organ Concert Series started with performances in May and June. The remainder of the schedule starts again in September and will include monthly concerts through the end of the year.

On Sept. 29 at 4 p.m., Stefan Dulcie, Hungars Church and Christ Church Music Director, organist, with Andrew Muen-der, pianist, will perform.

On Oct. 20 at 4 p.m., Timothy J. Brumfield, Director of Music at Christ Church, Riverdale, New York, organist and member of the Grammy Award winning Paul Winter jazz consort, will perform.

On Nov. 10 at 4 p.m., Elizabeth Melcher Davis, DMA, Holy Trinity Church, Richmond, organist, will perform.

On Dec. 15 at 4 p.m., there will be a special Christmas Concert.

Since the assignment of the first minister in 1623, there

have been three church buildings known as Hungars Church.

The first of these three was built around 1646 and was known first as Nusswattocks Church. By 1679, the original church was no longer usable, so the Hungars Church wardens contracted with Syron Thomas to build a new church using materials from the old one.

The cost was 10,000 pounds of tobacco and casks. The acre of land was given by Major William Spencer, and it is the site of the present church. The exact date of the third building is unknown, but records indicate that it was built in the 1740s and was the second largest in Virginia. Its dimensions were 90 feet by 40 feet with two-foot thick walls.

After the Revolutionary War, the church was unused for nearly 40 years and was stripped of its colonial furnishings.

It was repaired in 1819 and used again until 1850, when it was declared unsafe for use.

A contractor from Snow Hill, Md., Thomas Stevenson, salvaged the building by shortening it and closing the side doors, replacing them with two new doors in the west wall.

The present interior was completed in 1892 by adding a gallery and stove flues and enclosing the north vesting room. The oak floor was laid in 1922. In 1950, lighting and central heat were added, the south vesting room enclosed, and a brick floor was laid in the vestibule.

Recent improvements include air conditioning added in 1985, a brick walkway to the parish house and a memorial pulpit completed in 1991. Repainting and wood work restoration was done in 1992. For more information, visit <http://hungarschurch-parish.nextmeta.com/>.

Chincoteague 'Coffeehouse' is Saturday

Submitted article

CHINCOTEAGUE — Celebrate the coming of fall at the Island Coffeehouse on Saturday, Sept. 21, with great poetry, music and art in a casual cabaret setting.

Next up is Robin Butler from Captain's Cove, whose poems captivated the packed house at the first Island Coffeehouse last October. Her publications include the anthologies "Taking Heart" and "Making Waves: 4 Voices."

September's headliner is the North Carolina duo, Wayne and Margaret Martin, who carry on the rich musical traditions of tobacco farm frolics, medicine shows and live country radio in the rural South.

Singer, songwriter and

guitarist Eric Dennis from Alexandria, and drummer J. Carter Hamilton from Chincoteague will open the show with an eclectic set.

Wayne Martin has learned from, documented and performed with traditional music masters including the African American fiddle and banjo dynamos Joe and Odell Thompson and blues guitarist Etta Baker.

Margaret played for years with original members of the 1930s-era stringbands the Tobacco Tags and the Swingbillies.

For their appearance at the Coffeehouse, the Martins are excited to be joined by Chincoteague's own John Beam whose performance with the Double Decker Stringband drew one of the biggest crowds ever for a Chincoteague Cultural Alliance concert.

They have performed at festivals, house concerts and music events including the Swannanoa Gathering, MerleFest and the Festival of American Fiddle Tunes in Port Townsend, Washington.

The cover charge is \$5 for adults and \$3 for students under 22 with valid student ID; all proceeds collected at the door go directly to the headliner. All art and recording sales directly benefit the artists. Drinks and snacks are available.

For more information or to suggest performers or visual artists for the Island Coffeehouse, contact the Cultural Alliance through www.chincoteagueculturalalliance.org.

Dig set this week at Makemie Park

MAKEMIE PARK — On Thursday, Sept. 19, through Saturday, Sept. 21, the Makemie Society will conduct an archaeological dig at Makemie Monument Park on Saxis Road near Sanford.

The dig will be under the direction of David Wright, who is the archaeology instructor at Eastern Shore Community College in Melfa and the University of Maryland Eastern Shore in Princess Anne, Md.

Wright has instructed and led archaeological digs in Baltimore County, Md., for 25 years before moving to the Eastern Shore.

FYI The Makemie archaeological dig will be from Sept. 19-21 at Makemie Monument Park on Saxis Road near Sanford.

The dig will be open to all and will be utilized by the archaeological students of ESCC along with the continued dig at Furnace Town in the spring of 2014.

All former ESCC archaeological students are invited to participate in these digs at Makemie Park.

It will run from 9 a.m.-3 p.m. each day.

Improvements come to Onancock playground

Submitted article

ONANCOCK — The Friends of Onancock School announce improvements to the children's playground on the grounds of the Historic Onancock School in Onancock made possible through funds from the United Way of Virginia's Eastern Shore.

To provide handicapped children the opportunity to use the swings and playground, the group is incorporating a handicapped-accessible swing in the playground area at the Historic Onancock School.

Wheelchair access will be provided from the existing nature trail to the playground, and rubber mulch will be added to the playground.

For children who do not currently have access to playground swings, these improvements will provide an opportunity for them to play with siblings and other children.

Donna Fitchett Belote, Friends of Onancock School president, said, "Our playground brings many hours of enjoyment to the children in our community. We are so excited to be able to provide handicapped access for all children to enjoy this playground."

In addition to the playground improvements,

benches will be installed around the playground area to provide seating for parents and children.

Work is scheduled to begin in September with the goal of completion by the end of October. The project is possible due to

funding from United Way and from private donations. The Friends of Onancock School is a not-for-profit organization dedicated to strengthening the economic and cultural vitality of its community.

NOTICE TO CITIZENS OF THE TOWN OF ACCOMAC:

The budget for the fiscal year of 2013-2014 adopted, August 28, 2013 is available for public inspection at Ward's Service Center, 24010 Front Street, Accomac, Virginia, during normal business hours during the week of September 23-27, 2013.

Dreaming of Homeownership?
A Homeownership Class sponsored by the Eastern Shore of Virginia Housing Alliance will answer your questions:
Are you ready to buy a home?
- In the new market
- How do I budget?
- What are the costs?
- How much cash do I need?
- What about credit?

Date: Thursday, September 19th, 2013
Sponsor: Eastern Shore of Virginia Housing Alliance
Location: 23372 Front Street, Accomac
Time: 5:30pm to 7:00pm
To register or for more information, please call Patricia Connolly Grove 757-787-2900 ext. 124

Eastern Shore Housing Alliance
23372 Front Street
Accomac, VA 23001
Page 19 of 38

Parksley Livestock Supply
25496 Parksley Rd 757-665-5590
Mon-Fri 8:30-5:30 Sat: 8:30-1:00
www.parksleylivestocksupply.com
Small Animal Buy, Sell, Swap
Sat. Sept 28th 9-Noon

Red Star Laying Hens 9/23/13
17 wks old, Brown Eggs.
Call for details

SOUTHERN STATES
Farmer owned since 1923

Public Notice
The Mayor, Town Council and the Planning Commission of the Town of Chincoteague will hold a joint public hearing on October 7, 2013 at 7:00 p.m. in the Council Chambers located at 6150 Community Drive to hear public comment on the following matter:
Sign Ordinance – Amend Appendix A – Zoning, Section 7.13 Commercial Districts, of the Town Code with changes including but not limited to an increase of permitted sign area and revision to the method of calculation for multiple businesses on a single lot of record.
For additional information, and to review a copy of the draft documents, please contact William Neville, Planning Director at (757) 336-6519.

Smart Beginnings Eastern Shore helps children

Submitted by VECF

MACHIPONGO — Hundreds of young children and their families on the Eastern Shore will benefit from a new school readiness initiative launched in the region through a partnership with the Virginia Early Childhood Foundation and grants from the PNC Foundation.

The initiative, known as Smart Beginnings Eastern Shore, is focused on creating systems and support to help young children from birth to age 5 be prepared to start school healthy and ready to learn.

Smart Beginnings Eastern Shore, which was originally known as the Eastern Shore Early

Childhood Coalition, is a collaborative effort involving community leaders from the public and private sectors throughout the Eastern Shore region, including business executives, educators, health care professionals and social services providers.

The coalition will become part of the network of Smart Beginnings initiatives throughout the Commonwealth of Virginia.

Smart Beginnings Eastern Shore will use the PNC grant — \$25,000 in 2012 and \$25,000 in 2013 — to develop a long-term strategic plan to advance school readiness efforts on the Eastern Shore, as well as to increase com-

munity support for early learning opportunities and to leverage local resources for improving services to young children and their families.

PNC provided the funding in support of Grow Up Great, its \$850 million, multi-year initiative to help prepare children from birth to age 5 for success in school and life.

"This exciting initiative will provide an effective and well-coordinated system of early childhood programs and services for families and young children, which is vital to improving school readiness," said Roberta Newman, Coordinator and Grant Consultant for Smart Beginnings East-

ern Shore.

Linda Schulz, Chair of the Leadership Council for Smart Beginnings Eastern Shore, added, "As leaders in the community, we have a responsibility to ensure that young children have the crucial skills that are vital for workforce success. The economic prosperity of our region depends on it."

"We're pleased to welcome this new initiative to the Smart Beginnings family and to support their regional collaboration for school readiness," said Kathy Glazer, President of the Virginia Early Childhood Foundation.

"By targeting early learning for young children in these communities, Smart Beginnings East-



Smart Beginnings Eastern Shore is a new school readiness initiative to help young children start school healthy and ready to learn. Linda Schulz is chair of the Leadership Council for Smart Beginnings Eastern Shore, and Roberta Newman serves as the initiative's coordinator and grant consultant. SUBMITTED IMAGE

ern Shore will support the development of a more educated workforce that is capable of competing in the global economy."

Smart Beginnings Eastern Shore can be reached at P.O. Box 149, Cape Charles, Va. 23310; phone: 757-331-3151 or email: newroads.consulting@earthlink.net.

BIC to celebrate Oct. 5 almshouse opening

Submitted by The Barrier Islands Center

MACHIPONGO — The Barrier Islands Center has announced the opening celebration of the newly renovated 1910 African-American Almshouse on Saturday, Oct. 5, from 9-4:30 p.m.

The ribbon cutting ceremony, refreshments and viewing of the BIC's second documentary "Spirit of the Bird" will take place in the new Beasley Education Meeting Room.

The Barrier Islands Center is located in Machipongo and is listed on the National Register of Historic Places. The museum is housed at the 18-acre Almshouse Farm and comprises three noteworthy buildings. The oldest, known as the Quarter Kitchen, dates back to 1725.

The main building dates from the 1890s and newly renovated African Almshouse



The Barrier Islands Center has announced the opening celebration of the newly renovated 1910 African-American Almshouse on Saturday, Oct. 5. SUBMITTED IMAGE

dates to 1910. Each building showcases architecture and construction techniques from those eras.

In response to the Eastern Shore's appetite for educational programs, increased requests for meeting space from community groups and the BIC's growing collection of artifacts, a priority was to complete renovations of the 1910 African-American Almshouse.

The 1910 building originally served the indi-

gent African-American residents of Northampton County up until the 1950s. It sat dormant until 2000 when a group of citizens purchased it along with the other two historic buildings on the farm to house a growing collection of artifacts from Virginia's 23 Barrier Islands.

The restored African-American Almshouse will serve many purposes from exhibits, artifact collections and storage, to an increase in class and meeting space to house the expanding education-

al offerings at the center.

The renovation was funded by grants from VDOT Transportation Enhancement, Beasley Foundation, U.S. Department of Agriculture Rural Development, Eastern Shore of Virginia Community Foundation, Hampton Roads Community Foundation, Morgan Foundation, and the Parsons Foundation.

The event is free and open to the public. For more information, visit barrierislandscenter.com or call 757-678-5550.

Wallops sailors help feed families

WALLOPS ISLAND — Surface Combat Systems Center, Wallops Island spearheaded a food drive in support of the National Feds Feed Families Program.



Petty Officers Michael Chase and Dedrick Sharpe deliver over 3,600 pounds of donated items to the Eastern Shore Food Bank.

SCSC military personnel delivered over 3,600 pounds of non-perishable food items for families on the Eastern Shore of Virginia.

The Feds Feed Families program ran at SCSC for two months, with overwhelming success, as the command far exceeded its last year's 3,500 pounds.

"It is a gratifying experience to help our neighbors and give back to the community," said Petty Officer Second Class Michael Chase. These sailors have coordinated the food drive within the command and have been delivering the food to the Eastern Shore

Food Bank once a week.

"When the community needs us, the Navy is always there and ready to support." SCSC Command Master Chief Mike Hunter agreed. "I am proud of our sailors' continued dedication to this worthwhile program."

The Feds Feed Families Program has a national goal of gathering two million pounds of food this summer.

IN BRIEF

Trailer book topic of talk

CHINCOTEAGUE — Sundial Books is hosting a signing of the new book "No Driver Damage" by local author John Wagner on Saturday, Sept. 28, from 11 a.m.-1 p.m.

"No Driver Damage" provides a detailed overview of the career for current or prospective professional RV transporters. In addition, it is a great resource for anyone who drives an RV or tows a trailer or boat, with tips on equipping the trailer, driving in a variety of conditions and ensuring a safe and damage-free arrival. Sections about rules and regulations are particularly helpful for interstate travel.

John Wagner, USCG retired, is an experienced RV transporter with 10 years of experience safely delivering over one thousand trailers. For more information, contact Sundial Books at 757-336-5825.

Godspeed set to visit Onancock

ONANCOCK — The Eastern Shore of Virginia Historical Society and

the Town of Onancock are bringing a 17th century Eastern Shore history festival to Onancock on Oct. 19-20.

Highlights of the festival include tours of the ship the Godspeed, an original portrait of Queen Elizabeth I and 17th century exhibits throughout the town of Onancock.

This event is free admission and more information about the weekend can be found at www.shorehistory.org/richelieu. The weekend is partially sponsored by NEA.

VIMS seminar is on Oct. 2

WACHAPREAGUE — The Virginia Institute of Marine Science will present the next in a continuing series of public seminars on natural resource, marine science and coastal ecology titled "Discovering Virginia's Sea Crows: Unraveling the lives of American Oystercatchers on our Coast," which will be presented by Alex Wilke, Shorebird Biologist with the Virginia Coast Reserve, The Nature Conservancy.

The seminar will be held at 7:30 p.m. on Wednesday, Oct. 2, at the

Virginia Institute of Marine Science Library in Wachapreague. The seminar is free and open to everyone. Seating capacity is 60 people and space is available on a first come-first serve basis. For further information call VIMS at 757-787-5816.

Railway museum sets dinner

PARKSLEY — The Eastern Shore Railway Museum, Parksley, will be having a spaghetti supper on Friday, Sept. 27, at the Parksley Firehouse Social Hall.

Dinner will be served from 5-7 p.m. The menu

includes: spaghetti, garlic bread, salad, and an assortment of cakes for dessert. The cost of the dinner is \$7 for adults and \$4 for children under 12 years of age. Carryout dinners will also be available.

All money raised will benefit the Eastern Shore Railway Museum. If you have any questions, please call 757-665-5060 or 757-665-6271.

Alpaca Days set for this weekend

PUNGOTEAQUE — Celebrate National Alpaca Farm Days 2013 on Saturday, Sept. 28, and Sunday, Sept. 29, from 10

a.m.-4 p.m. each day at The Bay Alpacas, 29560 Harborton Road here.

Have you ever felt alpaca fleece? Would you like to learn how their luxurious wool is turned into yarn? Hands on dem-

onstrations will include fiber preparation, carding, dyeing, spinning, weaving and needle felting.

Follow By The Bay Alpacas on Facebook. For more information, 804-908-3976 or 804-516-5526.

Public Notice

The Mayor, Town Council and the Planning Commission of the Town of Chincoteague will hold a joint public hearing on October 7, 2013 at 7:00 p.m. in the Council Chambers located at 6150 Community Drive to hear public comment on the following matter:

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For additional information, and to review a copy of the draft documents, please contact William Neville, Planning Director at (757) 336-6519.

Edward L. Stratton Jr.

We all miss you dearly.
We love you
(always and forever)

Happy Birthday
September 22, 1962

*Bessie, Travis,
Edward III, Trevon
Family and Friends*

P. Dennis Moran
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FREE Electronic Hearing Test
Wednesdays, 8 a.m.-4 p.m.

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Located in Colonial Square #8
(Dr. R.E. Tiscumb's office)

IN LOVING MEMORY
Joannar Graves Stratton
SEPTEMBER 24, 1933 - AUGUST 9, 2010

Another year has passed and another birthday without you. Happy Birthday
Your Children

IMPORTANT VOTER INFORMATION FOR ACCOMACK COUNTY

The Constitution of Virginia requires that you be registered in the precinct in which you live in order to be qualified to vote.

On Tuesday, November 5, 2013, a general election will be held for Governor, Lt. Governor, Attorney General, House of Delegates - 100th district and a special election in the town of Onley for Mayor and one town council seat.

The last day to register to vote in the November 5, 2013 election is Monday, October 15, 2013. If you are already a registered voter, it is not necessary to re-register; however, if you need to make any changes to your record, this must also be done by October 15.

Voter registration applications may be obtained from the voter registration office and at various state agencies, as well as on line at the VA State Board of Elections website at www.sbe.virginia.gov. Please do not hesitate to call one of the phone numbers below if you need more information on voter registration or changes. The voter registration office is open Monday through Friday, 8:30 a.m.-12:20 p.m. & 1:50-5:00 p.m.

If you are unable to go to the polls on Election Day you may vote by Absentee, which has begun for this election. In addition to our normal days and hours of service, the voter registration office will be open for in-person absentee voting on Saturday, October 26, and Saturday, November 2, 2013, which is the last day to vote by absentee ballot. The last day to request an absentee ballot by mail is Tuesday, October 29, 2013.

You may obtain an absentee ballot application by calling 757-767-2935 or 757-824-8525, by coming into the office of voter registration, or by downloading one from the VA State Board of Elections website at www.sbe.virginia.gov.

NOTE: For more information about Voter Registration, Elections, Absentee voting, Candidates & to view a sample ballot, visit our County website www.co.accomack.va.us, under departments go to Registrar.

Remember! All voters must provide proper ID at the polls in order to vote.

Patricia White, General Registrar
Accomack County Voter Registration Office
23312 Courthouse Ave (Circuit Court BLDG)
PO Box 67, Accomack, VA 23301-0067
Phone: (757) 767-2935 or 824-0525



MEMORANDUM
Town of Chincoteague Inc.

Date: September 30, 2013
 To: Mayor and Council
 From: Robert Ritter, Town Manager
 Subject: 911 Dispatch Request

The Town has been dispatching 911 since 1998, or for fifteen years. The total number of calls for Police, Emergency Medical Services and Fire, have increased over the past sixteen years. Every four to five years, new equipment may be required to be purchased and maintenance fees are required for the equipment. At the present time the Town is running the 911 dispatch center with four full time dispatchers and five to six part time dispatchers. The 911 dispatch handles calls at times with two dispatchers and at times with one dispatcher depending on the time of year. The Police department (Chief Lewis and Staff) have done a great job over the years with handling the increased volume of work. The only issue that has risen the past year or two would be hiring and/or retaining our part time help.

The Eastern Shore 911 Dispatch Center is run by a Commission set up for Northampton and Accomack Counties. The town has had a thirty day trial period with the Eastern Shore 911 dispatch center. They took on all 911 calls for the Town as they do for the Counties. The trial took place in July and went well with only three issues that took place. Note: all 911 calls including police go through Eastern Shore Virginia 911 Dispatch center before we dispatch our Police.

The Town has two options to consider:

1. To continue dispatching 911 calls and upgrade the 911 system equipment, we would need to hire three full time employees to have two dispatchers on twenty four hours seven days a week for three hundred sixty five days per year. We would also obtain training for all dispatchers to be emergency medical dispatchers. The increase in cost over the next five years would be:

ADDITIONAL ADDITIONAL ADDITIONAL ADDITIONAL ADDITIONAL
for FY'15 FY'16 FY'17 FY'18 FY'19

TOTAL ADDITIONAL COST	\$ 124,365.33	\$ 127,822.39	\$ 131,383.16	\$ 135,050.76	\$ 138,828.38
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2. To turn the 911 dispatch center over to the Eastern Shore 911 Commission and continue dispatching the Police. The increase in cost over the next five years would be:

ADDITIONAL ADDITIONAL ADDITIONAL ADDITIONAL ADDITIONAL
for FY'15 FY'16 FY'17 FY'18 FY'19

TO GIVE 911 BACK TO ACCOMACK	\$ 38,642.67	\$ 47,083.51	\$ 46,919.58	\$ 46,750.72	\$ 46,576.80
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Option two above would still require the current town dispatch center to handle calls from the Police, Fish & Wildlife, and the National Park Service twenty four hours seven days a week for three hundred sixty five days per year.

Both options would bring the Town's 911 dispatching requirements to the most current standards and we have an obligation to the residents and visitors to provide the best quality service.

The first option if initiate will not require an increase in the current budget, for the savings in the equipment will cover the cost for the town in this budget year.

The two options above will require an increase in the budget for the upcoming fiscal years.

The next budget cycle will be tough going forward. In order to provide the best quality service for our citizens and continue to provide 911 services. It may require Council to look into options in the next budget cycle, to increase taxes or fees regardless of which option you choose.

EQUIPMENT/SOFTWARE/TRAINING							ATTACHMENT				
ACCOUNT NUMBER	DESCRIPTION	FY'14 BUDGET	FOR POLICE & 911	FOR 911 ONLY	FOR POLICE	FUTURE FISCAL YEARS	ADDITIONAL FY'15	ADDITIONAL FY'16	ADDITIONAL FY'17	ADDITIONAL FY'18	ADDITIONAL FY'19
107590.9370	911 EQUIPMENT REPLACEMENT	\$260,753.00		\$176,526.66		5 YEAR LIFE	\$26,526.66/5 \$ 5,305.33	\$ 5,464.49	\$ 5,628.42	\$ 5,797.28	\$ 5,971.20
	911 EQUIPMENT MAINTENANCE	\$ 18,000.00		\$ 18,000.00		\$14000.00 PER YEAR AFTER YEAR ONE	\$ (4,000.00)	\$ (4,000.00)	\$ (4,000.00)	\$ (4,000.00)	\$ (4,000.00)
107590.9300	LINE ITEM: RADIO EQUIPMENT ACTUALLY A RECORDER	\$ 5,000.00	\$ 10,000.00			\$1100.00 PER YEAR					
107530.8202	E911 LINE FEES ACTUALLY \$378.76/MONTH	\$ 6,000.00		\$ 4,545.12		\$4546.00 PER YEAR					
NEED	DISPATCH SOFTWARE (CAD)	\$ -	\$ 27,716.00	\$ 8,600.00	\$ 19,116.00	\$2550.00 PER YEAR	\$ 2,550.00	\$ 2,550.00	\$ 2,550.00	\$ 2,550.00	\$ 2,550.00
NEED	EMERGENCY MEDICAL DISPATCH	\$ -		\$ 1,000.00		\$1000.00 PER YEAR	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
NEED	ADDITIONAL DISPATCH TRAINING (BASIC, FIRE, EMD)	\$ -		\$ 10,500.00		\$8500.00 PER YEAR	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00
		\$289,753.00	\$ 37,716.00	\$219,171.78	\$ 19,116.00		\$ 13,355.33	\$ 13,514.49	\$ 13,678.42	\$ 13,847.28	\$ 14,021.20
	BY USING A DIFFERENT CONTRACTOR FROM THE ORIGINAL ESTIMATE THERE ARE SAVINGS FROM THE BUDGET AMOUNT		\$ 84,226.34	\$ 40,010.34		SAVINGS MINUS ADDITIONAL NEEDED ITEMS	\$ 109,930.00	\$ 113,227.90	\$ 116,624.74	\$ 120,123.48	\$ 123,727.18
						ADDITIONAL UNIFORMS	\$ 1,080.00	\$ 1,080.00	\$ 1,080.00	\$ 1,080.00	\$ 1,080.00
107530.5201	UNIFORM ALLOWANCE DISPATCHERS	\$ 1,600.00	\$360.00 PER EACH FULL TIME EMPLOYEE			TOTAL ADDITIONAL COST	\$ 124,365.33	\$ 127,822.39	\$ 131,383.16	\$ 135,050.76	\$ 138,828.38

IF 911 IS GIVEN TO ACCOMACK				ATTACHMENT						
DESCRIPTION	FY'14 BUDGET	FOR POLICE & 911	FOR 911 ONLY	FOR POLICE	FUTURE FISCAL YEARS	FY'15	FY'16	FY'17	FY'18	FY'19
						\$26,526.66/5				
911 EQUIPMENT REPLACEMENT	\$ 260,753.00		\$ 176,526.66		5 YEAR LIFE	\$ 5,305.33	\$ 5,464.49	\$ 5,628.42	\$ 5,797.28	\$ 5,971.20
911 EQUIPMENT MAINTENANCE	\$ 18,000.00		\$ 18,000.00		\$14000.00 PER YEAR AFTER YEAR ONE	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00
LINE ITEM: RADIO EQUIPMENT ACTUALLY A RECORDER	\$ 5,000.00	\$ 10,000.00								
E911 LINE FEES ACTUALLY \$378.76/MONTH	\$ 6,000.00		\$ 4,545.12		\$4546.00 PER YEAR	\$ 4,546.00	\$ 4,546.00	\$ 4,546.00	\$ 4,546.00	\$ 4,546.00
DISPATCH SOFTWARE (CAD)	\$ -	\$ 27,716.00	\$ 8,600.00	\$ 19,116.00	\$2550.00 PER YEAR	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN
EMERGENCY MEDICAL DISPATCH	\$ -		\$ 1,000.00		\$1000.00 PER YEAR	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
ADDITIONAL DISPATCH TRAINING (BASIC, FIRE, EMD)	\$ -		\$ 10,500.00		\$8500.00 PER YEAR	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00
	\$ 289,753.00	\$ 37,716.00	\$ 69,171.78	\$ 19,116.00	EQUIP/SOFTWARE /TRAINING	\$ 33,351.33	\$ 33,510.49	\$ 33,674.42	\$ 33,843.28	\$ 34,017.20
BY USING A DIFFERENT CONTRACTOR FROM THE ORIGINAL ESTIMATE THERE ARE SAVINGS FROM THE BUDGET AMOUNT		\$ 84,226.34	\$ 40,010.34		SAVINGS MINUS ADDITIONAL NEEDED ITEMS					
					ONE-TIME CAD SOFTWARE COST	\$ 8,600.00				
					TOTAL EXPENDITURE LOSS	\$ 41,951.33	\$ 33,510.49	\$ 33,674.42	\$ 33,843.28	\$ 34,017.20
					REVENUE LOSS	\$ (80,594.00)	\$ (80,594.00)	\$ (80,594.00)	\$ (80,594.00)	\$ (80,594.00)
					TO GIVE 911 BACK TO ACCOMACK (LOSS)	\$ (38,642.67)	\$ (47,083.51)	\$ (46,919.58)	\$ (46,750.72)	\$ (46,576.80)
UNIFORM ALLOWANCE DISPATCHERS	\$ 1,600.00	\$360.00 PER EACH FULL TIME EMPLOYEE								

STAFFING NEEDED FOR 24/7 X 2

7 F/T 4 P/T

Employee	current rate	7/13 rate	7/13 wages	BONUS	FY'14 total	FICA	Medical Benefit	@.1208 Retirement	TOWN LIFE	CLOTHING ALLOWANCE	
CURRENT F/T	\$ 12.88	\$ 12.88	\$ 26,790.40	\$ 267.90	\$ 27,058.30	\$ 1,962.35		\$ 3,098.71	\$ 146.52	\$ 360.00	\$ 32,625.88
CURRENT F/T	\$ 16.82	\$ 16.82	\$ 34,985.60	\$ 349.86	\$ 35,335.46	\$ 2,701.09	\$ 5,724.00	\$ 4,265.25	\$ 201.68	\$ 360.00	\$ 48,587.48
CURRENT F/T	\$ 13.47	\$ 13.47	\$ 28,017.60	\$ 280.18	\$ 28,297.78	\$ 2,163.82	\$ 5,724.00	\$ 3,416.86	\$ 161.57	\$ 360.00	\$ 40,124.02
CURRENT F/T	\$ 12.88	\$ 12.88	\$ 26,790.40	\$ 267.90	\$ 27,058.30	\$ 2,009.85	\$ 5,724.00	\$ 3,173.72	\$ 150.07	\$ 360.00	\$ 38,475.94
NEW FULL TIME	\$ 12.88	\$ 12.88	\$ 26,790.40	\$ 267.90	\$ 27,058.30	\$ 1,767.82	\$ 5,724.00	\$ 2,791.54	\$ 132.00	\$ 360.00	\$ 37,833.67
NEW FULL TIME	\$ 12.88	\$ 12.88	\$ 26,790.40	\$ 267.90	\$ 27,058.30	\$ 1,767.82	\$ 5,724.00	\$ 2,791.54	\$ 132.00	\$ 360.00	\$ 37,833.67
NEW FULL TIME	\$ 12.88	\$ 12.88	\$ 26,790.40	\$ 267.90	\$ 27,058.30	\$ 1,767.82	\$ 5,724.00	\$ 2,791.54	\$ 132.00	\$ 360.00	\$ 37,833.67
PARTTIME	\$ 12.88	\$ 12.88	\$ 9,531.20		\$ 9,531.20	\$ 729.14					\$ 10,260.34
PARTTIME	\$ 12.88	\$ 12.88	\$ 9,531.20		\$ 9,531.20	\$ 729.14					\$ 10,260.34
PARTTIME	\$ 12.88	\$ 12.88	\$ 9,531.20		\$ 9,531.20	\$ 729.14					\$ 10,260.34
PARTTIME	\$ 12.88	\$ 12.88	\$ 9,531.20		\$ 9,531.20	\$ 729.14					\$ 10,260.34
											\$ 314,355.68
			\$ 235,080.00		\$ 237,049.55	\$ 17,248.37	\$ 34,344.00	\$ 22,329.17	\$ 1,055.83	\$ 2,520.00	\$ 314,546.92

OVERTIME ESTIMATION
DISPATCHERS

2500

DISPATCHERS \$2500 X 7.65% = \$191.25 + \$17057.12 = \$17248.37

STAFFING NEEDED FOR 24/7 X 2

% COVERED

HOURS/DAY	COVERAGE/DAY	PER YEAR	MANHOURS	BY FULLTIME
24	2	365	17520	
			1640	Sick/Vac/Holiday/Training
			19160	

STAFFING NEEDED FOR 24/7 X 2

7 F/T 4 P/T

MANHOURS	SALARY (LOADED) AT CURRENT RATE		% COVERED
CURRENT FULLTIME	2080 \$ 31,219.15	\$ 157,581.22	83%
CURRENT FULLTIME	2080 \$ 48,560.41		
CURRENT FULLTIME	2080 \$ 40,111.50		
CURRENT FULLTIME	2080 \$ 37,690.16		
NEW FULLTIME	2080 \$ 33,884.16	\$ 101,652.48	
NEW FULLTIME	2080 \$ 33,884.16		
NEW FULLTIME	2080 \$ 33,884.16		
PARTTIME	1150 \$ 13,098.50	\$ 52,394.00	
PARTTIME	1150 \$ 13,098.50		
PARTTIME	1150 \$ 13,098.50		
PARTTIME	1150 \$ 13,098.50		
FULLY STAFFED	19160 \$ 311,627.70	TOTAL	
	\$ 245,100.00	FY'14 BUDGET	
	\$ 66,527.70	DIFFERENCE	

SALARY ADJUSTMENT AFTER TRAINING

7 F/T 4 P/T

MANHOURS	SALARY (LOADED) AT INCREASED RATE		% COVERED
CURRENT FULLTIME	2080 \$ 50,000.00	\$ 177,187.45	83%
CURRENT FULLTIME	2080 \$ 48,587.48		
CURRENT FULLTIME	2080 \$ 40,124.02		
CURRENT FULLTIME	2080 \$ 38,475.94		
NEW FULLTIME	2080 \$ 37,833.67	\$ 113,501.00	
NEW FULLTIME	2080 \$ 37,833.67		
NEW FULLTIME	2080 \$ 37,833.67		
PARTTIME	1150 \$ 15,950.50	\$ 63,802.00	
PARTTIME	1150 \$ 15,950.50		
PARTTIME	1150 \$ 15,950.50		
PARTTIME	1150 \$ 15,950.50		
FULLY STAFFED	19160 \$ 354,490.45	TOTAL WITH INCREASE	
	\$ 245,100.00	FY'14 BUDGET	
	\$ 109,390.45	DIFFERENCE	

PARTTIME	\$ 10.58	\$ 10.58	\$ 66,442.40	\$ 66,442.40	\$ 5,082.84	\$ 71,525.24
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MINUTES OF THE AUGUST 28, 2013
BUDGET AND PERSONNEL COMMITTEE MEETING

Members Present:

John H. Tarr, Mayor
Eugene “Tripp” Muth
Gene Wayne Taylor

1. Call to Order.

Mayor Tarr called the meeting to order at 9 a.m. for the purpose of discussing the provisions of the Affordable Health Care Act.

2. Affordable Health Care Act.

Town Manager Ritter introduced Mr. Eddie Holcomb from USI Insurance. Mr. Holcomb gave a presentation on “ObamaCare” to the committee so that the Town may have a better understanding of what is expected of the Town by the Act. The Town’s current plans are considered affordable plans and meet the mandatory provisions of the Act.

There was much discussion and questions concerning the implementation of the Act.

Mr. Holcomb gave the Committee Members information on “ObamaCare” to review.

Mayor Tarr thanked Mr. Holcomb for attending and providing insight in this complex issue.

3. Adjournment.

A motion was made by Councilman Muth and seconded by Councilman Taylor to adjourn the meeting at 12 noon.

**BUDGET AND PERSONNEL COMMITTEE WORKSHOP
MINUTES OF SEPTEMBER 17, 2013**

Members Present

Mayor John Tarr, Chairman
Gene Wayne Taylor, Councilman

Staff

Robert Ritter, Town Manager
Karen Hipple, Finance Director

Call to Order

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

Open Forum/ Public Participation

There was no public participation.

Agenda Adoption

Mayor Tarr motioned, seconded by Councilman Taylor to adopt the agenda as presented.
Unanimously approved.

1. Discuss Interest Rates

Mrs. Karen Hipple discussed the current interest rates on some of the Town's money. She has contacted many institutions and inquired about their rates. She recommended moving some money out of LGIP and placing it in an institution that has better interest rates. The committee discussed several options with all of them agreeing that as long as the money was insured that they were okay with some changes.

2. Discuss Long Term Savings

This agenda item was also discussed along with agenda item number one.

3. Discuss the States Newly Created Virginia Local Disability Program for Political Subdivisions

Mr. Ritter advised the Town had filed for an extension in the VLDP program. Mrs. Karen Hipple spoke about the new rules for the hybrid plan. Under this new plan there is no longer any short term or long term disability. If the Town opts out of this program it must find a comparable plan. She also spoke about the current plan. The decision to opt in or opt out is irrevocable. Mayor Tarr stated the County and several others had already opted out. The committee will continue work on this matter.

4. Committee Member Comments

There were no comments.

Adjournment

Mayor Tarr motioned, seconded by Councilman Taylor to adjourn the meeting.



TOWN OF CHINCOTEAGUE, INC.

RESOLUTION

Irrevocable Election Not to Participate in Virginia Local Disability Program

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014 because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of the Town of Chincoteague, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town of Chincoteague irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, the Town of Chincoteague certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Adopted in Chincoteague, Virginia this 7th day of October, 2013.

John H. Tarr, Mayor

BUSINESS AUTHORIZATION RESOLUTION

SHORE BANK
CHINCOTEAGUE OFFICE
P O BOX 920
ONLEY VA 23418

1480039377
TOWN OF CHINCOTEAGUE
6150 COMMUNITY DR
CHINCOTEAGUE, VA 23336-2730

Referred to in this document as "Financial Institution"

Referred to in this document as "Business"

CHECK AND COMPLETE ONLY ONE BUSINESS TYPE:

Corporation

I, _____, certify that I am the Secretary (clerk) of the above named corporation organized under the laws of the state of _____, Federal Employer Tax ID Number _____, engaged in business under the trade name of _____, and that resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and properly called and held on _____ (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

If check, the Corporation is a non-profit corporation.

Partnership

The above partnership consists of the following partners (or is a limited partnership, the following general partners):

The above names parties represent that they constitute all of the partners of the Partnership designated above, or if a limited Partnership, constitute all of the general partners of the partnership designated above. These individuals are referred to in this document as "Partners".

Federal Tax ID Number _____ for _____ Date _____

LLC Limited Liability Company

I, _____, certify that I am a Manager or Designated Member of the above named Limited Liability Company organized under the laws of the state of _____, Federal Employer Tax ID Number _____, engaged in business under the trade name of _____, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of all members of the Limited Liability Company or the person or persons designated by the members of the Limited Liability Company to manage the Limited Liability Company as provided in the articles or organization or an operating agreement, duly and properly called and held on _____ (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

Sole Proprietorship

I, _____, certify that I am the sole owner of the business whose trade name is designated on this resolution. If any other parties acquire an ownership interest in the business (for example, the addition of a partner or the incorporation of the business), or if the ownership is changed in any way and I do not notify the Financial Institution of the fact, I will remain fully liable personally in accordance with the terms of this resolution and any other agreements that I have signed.

Other Association or Organization

I, ROBERT G RITTER JR, certify that I am Secretary (clerk) of the above named association organized under the laws of the state of VIRGINIA, Federal Tax ID Number 54-6001213, and the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 9/24/13 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

SHORE BANK
P O BOX 920
ONLEY VA 23418

ACCOUNT NUMBER 1480039377 PORTFOLIO NUMBER 2016700

ACCOUNT OWNER(S) NAME & ADDRESS
TOWN OF CHINCOTEAGUE
HARBOR LONG TERM SAVINGS

6150 COMMUNITY DR
CHINCOTEAGUE, VA 23336-2730

OWNERSHIP OF ACCOUNT - CONSUMER PURPOSE
 INDIVIDUAL
 JOINT - WITH SURVIVORSHIP (and not as tenants in common) X
 JOINT - NO SURVIVORSHIP (as tenants in common) X
 TRUST - SEPARATE AGREEMENT:
 REVOCABLE TRUST OR PAY-ON-DEATH
DESIGNATION AS DEFINED IN THIS AGREEMENT
Name and Address of Beneficiaries:

NEW EXISTING
TYPE OF ACCOUNT CHECKING SAVINGS
 MONEY MARKET CERTIFICATE OF DEPOSIT
 NOW
This is your (check one):
 Permanent Temporary account agreement.

Number of signatures required for withdrawal One
FACSIMILE SIGNATURE(S) ALLOWED? YES NO

OWNERSHIP OF ACCOUNT - BUSINESS PURPOSE
 SOLE PROPRIETORSHIP
 CORPORATION: FOR PROFIT NOT FOR PROFIT
 PARTNERSHIP
BUSINESS:
COUNTY & STATE OF ORGANIZATION:
AUTHORIZATION DATED:

[X]

SIGNATURE(S) - The undersigned certifies the accuracy of the information he/she has provided and acknowledges receipt of a completed copy of this form. The undersigned authorizes the financial institution to verify credit and employment history and/or have a credit reporting agency prepare a credit report on the undersigned, as individuals. The undersigned also acknowledge the receipt of a copy and agree to the terms of the following agreement(s) and/or disclosure(s):

Terms & Conditions Truth in Savings Funds Availability
 Electronic Fund Transfers Privacy Substitute Checks
 Common Features

DATE OPENED 09/25/2013 by Tammy Tarr
INITIAL DEPOSIT \$ 100,000.00
 CASH CHECK
HOME TELEPHONE # (757) 336-6883
BUSINESS PHONE # (757) 336-6519
DRIVER'S LICENSE # RESOLUTION
E-MAIL _____
EMPLOYER _____
MOTHER'S MAIDEN NAME _____
Name and address of someone who will always know your location: _____

(1): [X]
ROBERT G RITTER JR
I.D. # T63530534 D.O.B. 04/04/1965

(2): [X]
JOHN A LEONARD
I.D. # B24675874 D.O.B. 08/21/1964

(3): [X]
ELLEN W RICHARDSON
I.D. # T63500861 D.O.B. 03/29/1943

BACKUP WITHHOLDING CERTIFICATIONS
TIN: 54-6001213
 TAXPAYER I.D. NUMBER - The Taxpayer Identification Number shown above (TIN) is my correct taxpayer identification number.
 BACKUP WITHHOLDING - I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding.
 EXEMPT RECIPIENTS - I am an exempt recipient under the Internal Revenue Service Regulations.
SIGNATURE: I certify under penalties of perjury the statements checked in this section and that I am a U.S. citizen or other U.S. person (as defined in the instructions).
X [Signature] 9/26/13
TOWN OF CHINCOTEAGUE (Date)

(4): [X]
I.D. # _____ D.O.B. _____

Authorized Signer (Individual Accounts Only)
[X]
I.D.# _____ D.O.B. _____

BUSINESS AUTHORIZATION RESOLUTION

SHORE BANK
CHINCOTEAGUE OFFICE
P O BOX 920
ONLEY VA 23418

1480039386
TOWN OF CHINCOTEAGUE
6150 COMMUNITY DR
CHINCOTEAGUE, VA 23336-2730

Referred to in this document as "Financial Institution"

Referred to in this document as "Business"

CHECK AND COMPLETE ONLY ONE BUSINESS TYPE:

Corporation

I, _____, certify that I am the Secretary (clerk) of the above named corporation organized under the laws of the state of _____, Federal Employer Tax ID Number _____, engaged in business under the trade name of _____, and that resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and properly called and held on _____ (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

If check, the Corporation is a non-profit corporation.

Partnership

The above partnership consists of the following partners (or is a limited partnership, the following general partners):

The above names parties represent that they constitute all of the partners of the Partnership designated above, or if a limited Partnership, constitute all of the general partners of the partnership designated above. These individuals are referred to in this document as "Partners".

Federal Tax ID Number _____ for _____ Date _____

LLC Limited Liability Company

I, _____, certify that I am a Manager or Designated Member of the above named Limited Liability Company organized under the laws of the state of _____, Federal Employer Tax ID Number _____, engaged in business under the trade name of _____, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of all members of the Limited Liability Company or the person or persons designated by the members of the Limited Liability Company to manage the Limited Liability Company as provided in the articles or organization or an operating agreement, duly and properly called and held on _____ (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

Sole Proprietorship

I, _____, certify that I am the sole owner of the business whose trade name is designated on this resolution. If any other parties acquire an ownership interest in the business (for example, the addition of a partner or the incorporation of the business), or if the ownership is changed in any way and I do not notify the Financial Institution of the fact, I will remain fully liable personally in accordance with the terms of this resolution and any other agreements that I have signed.

Other Association or Organization

I, ROBERT G RITTER JR, certify that I am Secretary (clerk) of the above named association organized under the laws of the state of VIRGINIA, Federal Tax ID Number 54-6001213, and the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 9/24/13 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

SHORE BANK
P O BOX 920
ONLEY VA 23418

ACCOUNT NUMBER
1480039386

PORTFOLIO NUMBER
2016700

ACCOUNT OWNER(S) NAME & ADDRESS

TOWN OF CHINCOTEAGUE
WATER RESERVE

6150 COMMUNITY DR
CHINCOTEAGUE, VA 23336-2730

OWNERSHIP OF ACCOUNT - CONSUMER PURPOSE

- INDIVIDUAL
 - JOINT - WITH SURVIVORSHIP (and not as tenants in common) X
 - JOINT - NO SURVIVORSHIP (as tenants in common) X
 - TRUST - SEPARATE AGREEMENT: X
 - REVOCABLE TRUST OR PAY-ON-DEATH
- DESIGNATION AS DEFINED IN THIS AGREEMENT
Name and Address of Beneficiaries:

- TYPE OF ACCOUNT
- NEW
 - CHECKING
 - MONEY MARKET
 - NOW
 - EXISTING
 - SAVINGS
 - CERTIFICATE OF DEPOSIT

This is your (check one):

- Permanent
 - Temporary
- account agreement.

Number of signatures required for withdrawal One

FACSIMILE SIGNATURE(S) ALLOWED? YES NO

OWNERSHIP OF ACCOUNT - BUSINESS PURPOSE

- SOLE PROPRIETORSHIP
- CORPORATION: FOR PROFIT NOT FOR PROFIT
- PARTNERSHIP

BUSINESS: _____
 COUNTY & STATE OF ORGANIZATION: _____
 AUTHORIZATION DATED: _____

[X]

SIGNATURE(S) - The undersigned certifies the accuracy of the information he/she has provided and acknowledges receipt of a completed copy of this form. The undersigned authorizes the financial institution to verify credit and employment history and/or have a credit reporting agency prepare a credit report on the undersigned, as individuals. The undersigned also acknowledge the receipt of a copy and agree to the terms of the following agreement(s) and/or disclosure(s):

- Terms & Conditions
- Truth in Savings
- Funds Availability
- Electronic Fund Transfers
- Privacy
- Substitute Checks
- Common Features

DATE OPENED 09/25/2013 BY Tammy Tarr
 INITIAL DEPOSIT \$ 500,000.00
 CASH CHECK
 HOME TELEPHONE # (757) 336-6883
 BUSINESS PHONE # (757) 336-6519
 DRIVER'S LICENSE # RESOLUTION
 E-MAIL _____
 EMPLOYER _____
 MOTHER'S MAIDEN NAME _____
 Name and address of someone who will always know your location: _____

(1): [X]
ROBERT G RITTER JR
I.D. # T63530534 D.O.B. 04/04/1965

(2): [X]
JOHN A LEONARD
I.D. # B24675874 D.O.B. 08/21/1964

(3): [X]
ELLEN W RICHARDSON
I.D. # T63500861 D.O.B. 03/29/1943

(4): [X]
I.D. # _____ D.O.B. _____

BACKUP WITHHOLDING CERTIFICATIONS

- TIN: 54-6001213
- TAXPAYER I.D. NUMBER - The Taxpayer Identification Number shown above (TIN) is my correct taxpayer identification number.
 - BACKUP WITHHOLDING - I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding.
 - EXEMPT RECIPIENTS - I am an exempt recipient under the Internal Revenue Service Regulations.

SIGNATURE: I certify under penalties of perjury the statements checked in this section and that I am a U.S. citizen or other U.S. person (as defined in the instructions).

X Robert Ritter 9/26/13
 TOWN OF CHINCOTEAGUE (Date)

Authorized Signer (Individual Accounts Only)

[X]
 I.D.# _____ D.O.B. _____

BUSINESS AUTHORIZATION RESOLUTION

SHORE BANK
CHINCOTEAGUE OFFICE
P O BOX 920
ONLEY VA 23418

1480039395
TOWN OF CHINCOTEAGUE
6150 COMMUNITY DR
CHINCOTEAGUE, VA 23336-2730

Referred to in this document as "Financial Institution"

Referred to in this document as "Business"

CHECK AND COMPLETE ONLY ONE BUSINESS TYPE:

Corporation

I, _____, certify that I am the Secretary (clerk) of the above named corporation organized under the laws of the state of _____, Federal Employer Tax ID Number _____, engaged in business under the trade name of _____, and that resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and properly called and held on _____ (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

If check, the Corporation is a non-profit corporation.

Partnership

The above partnership consists of the following partners (or is a limited partnership, the following general partners):

The above names parties represent that they constitute all of the partners of the Partnership designated above, or if a limited Partnership, constitute all of the general partners of the partnership designated above. These individuals are referred to in this document as "Partners".

Federal Tax ID Number _____ for _____ Date _____

LLC Limited Liability Company

I, _____, certify that I am a Manager or Designated Member of the above named Limited Liability Company organized under the laws of the state of _____, Federal Employer Tax ID Number _____, engaged in business under the trade name of _____, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of all members of the Limited Liability Company or the person or persons designated by the members of the Limited Liability Company to manage the Limited Liability Company as provided in the articles or organization or an operating agreement, duly and properly called and held on _____ (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

Sole Proprietorship

I, _____, certify that I am the sole owner of the business whose trade name is designated on this resolution. If any other parties acquire an ownership interest in the business (for example, the addition of a partner or the incorporation of the business), or if the ownership is changed in any way and I do not notify the Financial Institution of the fact, I will remain fully liable personally in accordance with the terms of this resolution and any other agreements that I have signed.

Other Association or Organization

I, ROBERT G RITTER JR, certify that I am Secretary (clerk) of the above named association organized under the laws of the state of VIRGINIA, Federal Tax ID Number 54-6001213, and the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Association duly and properly called and held on 9/24/13 (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

SHORE BANK
P O BOX 920
ONLEY VA 23418

ACCOUNT NUMBER 1480039395 PORTFOLIO NUMBER 2016700

OWNERSHIP OF ACCOUNT - CONSUMER PURPOSE
[] INDIVIDUAL
[] JOINT - WITH SURVIVORSHIP (and not as tenants in common) X
[] JOINT - NO SURVIVORSHIP (as tenants in common) X
[] TRUST - SEPARATE AGREEMENT:
[] REVOCABLE TRUST OR [] PAY-ON-DEATH DESIGNATION AS DEFINED IN THIS AGREEMENT
Name and Address of Beneficiaries:

ACCOUNT OWNER(S) NAME & ADDRESS
TOWN OF CHINCOTEAGUE
GENERAL FUND LONG TERM SAVINGS
6150 COMMUNITY DR
CHINCOTEAGUE, VA 23336-2730

OWNERSHIP OF ACCOUNT - BUSINESS PURPOSE
[] SOLE PROPRIETORSHIP
[] CORPORATION: [] FOR PROFIT [] NOT FOR PROFIT
[] PARTNERSHIP
[] BUSINESS:
COUNTY & STATE OF ORGANIZATION:
AUTHORIZATION DATED:

TYPE OF ACCOUNT
[] CHECKING [] SAVINGS
[] MONEY MARKET [] CERTIFICATE OF DEPOSIT
[] NOW
This is your (check one):
[X] Permanent [] Temporary account agreement.

DATE OPENED 09/25/2013 BY Tammy Tarr
INITIAL DEPOSIT \$ 1,700,000.00
[] CASH [] CHECK
HOME TELEPHONE # (757) 336-6883
BUSINESS PHONE # (757) 336-6519
DRIVER'S LICENSE # RESOLUTION
E-MAIL
EMPLOYER
MOTHER'S MAIDEN NAME
Name and address of someone who will always know your location:

Number of signatures required for withdrawal One
FACSIMILE SIGNATURE(S) ALLOWED? [] YES [X] NO

[X]

BACKUP WITHHOLDING CERTIFICATIONS
TIN: 54-6001213
[X] TAXPAYER I.D. NUMBER - The Taxpayer Identification Number shown above (TIN) is my correct taxpayer identification number.
[X] BACKUP WITHHOLDING - I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding.
[] EXEMPT RECIPIENTS - I am an exempt recipient under the Internal Revenue Service Regulations.
SIGNATURE: I certify under penalties of perjury the statements checked in this section and that I am a U.S. citizen or other U.S. person (as defined in the instructions).
X [Signature] 9/26/13
TOWN OF CHINCOTEAGUE (Date)

SIGNATURE(S) - The undersigned certifies the accuracy of the information he/she has provided and acknowledges receipt of a completed copy of this form. The undersigned authorizes the financial institution to verify credit and employment history and/or have a credit reporting agency prepare a credit report on the undersigned, as individuals. The undersigned also acknowledge the receipt of a copy and agree to the terms of the following agreement(s) and/or disclosure(s):

- [X] Terms & Conditions [X] Truth in Savings [X] Funds Availability
[X] Electronic Fund Transfers [X] Privacy [X] Substitute Checks
[] Common Features []

(1): [X] [Signature]
ROBERT G RITTER JR
I.D. # T63530534 D.O.B. 04/04/1965

(2): [X] [Signature]
JOHN A LEONARD
I.D. # B24675874 D.O.B. 08/21/1964

(3): [X] [Signature]
ELLEN W RICHARDSON
I.D. # T63500861 D.O.B. 03/29/1943

(4): [X]
I.D. # D.O.B.

[] Authorized Signer (Individual Accounts Only)
[X]
I.D.# D.O.B.

Public Works Committee Meeting

September 4, 2013

MINUTES

Members Present:

Hon. Ellen Richardson,
Chairwoman
Hon. John Tarr
Hon. Arthur Leonard

Also Present:

Mr. Robert Ritter
Mr. Harvey Spurlock
Mr. and Mrs. Ray Rosenberger

Chairwoman Richardson called the meeting to order at 5:05 pm.

Public Participation

None

Agenda Adoption

Mr. Leonard made a motion the agenda be approved. Mayor Tarr seconded the motion. The agenda was unanimously approved.

1. 2013 Fall Paving

Mr. Spurlock solicited committee input on three potential fall paving projects: paving South Main from Maple Street to Beebe Road, paving North Main Street from Taylor Street to Daisey Street and sidewalk replacement from Cropper Street to Bunting Road. Mr. Spurlock further explained patchwork replacement approach to sidewalk was ineffective. Mayor Tarr agreed. Following a brief discussion the committee identified North Main as the priority due to high traffic. The committee further agreed the project should include sidewalk replacement. Placement of sidewalk at the northern foot of the drawbridge will also be included in this project contingent on obtaining the requisite easements. Chairwoman Richardson inquired if the Town could condemn the property if required. Mayor Tarr stated a process is in place to take the property if so required however the preferred path would be the property owners giving an easement voluntarily.

2. Self-Contained Cleaning Units

Mr. Spurlock introduced the committee to self contained cleaning units that have become the industry standard for cleaning public restrooms. Mr. Spurlock stated his research shows utilizing these systems result in a much cleaner restroom. The unit would be used at the downtown restroom, Veterans Memorial Park and Curtis Merritt

Harbor. Mayor Tarr asked if the surfaces at these locations were all suitable for use of the system. Mr. Spurlock stated the only possible exception is the walls in the downtown restroom however he would investigate further. Approximate cost is three thousand dollars. Mr. Leonard made a motion to further research the system and acquire one if so indicated. Mayor Tarr seconded the motion. The motion was unanimously approved.

3. Inundation Study Results from Clark Nexsen

Mr. Spurlock presented the draft inundation study reports for Fowling Gut and the Halie Whealton Smith drainage area prepared by Clark Nexsen. Mr. Spurlock explained Clark Nexsen planned to present the results to full Council at October's regular Council meeting and he was providing the committee with advance copies to determine if there were specific issues that should be addressed in October. The committee identified two areas that should be addressed; the severely eroded area along North Main Street just north of the high school and measures that may improve the drainage along Deep Hole Road in the proximity of the Town office complex. Mayor Tarr also stated he would like to investigate the feasibility of raising portions of Main Street. Mr. Spurlock to forward these requests to Clark Nexsen.

4. Questions/Comments

Mr. Leonard inquired as to the status of the North Main Street potable water booster pump. Mr. Spurlock stated the pump was being evaluated as part of the water system capital improvement plan which is currently under revision by Whitman Requardt.

Mr. Leonard also asked if the Public Works Department was considering the purchase of a side arm mower similar to the one used by the National Fish and Wildlife Service to mow roadsides at various locations around Chincoteague. Mr. Spurlock stated a side arm mower would be a highly desirable acquisition given the budget would allow the purchase.

Mr. Leonard motioned to adjourn the meeting at 5:40 pm. The motion was seconded by Mayor Tarr and unanimously approved.

MEMORANDUM

TO: Town Council

FROM: Harvey Spurlock, Public Works Director

DATE: October 8, 2013

SUBJECT: Contract 01-PAV-13, Fall 2013 Paving

The following bid was received for Contract 01-PAV-13, Fall 2013 Paving. Total bid amounts are a combination of fixed price elements and unit cost multiplied by estimated quantities.

Branscome Eastern Shore

<u>Base Contract</u>	
North Main Paving	\$264,548
North Main Sidewalks	\$91,536
Traffic Control	\$28,315
Small Quantities Pavement	\$15,068
Small Quantities Sidewalk	<u>\$4,185</u>
Total	\$403,652
<u>Additive 1</u>	
Drawbridge Sidewalk	\$19,620
Traffic Control	<u>\$3,775</u>
Total	\$23,395
Grand Total	\$427,047

I recommend the contract be awarded to Branscome Eastern Shore based on being the lowest price qualified bidder. Please note sidewalk construction at the foot of the drawbridge is contingent on obtaining the requisite easements.

I also have proposals from Branscome Eastern Shore for the repair of the two South Main Street Fowling Gut culverts. Given the emergency nature of these repairs, coupled with the fact Branscome Eastern Shore was the only firm to submit a bid for the 2013 Fall Paving Contract, I further recommend this work be awarded accordingly.

South Culvert	\$6,405
North Culvert	\$37,288

All work is to be funded from the Virginia Department of Transportation Urban Maintenance program.

**Recreation and Community Enhancement
Committee Meeting Minutes
September 10, 2013**

Committee Members Present:

John Jester, Chairman
Terry Howard, Councilman
Gene Wayne Taylor, Councilman
Jack Van Dame
Bob Conklin
David Johnson
Nancy Lane

Staff Present:

Robert G. Ritter, Town Manager
William Neville, Town Planner
Harvey Spurlock, Public Works Director

Others Present:

Ray Rosenberger
Nancy Rosenberger
Drew Jorgensen
Donnie Thornton

Call to Order

Chairman Jester called the meeting to order at 5:00 PM

Agenda Adoption

Councilman Terry Howard motioned, seconded by Mr. David Johnson to adopt the agenda. Unanimously approved.

1.(A) Memorial Park

Chairman Jester stated he received an email from Heather Jorgensen about the condition of the park. Mrs. Jorgensen was concerned with the placement of the six by six boards near the playground equipment as well as other concerns.

Public Works Director Spurlock advised the committee of the recent work that the department has been doing in the park. He stated that some of the trees were destroyed due to salt water and that they had been removing them from the park.

Mr. Drew Jorgensen stated he has a five year old girl who goes to the park often and has seen the park conditions deteriorate over the years. He would like to see some improvements as he is concerned with some safety issues.

Mr. Jack Van Dame stated his concern with the dome and swings.

Chairman Jester suggested an amount to be set aside each year in the budget for playground equipment. He would like to have some user input and maybe look into grant monies as well as local involvement from community organizations.

1.(B) Watermans Memorial

Chairman Jester stated he has been in contact with Mr. Barry Abell in reference to a statue at Robert Reed Park. There were concerns with the raffle of the boat.

Mr. Donnie Thornton stated he believed that Mariners Point was the best place for the statue due to all the memorials already in Robert Reed Park. He stated Mariners Point would allow the working waterman returning to the Harbor to see the statue as it was in their honor.

Town Manager Ritter also mentioned the possibility of the newly acquired bridge property as a possible location.

Mr. Van Dame stated in the beginning Mariners Point was the only place that was mentioned in the placement of a memorial to the waterman.

Mr. Bob Conklin feels Mr. Abell has done a great job in raising money for the project. Chairman Jester asked if the Committee supported a 5' x 5' plot for the statue in Robert Reed Park, there were various answers. The matter will be placed on the next committee agenda.

2. Project Report Updates

Town Planner Neville updated the committee on the following projects.

Ocean Boulevard Extended

This project should be completed in October. The committee is working with USFW to obtain grant funds for paving the trail.

CNWR Bike Trail Extension

The Town is working with CNWR to possibly pave the bike lane from AJ's to the traffic circle.

Downtown Main Street/ Robert Reed Park

Mr. Neville is going to present plans back to the committee at the next meeting so they can recommend approval of any changes that have been proposed.

Hallie Whealton Smith Drive

VDOT didn't allocate enough grant money to complete design for the whole trail. Mr. Neville is working with them to get the funds needed.

Island Nature Trail

Some of the damaged trees from Hurricane Sandy have been removed.

3. Committee Member Comments

Ms. Nancy Lane had questions about the Killock Shoals Lighthouse. She asked if the committee was interested in possibly maintaining the landmark.

Mr. Van Dame asked about a checklist on the maintenance of the park equipment.

ADJOURN:

Councilman Howard motioned seconded by Mr. Van Dame to adjourn.

**ORDINANCE COMMITTEE
TOWN OF CHINCOTEAGUE
September 12, 2013
Meeting Minutes**

Present

Terry Howard, Chairman
Councilman Tripp Muth
Councilman Gene Taylor

Staff

Robert G. Ritter, Jr., Town Manager
Harvey Spurlock, Public Works Director

Call to Order

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

Open Forum/Public Participation

There was no public participation.

Agenda Adoption

Councilman Taylor motioned, seconded by Councilman Muth to adopt the agenda.

1. Discuss Possible Revision to the Drainage Fill Ordinance

Chairman Howard expressed his concerns over properties being filled and the issue of the fill going into others properties. He also discussed changes in the tidal flooding in the recent years. Town Manager Ritter discussed the possibility of a zoning permit for future filling of land. FEMA wants the Town to have a zoning permit issued for any amount of fill being put on a property. The Town is currently awaiting the response of the Town and County Attorney in this matter.

2. Discuss Possible Revision to Chapter 2, Article V, Finance

ARTICLE V. FINANCE*

DIVISION 1. GENERALLY

Secs. 2-181—2-205. Reserved.

***Cross references**—Any ordinance or resolution promising or guaranteeing the payment of money for the town, authorizing the issuance of any bonds of the town, or any evidence of the town's indebtedness, or any contract established or obligation assumed, by the town saved from repeal, § 1-6(a)(2); any fees and charges consistent with this Code saved from repeal- § 1-6(a)(13); taxation, ch. 54.

DIVISION 2. PROCUREMENT

Subdivision I. In General

Sec. 2-206. Definitions.

The following words, terms, phrases and abbreviations, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

IFB means invitation for bids.

PO means purchase order.

PR means purchase requisition.

Purchasing agent means the town manager or his designee who is authorized and responsible for the procurement of supplies and services for town use.

RFQ means request for quotations.

Vendor means any person who or company that sells supplies or services.
(Code 1977, § 2-13)

~~Cross reference—Definitions generally, § 1-2.~~

State law reference—Definitions, Code of Virginia, § 2.2- 4301.

Sec. 2-207. Authority.

This division is enacted pursuant to the authority granted in Code of Virginia, § 2.2- 4300 et seq. (Code 1977, § 2-13)

Sec. 2-208. Objectives.

The objectives of this division shall be to:

- (1) Establish an ongoing centralized purchasing function capable of providing daily service and support on an organization-wide basis.
- (2) Introduce a greater measure of responsibility and accountability over implementation of the annual budget, specifically as related to the procurement of contractual services, materials, supplies, and capital outlay items.
- (3) Ensure realization of the principles of competitive purchasing and best buy at the least cost.
- (4) Assist management at all levels in reaching responsible, cost-effective decisions in the procurement of quality supplies and services for town use.
- (5) Formulate policies and procedures designed to systematize and enhance the efficiency of the town's procurement process and ensure procurement in a timely and proper manner.
- (6) Promote good will and clear communication in town-vendor relations and intra organization relations relative to purchasing.
- (7) Promote the realization of equal opportunity policies through procurement relations with vendors.

(Code 1977, § 2-14)

State law reference—Purpose of public procurement law, Code of Virginia, § 2.2- 4300.

Sec. 2-209. Implementation.

The town manager shall develop a purchasing procedure based on the policies and procedures established in this division and shall promulgate such administrative regulations necessary for the implementation of the standards established by this division.

(Code 1977, § 2-17-1)

Sec. 2-210. Centralized purchasing.

It shall be the policy of the town to maintain a centralized purchasing process with the town manager or his designee **department heads** as purchasing agent. It shall be the purchasing agent's responsibility to administer purchasing performance, negotiate and approve term contracts in connection with town

departments, consolidate purchases of like or common items, analyze prices paid for materials and equipment and generally define how to obtain savings and to coordinate purchasing procedures.
(Code 1977, § 2-15-2)

Sec. 2-211. Sources of supply.

~~The purchasing agent shall select sources of supply in connection with the appropriate town department.~~
As a general policy, purchases shall be awarded, with local vendor preference, on the basis of availability, best price, delivery and quality, taking into consideration the reputation and performance capability of the suppliers.
(Code 1977, § 2-15-3)

Sec. 2-212. Commitments.

In connection with town departments, the purchasing agent shall conduct and conclude all negotiations affecting vendor selection, price, terms, delivery, etc. No one other than the ~~purchasing agent~~ **town manager or department heads** shall commit the town to any purchase, vendor, or product. Exceptions to this include emergencies and purchases made from the petty cash fund.
(Code 1977, § 2-15-4)

Sec. 2-213. Interdepartment relations.

It shall be the policy of the town to promote an intelligent and harmonious relationship between the ~~purchasing agent and other~~ town departments relative to procurement.
(Code 1977, § 2-15-5)

Sec. 2-214. Vendor relations.

The ~~purchasing agent~~ **town** will develop and promote a program of fairness with all vendors and salespersons.
(Code 1977, § 2-15-6)

Sec. 2-215. Expediting.

Expediting or "follow-up" on the delivery of materials or orders will be accomplished by the ~~purchasing agent~~ **town manager or department heads**. Any information other town departments may acquire or be requested to acquire concerning the delivery status of ordered material should be passed on to the purchasing agent.
(Code 1977, § 2-15-17)

Sec. 2-216. Tax exemption.

The town is exempt from all state and federal sales and excise taxes.
(Code 1977, § 2-15-18)

Sec. 2-217. Compliance with federal grants.

The town may comply with mandatory federal requirements in grants or contracts not in conformance with this division only upon a written determination of the town council that acceptance of the applicable provisions is in the public's interest.
(Code 1977, § 2-15-19)

Sec. 2-218. Vendor selection.

Vendors will be selected on a competitive basis. Bids, quotations and proposals will be solicited by newspaper advertisement, by direct mail request to prospective suppliers, and/or by telephone. Purchase orders or contracts will be awarded to the lowest and best responsible vendor. All bids, etc., may be rejected

if it is in the public's interest to do so. In determining the lowest and best responsible vendor, in addition to price, the following will be considered:

- (1) The character, integrity, reputation, judgment, experience and efficiency of the vendor.
- (2) The ability, capacity and skill of the vendor to perform the contract, fill the order or provide the service.
- (3) The ability of the vendor to provide material or service promptly or within the time specified, without delay or interference-
- (4) The quality of performance by the vendor on previous contracts, orders or services.
- (5) The ability of the vendor to provide future maintenance and service for all equipment purchased from the vendor.

(Code 1977, § 2-16-1)

Sec. 2-219. Invitation for bids; opening of bids; award of bids generally.

(a) When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services other than professional exceeds ~~\$30,000.00~~ **\$50,000.00** (Code of Virginia, § 11-41(F)), an invitation for bids (IFB) notice will be prepared. This notice will be published at least once in at least one official newspaper of general circulation within the community. This newspaper notice must appear not less than seven days and not more than 21 days before the due date for bid proposals. The IFB will include a general description of the items to be purchased and the bid deposit and performance bond required and shall state where bid blanks and specifications may be secured and the time and place for opening bids. The ~~purchasing agent~~ **town manager or department heads** may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.

(b) Sealed bids will be opened in public by the town manager at the time and place stated in the IFB. The bids will be tabulated by the town manager. The results of the tabulation and the bid material will be examined by the town manager, the appropriate department head and the appropriate appointed committee to determine the best bid. Recommendations for the bid award will be submitted by the town manager to the town council at a public meeting. After the bid award is made by the town council, a purchase order and/or contract shall be prepared for execution by the successful bidder. After the purchase order is issued and/or the contract signed, all bid deposits will be returned to all unsuccessful bidders.

(Code 1977, § 2-16-2)

Sec. 2-220. Request for quotations or electronic or written or telephone quotes.

(a) Purchases of supplies, equipment and services of less than ~~\$30,000.00~~ **\$50,000.00** (Code of Virginia, § ~~11-41(F)~~ **2.2- 4303 (H)**) but of ~~\$500.00~~ **\$30,000.00** or more will require a **4 attempted** request for quotations (RFQ). An RFQ is similar to an IFB except that ~~legal~~ advertising in the local newspaper is ~~not~~ required and detailed specifications may ~~not~~ be appropriate. **Forward your quotes with your purchase order and check requisition to accounts payable.**

(b) Purchases of supplies, equipment and services of less than \$30,000.00 but of \$10,000.00 or more will require at least 3 attempted electronic or written quotes to be obtained by the department. Forward your quotes with your purchase order and check requisition to accounts payable.

(c) Purchases of supplies, equipment and services of less than \$10,000.00 but of \$1,000.00 or more will require at least 2 attempted telephone, catalog or electronic or written quotes to be obtained by the department. Forward your quotes with your requisition to accounts payable.

- (d) The following procedures will be followed in obtaining a request for quotations:
- (1) Complete a request for quotations and distribute copies to vendors.

- (2) File unopened sealed quotations received, together with a machine copy of the original request for quotations.
- (3) On the designated date, remove the quotes received from the file.
- (4) Open the quotes and determine which vendor offers the item at the lowest price and issue a purchase order to the successful vendor.

(Code 1977, § 2-16-3)

Sec. 2-221. Open market purchases.

Purchases of less than ~~\$500.00~~ **\$1,000.00** will be made in the open market without necessary resort to an IFB or RFQ. ~~Every effort will be made, however, to get the lowest and best price and to share the business among responsible vendors.~~ **No competition is required. Forward your purchase order and check requisition to accounts payable.**

(Code 1977, § 2-16-4)

Sec. 2-222. Emergency purchases.

Emergency purchases shall be exempt from this division, provided that an emergency exists which affects the public health, safety or welfare. The mayor shall certify that an emergency exists.

(Code 1977, § 2-16-7)

Sec. 2-223. Bidders' list.

With the aid of other town departments, the town manager shall compile and maintain a bidders' list. Vendors desiring to be listed shall advise the town manager, in writing, of the following:

- (1) Type of business;
- (2) Names of officers, owners or partners;
- (3) Persons authorized to sign bids, offers and contracts;
- (4) Type of equipment, supplies, materials sold and/or services provided; and
- (5) How long in the present business.

(Code 1977, § 2-15-10)

Sec. 2-224. Competitive bidding on state-aid projects.

No contract for the construction of any building or for an addition to or improvement of an existing building by the town or any subdivision of the town for which state funds of not more than \$30,000.00 in the aggregate or for the sum of all phases of a contract or project either by appropriation, grant-in-aid or loan are used or are to be used for all or part of the cost of construction shall be let except after competitive sealed bidding or after competitive negotiation as provided under subsection 2-296(c). The procedure for the advertising for bids or for proposals and for letting of the contract shall conform, mutatis mutandis, to this division.

State law reference—Similar provisions, Code of Virginia, § ~~41-41.1~~ **2.2- 4305**.

Sec. 2-225. Withdrawal of bid due to error.

(a) A bidder for a public construction contract, other than a contract for construction or maintenance of public highways, may withdraw his bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation

of the bid sought to be withdrawn. If a bid contains both clerical and judgment mistakes, a bidder may withdraw his bid from consideration if the price bid would have been substantially lower than the other bids due solely to the clerical mistake, that was an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of a bid which shall be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. One of the following procedures for withdrawal of a bid shall be selected by the town and stated in the advertisement for bids: (i) the bidder shall give notice in writing of his claim of right to withdraw his bid within two business days after the conclusion of the bid opening procedure and shall submit original work papers with such notice; or (ii) the bidder shall submit to the town or designated official his original work papers, documents and materials used in the preparation of the bid within one day after the date fixed for submission of bids. The work papers shall be delivered by the bidder in person or by registered mail at or prior to the time fixed for the opening of bids. In either instance, such work papers, documents and materials may be considered as trade secrets or proprietary information subject to the conditions of Code of Virginia, § 11-52(D). The bids shall be opened one day following the time fixed by the town for the submission of bids. Thereafter, the bidder shall have two hours after the opening of bids within which to claim in writing any mistake as defined in this subsection and withdraw his bid. The contract shall not be awarded by the town until the two-hour period has elapsed. Such mistake shall be proved only from the original work papers, documents and materials delivered as required in this subsection.

(b) The town may establish procedures for the withdrawal of bids for other than construction contracts.

(c) No bid may be withdrawn under this section when the result would be the awarding of the contract on another bid of the same bidder or of another bidder in which the ownership of the withdrawing bidder is more than five percent.

(d) If a bid is withdrawn under the authority of this section, the lowest remaining bid shall be deemed to be the low bid.

(e) No bidder who is permitted to withdraw a bid shall, for compensation, supply any material or labor to or perform any subcontract or other work agreement for the person to whom the contract is awarded or otherwise benefit, directly or indirectly, from the performance of the project for which the withdrawn bid was submitted.

(f) If the town denies the withdrawal of a bid under this section, it shall notify the bidder in writing stating the reasons for its decision and award the contract to such bidder at the bid price, provided such bidder is a responsible and responsive bidder.

(Code 1977, § 2-15-12)

State law reference—Withdrawal of bid due to error, Code of Virginia, § ~~11-54~~ **2.2-4330**.

Sec. 2-226. Bid deposits.

Bid deposits or surety may be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of that deposit or surety. A successful bidder, upon failure on his part to enter into a contract within the time specified after written notification of the bid award, shall forfeit, as liquidated damages, any surety deposited with the town.

(Code 1977, § 2-15-8)

State law reference—Bid bonds, Code of Virginia, § ~~11-57~~ **2.2-4334**.

Sec. 2-227. Bid bonds.

(a) Except in cases of emergency, all bids or proposals for construction contracts in excess of \$100,000.00 shall be accompanied by a bid bond from a surety company selected by the bidder which is legally authorized to do business in the commonwealth, as a guarantee that if the contract is awarded to

such bidder, that bidder will enter into the contract for the work mentioned in the bid. The amount of the bid bond shall not exceed five percent of the amount bid.

(b) No forfeiture under a bid bond shall exceed the lesser of the following:

- (1) The difference between the bid for which the bond was written and the next low bid; or
- (2) The face amount of the bid bond.

(c) Nothing in this section shall preclude the town from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than \$100,000.00.

(Code 1977, § 2-15-14)

State law reference—Bid bonds, Code of Virginia, § ~~11-57~~ 2.2- 4336.

Sec. 2-228. Alternative forms of security.

(a) In lieu of a bid, payment, or performance bond, a bidder may furnish a certified check or cash escrow in the face amount required for the bond.

(b) If approved by the town, a bidder may furnish a personal bond, property bond, or bank or savings institution's letter of credit on certain designated funds in the face amount required for the bid, payment or performance bond. Approval shall be granted only upon a determination that the alternative form of security proffered affords protection to the town equivalent to a corporate surety's bond.

(Code 1977, § 2-15-14)

State law reference—Similar provisions, Code of Virginia, § ~~11-61~~ 2.2- 4338.

Sec. 2-229. Prequalification for construction.

(a) Any prequalification of prospective contractors for construction by the town subsequent to July 1, 1995, shall be pursuant to a prequalification process for construction projects adopted by the town. Such process shall be consistent with this section.

(b) The application form used in such process shall set forth the criteria upon which the qualifications of prospective contractors will be evaluated. The application form shall request of prospective contractors only such information as is appropriate for an objective evaluation of all prospective contractors pursuant to such criteria. Such form shall allow the prospective contractor seeking prequalification to request, by checking the appropriate box, that all information voluntarily submitted by the contractor pursuant to this section shall be considered a trade secret or proprietary information subject to Code of Virginia, § 11-52(D).

(c) In all instances in which the town requires prequalification of potential contractors for construction projects, advance notice shall be given of the deadline for the submission of prequalification applications. The deadline for submission shall be sufficiently in advance of the date set for the submission of bids for such construction so as to allow the procedures set forth in this section to be accomplished.

(d) At least 30 days prior to the date established for submission of bids or proposals under the procurement of the contract for which the prequalification applies, the town shall advise in writing each contractor who submitted an application whether that contractor has been prequalified. If a contractor is denied prequalification, the written notification to such contractor shall state the reasons for such denial of prequalification and the factual basis of such reasons.

(e) A decision by the town denying prequalification under this section shall be final and conclusive unless the contractor appeals the decision as provided in Code of Virginia, § 11-63.

(f) The town may deny prequalification to any contractor only if the town finds one of the following:

- (1) The contractor does not have sufficient financial ability to perform the contract that would result from such procurement. If a bond is required to ensure performance of a contract, evidence that the contractor can acquire a surety bond from a corporation included on the United States Treasury list of acceptable surety corporations in the amount and type required by the town shall be sufficient to establish the financial ability of such contractor to perform the contract resulting from such procurement;
- (2) The contractor does not have appropriate experience to perform the construction project in question;
- (3) The contractor or any officer, director or owner thereof has had judgments entered against him within the past ten years for the breach of contracts for governmental or nongovernmental construction, including but not limited to design-build or construction management;
- (4) The contractor has been in substantial noncompliance with the terms and conditions of prior construction contracts with a public body without good cause. If the town has not contracted with a contractor in any prior construction contracts, the town may deny prequalification if the contractor has been in substantial noncompliance with the terms and conditions of comparable construction contracts with another public body without good cause. The town may not utilize this subsection to deny prequalification unless the facts underlying such substantial noncompliance were documented in writing in the prior construction project file and such information relating thereto given to the contractor at that time, with the opportunity to respond;
- (5) The contractor or any officer, director, owner, project manager, procurement manager or chief financial official thereof has been convicted within the past ten years of a crime related to governmental or nongovernmental construction or contracting, including but not limited to a violation of (i) Code of Virginia, § 11-72 et seq., (ii) the Virginia Governmental Frauds Act (Code of Virginia, § 18.2498.1 et seq.), (iii) Code of Virginia, § 59.1-68.6 et seq., or (iv) any substantially similar law of the United States or another state;
- (6) The contractor or any officer, director or owner thereof is currently debarred pursuant to an established debarment procedure from bidding or contracting by any public body, agency of another state or agency of the federal government; and
- (7) The contractor failed to provide to the town in a timely manner any information requested by the public body relevant to subsections (f)(1) through (6) of this section.

(g) If the town has a prequalification ordinance which provides for minority participation in municipal construction contracts, the town may also deny prequalification based on minority participation criteria; provided, however, that nothing in this subsection shall authorize the adoption or enforcement of minority participation criteria except to the extent that such criteria, and the adoption and enforcement thereof, are in accordance with the Constitution and laws of the United States and the commonwealth.

State law reference—Similar provisions, Code of Virginia, § ~~41-46~~ 2.2- 4317.

Sec. 2-230. Use of brand names.

Unless otherwise provided in the invitation for bids, the name of a certain brand, make or manufacturer does not restrict bidders to the specific brand, make or manufacturer named—it conveys the general style, type, character, and quality of the article desired—and any article which the town in its sole discretion determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted.

(Code 1977, § 2-15-11)

State law reference—Use of brand names, Code of Virginia, § ~~41-49~~ 2.2- 4317.

Sec. 2-231. Award of bid-based contracts.

The town council will award bid-based contracts on the recommendation of the appointed reviewing committee, which is to be created in each case, and the town manager. The award will usually be to the lowest and best responsible bidder. A full and complete statement of the reasons shall be prepared by the committee and town manager and shall be filed along with other papers relating to the transaction. (Code 1977, § 2-15-16)

Sec. 2-232. Performance and payment bonds.

(a) Upon the award of any public construction contract exceeding \$100,000.00 awarded to any prime contractor, such contractor shall furnish to the town the following bonds:

- (1) A performance bond in the sum of the contract amount conditioned upon the faithful performance of the contract in strict conformity with the plans, specifications and conditions of the contract.
- (2) A payment bond in the sum of the contract amount. Such bond shall be for the protection of claimants who have and fulfill contracts to supply labor or materials to the prime contractor to whom the contract was awarded or to any subcontractors, in the prosecution of the work provided for in such contract, and shall be conditioned upon the prompt payment for all such material furnished or labor supplied or performed in the prosecution of the work. The term "labor or materials" shall include public utility services and reasonable rentals of equipment, but only for periods when the equipment rented is actually used at the site.

(b) Each of such bonds shall be executed by one or more surety companies selected by the contractor which are legally authorized to do business in the commonwealth.

(c) Such bonds shall be payable to the town.

(d) Each of the bonds shall be filed with the town or a designated office or official thereof.

(e) Nothing in this section shall preclude the town from requiring payment or performance bonds for construction contracts below \$100,000.00.

(f) Nothing in this section shall preclude such contractor from requiring each subcontractor to furnish a payment bond with surety thereon in the sum of the full amount of the contract with such subcontractor conditioned upon the payment to all persons who have and fulfill contracts which are directly with the subcontractor for performing labor and furnishing materials in the prosecution of the work provided for in the subcontract.

(Code 1977, §§ 2-15-9, 2-15-14)

State law reference—Similar provisions, Code of Virginia, § ~~44-58~~. **2.2- 4337**.

Sec. 2-233. Employment discrimination by contractor prohibited.

The town shall include in every contract of over \$10,000.00 the following:

- (1) During the performance of this contract, the contractor agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

(2) The contractor will include the provisions of subsections (1)a, (1)b and (1)c of this section in every subcontract or purchase order of over \$10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

(Code 1977, § 2-15-15)

State law reference—Employment discrimination by contractor prohibited, Code of Virginia, § ~~41-54-2.2-~~ 4311.

Sec. 2-234. Retainage on construction contracts.

(a) In any public contract for construction which provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least 95 percent of the earned sum when payment is due, with not more than five percent being retained to ensure faithful performance of the contract. All amounts withheld may be included in the final payment.

(b) Any subcontract for a public project which provides for similar progress payments shall be subject to the same limitations.

(Code 1977, § 2-15-13)

State law reference—Retainage on construction contracts, Code of Virginia, § ~~41-56-~~ 2.2- 4333.

Sec. 2-235. Deposit of certain retained funds; failure to timely complete contract.

(a) When contracting directly with contractors for public contracts of \$200,000.00 or more for construction of highways, roads, streets, bridges, parking lots, demolition, clearing, grading, excavating, paving, pile driving, miscellaneous drainage structures, and the installation of water, gas, sewer lines and pumping stations where portions of the contract price are to be retained, the town shall include in the bid proposal an option for the contractor to use an escrow account procedure for utilization of the town's retainage funds by so indicating in the space provided in the proposal documents. If the contractor elects to use the escrow account procedure, the escrow agreement form included in the bid proposal and contract shall be executed and submitted to the town within 15 calendar days after notification. If the escrow agreement form is not submitted within the 15-day period, the contractor shall forfeit his rights to the use of the escrow account procedure.

(b) In order to have retained funds paid to an escrow agent, the contractor, the escrow agent, and the surety shall execute an escrow agreement form. The contractor's escrow agent shall be a trust company, bank or savings institution with its principal office located in the commonwealth. The escrow agreement and all regulations promulgated by the town shall be substantially the same as that used by the commonwealth department of transportation.

(c) This section shall not apply to public contracts for construction for railroads; public transit systems; runways; dams; foundations; installation or maintenance of power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter; the installation or maintenance of telephone, telegraph or signal systems for public utilities; and the construction or maintenance of solid waste or recycling facilities and treatment plants.

(d) Any such public contract for construction, which includes payment of interest on retained funds, may require a provision whereby the contractor, exclusive of reasonable circumstances beyond the control of the contractor stated in the contract, shall pay a specified penalty for each day exceeding the completion date stated in the contract.

(e) Any subcontract for such public project which provides for similar progress payments shall be subject to this section.

State law reference—Similar provisions, Code of Virginia, § ~~11-56.1~~ 2.2- 4334.

Sec. 2-236. Public construction contract provisions barring damages for unreasonable delays declared void.

(a) Any provision contained in any public construction contract entered into on or after July 1, 1991, that purports to waive, release, or extinguish the rights of a contractor to recover costs or damages for unreasonable delay in performing such contract, either on his behalf or on behalf of his subcontractor, if and to the extent such delay is caused by acts or omissions of the town, its agents or employees and due to causes within their control is against public policy and is void and unenforceable.

(b) Subsection (a) of this section shall not be construed to render void any provision of a public construction contract that:

- (1) Allows the town to recover that portion of delay costs caused by the acts or omissions of the contractor or his subcontractors, agents or employees;
- (2) Requires notice of any delay by the party claiming the delay;
- (3) Provides for liquidated damages for delay; or
- (4) Provides for arbitration or any other procedure designed to settle contract disputes.

(c) A contractor making a claim against the town for costs or damages due to the alleged delaying of the contractor in the performance of its work under any public construction contract shall be liable to the town and shall pay it for a percentage of all costs incurred by the town in investigating, analyzing, negotiating, litigation and arbitrating the claim, which percentage shall be equal to the percentage of the contractor's total delay claim which is determined through litigation or arbitration to be false or to have no basis in law or in fact.

State law reference—Similar provisions, Code of Virginia, § ~~11-56.2~~ 2.2- 4335.

Secs. 2-237—2-265. Reserved.

Subdivision II. Purchase Orders

Sec. 2-266. When required; contents; procedures for approval.

(a) Purchase orders are required for all purchases over ~~\$25.00~~ \$100.00. The purchase must be approved in advance of the actual purchase, except in emergency situations.

(b) The purchase order shall include the following:

- (1) Items required;
- (2) Quantity required;
- (3) Price of each item;
- (4) Date required;
- (5) Tax exempt number;
- (6) Short reason for the items required; and
- (7) Classification of expense; budget line item account number shall be shown for each line if the items are not all the same on one purchase order.

(c) Authorization levels for purchase order approval shall be as follows:

- (1) A purchase order of \$0.00 to ~~\$500.00~~ **\$2,000.00** may be approved by the following:
 - a. Town manager.
 - b. Finance director.
 - c. Chief of police.
 - d. Assistant chief of police (may approve only in the absence of primary authorized personnel for each department).
 - e. Public works director.
 - (2) A purchase order of ~~\$501.00~~ **\$2001.00** to ~~\$1,000.00~~ **\$4,000.00** may be approved by the following:
 - a. Town manager.
 - b. Public works director.
 - c. Chief of police.
 - (3) A purchase order of ~~\$1,001.00~~ **\$4,001.00** to \$10,000.00 may be approved by the town manager.
 - (4) A purchase order of \$10,001.00 and over may be approved by the town manager and the mayor with prior approval by the town council.
- (Code 1977, § 2-18)

Sec. 2-267. Notice to vendors; tax exempt number.

All regular vendors shall be notified that an approved purchase order is required before giving credit for any item or purchase over ~~\$25.00~~ **\$100.00**. The tax exempt number shall also be sent to each vendor where regular charge accounts are maintained. The tax exempt number is also printed on the purchase order, to ensure that no tax is charged to the town.

(Code 1977, § 2-18-6)

Sec. 2-268. Purchasing procedures.

As each purchase is made, the following must be accomplished:

- (1) The purchase order shall be approved if the purchase is going to be over ~~\$25.00~~ **\$100.00**,
 - (2) When the purchase is made, whether over or under ~~\$25.00~~ **\$100.00**, the invoice must be approved.
 - (3) After the purchase is made, the invoice must be turned in for payment **requisition**.
- (Code 1977, § 2-18-3)

Sec. 2-269. Payment approval procedures.

(a) *Responsibilities of office staff.* In the approval of payment for purchase orders, the office staff will be responsible for the following:

- (1) Matching the purchase order to the appropriate invoice if the item/purchase is over ~~\$25.00~~ **\$100.00**, posting invoices to accounts payable on a daily basis and ensuring that invoices are scheduled for payment prior to the due date or earlier in order to obtain prompt payment discounts.
- (2) Checking the actual purchases on the invoice to the items authorized for purchase on the purchase order, to ascertain that only authorized items were received for all purchases over ~~\$25.00~~ **\$100.00**.
- (3) Mathematical verification of each invoice before approval by the town manager for all invoices whether over or under ~~\$25.00~~ **\$100.00**.

(4) No sales tax appears on the invoice.

(b) *Responsibilities of approving official:* The approving official shall verify that the following items of control have been accomplished before approving invoices for payment:

(1) The attached purchase order was appropriately authorized.

(2) The office staff member has verified items, quantities, and mathematical calculations on the invoices to the appropriate purchase order and the purchase order is in fact attached to the invoice.
(Code 1977, § 2-18-4)

Secs. 2-270—2-295. Reserved.

Subdivision III. Competitive Negotiation

Sec. 2-296. Procedures generally.

(a) Upon a determination made in advance by the town and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.

(b) Upon a written determination made in advance by the town council that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services in subdivision 3 b of the definition of "competitive negotiation" in Code of Virginia, § 11-37. The basis for this determination shall be documented in writing.

(c) Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the town and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

(1) For the alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$500,000.00;

(2) For the construction of highways and any draining, dredging, excavating, grading or similar work upon real property; or

(3) As otherwise provided in Code of Virginia, § ~~11-41.2:2~~ **2.2- 4303**.
(Code 1977, § 2-16-5)

State law reference—Methods of procurement, Code of Virginia, § ~~11-41~~ **2.2- 4303**.

Sec. 2-297. Award of a service generally.

The town manager or his designee shall engage in individual discussions with all offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project. These discussions may encompass nonbinding estimates of total projects costs, including where appropriate design, construction and life cycle costs. Methods to be utilized in arriving at price for services may also be discussed. At the conclusion of discussion on the basis of evaluation factors published in the request for proposals and all information developed to this point, the town manager shall select in the order of preference two or more offerors whose professional qualification and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract can

be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.
(Code 1977, § 2-16-6)

Sec. 2-298. Procurement of professional services.

Where the cost of a professional service is expected to exceed \$30,000.00 in the aggregate or for the sum of all phases of a contract or project, the town shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. The request for proposal shall not, however, request that offerors furnish estimates of man hours or cost for services. At the discussion stage, the town may discuss nonbinding estimates of total project costs, including but not limited to life-cycle costing, and, where appropriate, nonbinding estimates of price for services. Proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this section, on the basis of evaluation factors published in the request for proposal and all information developed in the selection process to this point, the town shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the town can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Should the town determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

State law reference—Similar provisions, Code of Virginia, § ~~41-37~~. **2.2- 4301**.

Secs. 2-299—2-325. Reserved.

Subdivision IV: Ethics in Public Contracting

Sec. 2-326. Purpose.

The sections of this subdivision supplement, but do not supersede, other provisions of law, including but not limited to the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.1-639.1 et seq.), the Virginia Governmental Frauds Act (Code of Virginia, § 18.2-498.1 et seq.), and Code of Virginia, §§ 18.2-438 et seq. and 18.2-446 et seq. The sections of this subdivision apply notwithstanding the fact that the conduct described may not constitute a violation of the State and Local Government Conflict of Interests Act.

State law reference—Similar provisions, Code of Virginia, § ~~41-72~~. **2.2- 4367**.

Sec. 2-327. Definitions.

The words defined in this section shall have the meanings set forth throughout this subdivision.

Immediate family means a spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee.

Official responsibility means administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction, or any claim resulting therefrom.

Pecuniary interest arising from the procurement means a personal interest in a contract as defined in the State and Local Government Conflict of Interests Act (Code of Virginia, § 2.1-639.1 et seq.).

Procurement transaction means all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

Public employee means any person employed by the town, including elected officials or appointed members of the town council.

Cross reference—Definitions generally, § 1-2.

State law reference—Similar provisions, Code of Virginia, § ~~11-73~~. **2.2- 4368**.

Sec. 2-328. Penalty for violation.

Willful violation of any section of this subdivision shall constitute a **class 1** misdemeanor. Upon conviction, any public employee, in addition to any other fine or penalty provided by law, shall forfeit his employment.

State law reference—Similar provisions, Code of Virginia, § ~~11-80~~. **2.2- 4377**.

Sec. 2-329. Proscribed participation by public employees in procurement transactions.

(a) Except as may be specifically allowed by Code of Virginia, § 2.1-639.11(A)(2) and (3), no public employee having official responsibility for a procurement transaction shall participate in that transaction on behalf of the town when the employee knows that:

- (1) The employee is contemporaneously employed by a bidder, offeror or contractor involved in the procurement transaction; or
- (2) The employee, the employee's partner, or any member of the employee's immediate family:
 - a. Holds a position with a bidder, offeror or contractor, such as an officer, director, trustee, partner or the like, or is employed in a capacity involving personal and substantial participation in the procurement transaction, or owns or controls an interest of more than five percent;
 - b. Has a pecuniary interest arising from the procurement transaction; or
 - c. Is negotiating, or has an arrangement concerning, prospective employment with a bidder, offeror or contractor.

(b) This section prohibits officers and employees who have dealt in a procurement capacity with a particular firm from accepting employment with that firm for a period of one year from cessation of the public employment, unless the officer or employee provides written notification to the town council prior to the start of employment with such private firm.

(Code 1977, § 2-15-7)

State law reference—Similar provisions, Code of Virginia, § ~~11-74~~. **2.2- 4369**.

Sec. 2-330. Solicitation or acceptance of gifts.

(a) No public employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The town may recover the value of anything conveyed in violation of this section.

(b) Accordingly, the town may terminate, at no charge to the town, any purchase order or contract if it is found that substantial gifts or gratuities were offered to a town employee. The town may also take

disciplinary action, including dismissal, against a town employee who solicits or accepts gifts or gratuities of any value whatsoever.

(Code 1977, § 2-15- 7)

State law reference—Similar provisions, Code of Virginia, § ~~11-75~~. **2.2- 4371**.

Sec. 2-331. Disclosure of subsequent employment.

No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the town unless the employee or former employee provides written notification to the town or a public official if designated by the town or both prior to commencement of employment by that bidder, offeror or contractor.

State law reference—Similar provisions, Code of Virginia, § ~~11-76~~. **2.2- 4370**.

Sec. 2-332. Gifts by bidders, offerors, contractors or subcontractors.

No bidder, offeror, contractor or subcontractor shall confer upon any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

State law reference—Similar provisions, Code of Virginia, § ~~11-77~~. **2.2- 4371**.

Sec. 2-333. Kickbacks.

(a) No contractor or subcontractor shall demand or receive from any of his suppliers or his subcontractors, as an inducement for the award of a subcontract or order, any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, unless consideration of substantially equal or greater value is exchanged.

(b) No subcontractor or supplier shall make or offer to make kickbacks as described in this section.

(c) No person shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything of value in return for an agreement not to compete on a public contract.

(d) If a subcontractor or supplier makes a kickback or other prohibited payment as described in this section, the amount thereof shall be conclusively presumed to have been included in the price of the subcontract or order and ultimately borne by the town and will be recoverable from both the maker and recipient. Recovery from one offending party shall not preclude recovery from other offending parties.

State law reference—Similar provisions, Code of Virginia, § ~~11-78~~. **2.2- 4372**.

Sec. 2-334. Participation in bid preparation; submitting bid for same procurement.

No person who, for compensation, prepares an invitation to bid or request for proposal for or on behalf of a town shall (i) submit a bid or proposal for that procurement or any portion thereof or (ii) disclose to any bidder or offeror information concerning the procurement which is not available to the public. However, the town may permit such person to submit a bid or proposal for that procurement or any portion thereof if the town determines that the exclusion of such person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the town.

State law reference—Similar provisions, Code of Virginia, § ~~11-78.1~~. **2.2- 4373**.

Sec. 2-335. Purchase of building materials, supplies or equipment from architect or engineer.

(a) No building materials, supplies or equipment for any building or structure constructed by or for the town shall be sold by or purchased from any person employed as an independent contractor by the town to furnish architectural or engineering services, but not construction, for such building or structure or from any

partnership, association or corporation in which such architect or engineer has a personal interest as defined in Code of Virginia, § 2.1-639.2.

(b) No building materials, supplies or equipment for any building or structure constructed by or for the town shall be sold by or purchased from any person which has provided or is currently providing design services specifying a sole source for such materials, supplies or equipment to be used in such building or structure to the independent contractor employed by the town to furnish architectural or engineering services in which such person has a personal interest as defined in Code of Virginia, § 2.1-639.2.

(c) Subsections (a) and (b) of this section shall not apply in cases of emergency or for transportation-related projects conducted by the department of transportation and the Virginia Port Authority.

State law reference—Similar provisions, Code of Virginia, § ~~11-79~~. 2.2- 4374.

Sec. 2-336. Certification of compliance; false statements.

(a) The town may require public employees having official responsibility for procurement transactions in which they participated to annually submit for such transactions a written certification that they complied with this subdivision.

(b) Any public employee required to submit a certification as provided in subsection (a) of this section who knowingly makes a false statement in such certification shall be punished as provided in section 2-328.

State law reference—Similar provisions, Code of Virginia, § ~~11-79.1~~. 2.2- 4375.

Sec. 2-337. Misrepresentations.

No public employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing it to contain any false, fictitious or fraudulent statement or entry.

State law reference—Similar provisions, Code of Virginia, § ~~11-79.2~~. 2.2- 4376.

Secs. 2-338—2-380. Reserved

Town Manager Ritter spoke of the recent audit that was done in August. There was a recommendation from the auditors to make some changes in the current Town Ordinance. Town Manager Ritter recommended some changes in our ordinance in accordance with the state code. The committee discussed the proposed changes.

A motion was made for the proposed changes to go forward to the council on October 7, 2013. Councilman Taylor motioned, seconded by Councilman Muth. Motion approved unanimously.

3. Committee Member Comments

There were no committee comments.

Adjourn:

Councilman Taylor motioned, seconded by Councilman Muth to adjourn the meeting.