

Town Council

Public Hearing

March 21, 2013

St. Charles Parish Hall

6:00 P.M.

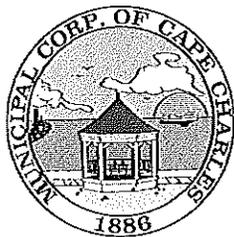
1. Call Public Hearing to Order; Roll Call

a. Read advertisement

b. Hear Public Comment on the following:

- i. Dissolution of the Joint Industrial Development Authority of Cape Charles-Northampton County which was created to serve as the financing vehicle for the Northampton-Accomack Memorial Hospital and subsequent medical facility construction needs. All bond obligations issued through this IDA have been fully paid.

2. Close Public Hearing



TOWN COUNCIL

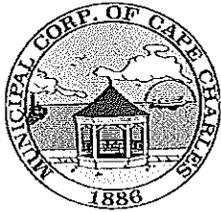
Regular Meeting

March 21, 2013

St. Charles Parish Hall

Immediately Following Public Hearing

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Recognition of Visitors / Presentations
 - A. Hugh Sharkey – Spay the Shore Presentation
 - B. FY 2014 Contribution Requests from Organizations
4. Public Comments (3 minutes per speaker)
5. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
6. Department Reports
 - *A. Treasurer's Report
 - B. Planning Commission and Boards
 - C. Other Departmental Reports
7. Old Business
 - *A. Dissolution of Joint Industrial Development Authority of Cape Charles-Northampton County
 - *B. Police Car – USDA Rural Development Financing
8. New Business
 - *A. Grounds Maintenance Service Contract Extension
 - *B. Water Softener Media Contract Award
 - *C. Cape Charles Memorial Library Exterior Painting and Repairs
 - *D. Contract for Demolition of Wastewater Treatment Plant
 - *E. Virginia Commission for the Arts Local Government Challenge Grant
 - *F. St. Charles Catholic Church Request for Handicap Parking Spaces
 - *G. Harbor Area Review Board – South Port Project
 - H. Request from Concerned Citizens for Cape Charles & Old School Cape Charles Partnership
9. Mayor & Council Comments
10. Announcements
 - April 4, 2013 – Town Council Budget Work Session, 3PM
 - April 5, 2013 – 6th Annual Blessing of the Fleet, 5:30 PM
 - April 11, 2013 – Town Council Budget Work Session, 6PM
 - April 18, 2013 – Town Council Regular Meeting, 6PM
 - April 25, 2013 – Town Council Budget Work Session, 6PM
 - May 4, 2013 – Crabby Blues Festival
11. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
February 21, 2013
6:00 p.m.

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Godwin, and Sullivan, and Councilwoman Natali. Councilmen Bennett and Wendell were not in attendance. Councilman Bennett submitted his comments regarding the agenda items prior to the meeting. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as the Department Heads and approximately 25 members of the public.

Mr. George Ferguson gave the invocation which was followed by the recitation of the Pledge of Allegiance.

CONSENT AGENDA:

Mayor Sullivan stated that she would like to move the Public Comment Period to the beginning of the meeting so any individuals wishing to speak regarding the Hotel Cape Charles could do so prior to the appeal hearing. Also, Item #7H - Cape Charles Community Band would be added under New Business.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan to approve the agenda format as amended. The motion was approved by unanimous consent.

PUBLIC COMMENTS:

Lenora Mitchell, 309 Tazewell Avenue

Ms. Mitchell addressed the Council stating that she had two questions regarding the letter from the Department of Historic Resources. Ms. Mitchell asked what was sold to Charon Ventures since the sales and purchase contract for the school was with Echelon Resources and what was the amendment to 15F of the sales and purchase contract and why was it amended to the effective date of the original contract.

Mayor Sullivan informed Ms. Mitchell that an update regarding the old school project was on the agenda and her questions would be addressed at that time.

Ms. Mitchell went on to talk about the court proceedings on January 25th and wondered why it had come to this. Ms. Mitchell continued to state that over the last several months much had been said and done and her disdain and resentment of the Council and decision-making staff had grown. Ms. Mitchell stated that each time she prayed, she asked for forgiveness for her trespasses but knew that she would not be forgiven if she could not forgive. Ms. Mitchell added that she forgave the Council from her heart and concluded by quoting Philippians 4:8.

Deborah Bender, 300 Fulcher Street

Ms. Bender gave a timeline of Bob Panek's career with the Town beginning as a consultant under Town Manager Tim Krawczel. Mr. Panek was named the interim Town Manager upon Mr. Krawczel's departure until Mr. Joe Vaccaro was named as the new Town Manager. Around that time, the position of Assistant Town Manager was created. Mr. Panek became the consultant. Upon Mr. Vaccaro's departure, the Assistant Town Manager was named the Town Manager. In September 2011, Mr. Panek became the Assistant Town Manager. Ms. Bender accused Mr. Panek of being

behind the giveaway of the 100-year old school. Ms. Bender went on to talk about the new wastewater treatment plan, stating that it was in the worst possible location and added that Mr. Panek was now going after the Town of Cheriton regarding treatment of their wastewater. Ms. Bender stated that inclusion of Cheriton and the highway would destroy Cape Charles. CVS or Rite Aid pharmacy would come and put Rayfield's out of business. A strip mall would come and destroy all the little shops in town. A hotel would kill the Bed & Breakfasts and soon Cape Charles would become a ghost town. Ms. Bender added that greed had killed the town before and greed would kill the town again. Ms. Bender concluded by stating that Mr. Panek, as president of the Citizens for Central Park, had refused to provide access to their financial records and wondered why.

Some of the members of the audience applauded. Mayor Sullivan reminded the attendees that the adopted citizen participation guidelines did not permit applause during the meeting. Mr. Don Bender continued making disruptive gestures and Mayor Sullivan asked him to stop.

Bill Prickett, 210 Tazewell Avenue

Mr. Prickett addressed Council stating that he had three items and continued as follows: i) The Hotel Cape Charles. Mr. Prickett stated that he thought there was a universal agreement that the hotel was a tremendous asset to the Town and that the hotel did not quite follow the rules in terms of their permit regarding the balconies. Mr. Prickett added that he thought the majority of people did not find the look of the hotel offensive but found it quite attractive. Mr. Prickett stated that he hoped Council would be able to craft a way to let the hotel continue to operate and to also prevent this type of situation from happening again; ii) The Library. Mr. Prickett stated that he was glad to see that it would be opening soon in the new building and added that he supported the recommendation to convert the old library into an annex which could be used as a center for community activities; and iii) Mr. Prickett stated that third item, the community band, was near and dear to his heart. Mr. Prickett continued to state that before he moved to Town, he had the idea of having a community band in Central Park thinking it would be a great addition to the landscape of the Town. The first rehearsal was scheduled for March 3rd at the Arts Enter. Mr. Prickett stated that he had a lot of support from people who wanted to play in the band and people who wanted to see this come to fruition and added that he hoped the Council would think favorably of his request for a small amount of money to help obtain a grant from the Virginia Commission for the Arts to purchase some band equipment, music and other items which were needed to get things going. Mr. Prickett also stated that he hoped Council would support them in finding a way to allow them the ability to take advantage of the State of Virginia surplus equipment.

At this point, Mayor Sullivan warned Mr. Bender that if he continued to make faces and stick his tongue out at her she would have him removed from the meeting. Mr. Bender proceeded to stick his tongue out again at the Mayor who ruled him out of order by gavel and had him escorted out of the meeting by Police Chief Brown.

Ned Brinkley, 124 Peach Street

Mr. Brinkley stated that he did not intend to speak but saw that almost nobody signed up to speak so felt that someone needed to say something nice about the hotel. It turned out that somebody already had and his comments were essentially the same. Mr. Brinkley continued to state that he was the general manager of the hotel and added that it was a real gold nugget. There was a hitch in terms of permitting the first year and he hoped that tonight, an agreement could be made on how the Town and hotel could move forward adding that there was a lot of good will toward the hotel in the community. Mr. Brinkley went on to state that he had lived in the Town for 16 years and was a former inn keeper and explained the differences in running his Bed & Breakfast which had a set of stairs in front, without a ramp or rooms on the ground floor to accommodate older guests or those with mobility impairments. B&Bs generally did not take children because they were more for adult getaways. The hotel had four rooms downstairs and a lot of great people, including those in wheelchairs, have stayed at the hotel. The hotel could also accommodate children and dogs, which helps with a positive economic impact to the Town. The sound of kids running around Town, on the beach and in the ice cream shop were nearly as good as when the Cape Charles Christian School

opened. Mr. Brinkley added that he was here when there wasn't a school and it was a big difference and felt more like a community. Mr. Brinkley stated that he was really proud to be part of the rejuvenation of the Town and was hopeful that this impasse could be resolved and everyone could have a great year. Mr. Brinkley concluded by thanking Council for their time.

Larry Veber, 507 Tazewell Avenue

Mr. Veber began by stating that he knew most of the people sitting at the table and behind him and that he wanted to take a different approach to what he had heard for many months. Mr. Veber stated that he wanted to talk about the three lawsuits and what had been happening to this town. Mr. Veber complimented the Mayor and Council for taking the high road and added that he thought they had done what they had to do and what they were elected to do. Mr. Veber commented on the incident that happened earlier this evening and the disrespect of the people that were part of the lawsuits. Mr. Veber expressed his concern about the money being spent in attorneys' fees and went on to ask why Old School Cape Charles didn't work with the Cape Charles Christian School when they were asking everyone for their assistance in raising money for the school. Mr. Veber stated that it was a sad situation when several people wanted to do nothing but cause problems in the Town and went on to ask how much the Town had spent in attorneys' fees to date, adding that he realized that the Town wasn't finished with the three lawsuits yet. Mr. Veber stated that he could see the tax rates going up to pay for the legal expenses. Mr. Veber also stated that the Town had an excellent group of people working for it and asked how many hours were spent on the lawsuits. Mr. Veber commented that he thought there was a lot of hatred on people's parts and reiterated to the Mayor and Council to continue to keep the high road and stay positive. Mr. Veber concluded by stating that there were a lot of people in Town, the quiet majority, that supported Council and there was one small group of people who were always complaining and stated again for Council to keep doing what they were elected to do and that was to consider the Town's interest first.

Town Clerk Libby Hume read letters from Ms. Marta Rose and Mr. William Burnett, Northampton High School Director of Bands. (Please see attached.)

There were no other public comments to be heard nor any other written comments submitted prior to the meeting.

RECOGNITION OF VISITORS / PRESENTATIONS

David Gammino - Hotel Cape Charles - Appeal of Historic District Review Board Decision

Mr. Gammino thanked Council for accepting the documents that he submitted last week explaining the basis of the appeal for the determination of the Historic District Review Board and their interpretation of the Historic Guidelines and that the hotel was appropriate in relation to the guidelines. Mr. Gammino began by apologizing to the Town Code Officials because there had been a lot of criticism directed toward the Building Inspector and Zoning Administrator. The criticism was unfounded and inaccurate. Mr. Gammino stated that as a general contractor and developer, he had done a lot of projects in a lot of different localities in the State of Virginia and the Cape Charles Code Official was one of the most fastidious code officials that he had ever encountered. The official was on the job daily and his interpretation of the Code was strict. Mr. Gammino added that the building that he inherited was not inspected in the same manner. Mr. Gammino stated that the Code Officials bore no responsibility for this situation. Mr. Gammino explained his commitment to the hotel and the Town and expressed how important the hotel was to him and his family. Mr. Gammino stated that he had no background in hotels and admitted to making mistakes along the way and that he was still in the process of correcting those mistakes, the biggest of which was not resubmitting the changes to the design of the building. Mr. Gammino apologized and explained that it happened because he was trying to open the hotel by May 2012 and to stop the project at that point to go through another review process at that time would not have permitted him to open the hotel last summer which would have been devastating given the fact that the project was over twice the original budget of \$1M. Mr. Gammino stated that he respected the decision of the Historic District Review Board and understood why it was not well-received by the Board in that it was different from what the Board typically saw and it was modern. Mr. Gammino stated that he

wanted an opportunity to elaborate on how and why the design was appropriate with the National Park Service Guidelines, upon which the Cape Charles guidelines were based, and if the guidelines were interpreted as they were intended, when it came to new infill construction, the hotel was entirely appropriate within the Historic District and helped tie together the different elements along Mason Avenue. Mr. Gammino added that he understood and accepted that there should be a repercussion for choosing the path that he did but trying to place iron rails on the building was not a plausible solution. The hotel was an amazing success in its first season, had exceeded his expectations in every way and had had a profound economic impact to the Town. Mr. Gammino stated that in the twelve years of being in development and a general contractor, this was unequivocally the project of which he was most proud. The building was beautiful and the accolades received had been the most rewarding feedback that he had ever received. Mr. Gammino concluded by stating that he was immensely proud of the project and that it was in Cape Charles and hoped, respectfully, that the Council could find a way to allow him to maintain what so many people believed to be a beautiful design and take any other actions that the Council felt appropriate.

Vice Mayor Bannon stated that he was awed at the building and wanted the hotel to go forward and be successful. Mr. Gammino did a spectacular job and the hotel was an asset to the Town. No matter what the decision, Council would be criticized.

Mayor Sullivan stated that Mr. Gammino put the Council in a terrible position.

Councilwoman Natali stated that she liked the building. At first, when the plywood was removed, she was surprised but after a while, it seemed to blend in with the remainder of Mason Avenue. Many of the people that were outraged at the initial unveiling now stated that they liked the look of the building. One of the requirements of the Historic District Guidelines stated that additions must look like an addition and not part of the genre of the original building and asked Town Planner Tom Bonadeo for clarification. Tom Bonadeo stated that if there was a historic structure, things that were added later needed to look like it was added separately and in this case, this building was not a historic restoration because there was nothing left of the historic hotel except the rounded brick window in the bottom and other pieces of brick which were the only items left from the original McCarthy Hotel. Councilwoman Natali went on to state that she felt Council had several options: i) Deny the appeal and send it back to the Historic District Review Board but added that she was not in favor of this option because she felt the hotel was an asset to the Town. One of the objectives of Council was to move the Town forward; ii) Have the issue be taken to court but that required legal fees, court costs and was a waste of our time and money; and iii) Assess the costs to the Town for public notices and staff time to deal with this issue, which was approximately \$1,500, and grant the Certificate of Appropriateness. Councilwoman Natali stated that she did not want to encourage other businesses, developers or property owners to do something similar with the feeling that they could get away with it. There had to be rules and guidelines to be followed. Councilwoman Natali concluded by stating that she was in favor of assessing a fine for the cost to the Town for the process of the appeal.

Councilman Godwin stated that he understood Mr. Gammino's concerns and the concerns of the Historic District Review Board and their position in dealing with future applications but he could not, in good conscience, go against what had been done at the hotel and added that he was in favor of moving forward.

Councilman Sullivan stated that he never felt the building was inappropriate and that he liked the structure. Council was being placed "between a rock and a hard place" in this situation. There were misunderstandings and design changes that were made without anyone being notified. Councilman Sullivan expressed his agreement with Councilwoman Natali's comments. The Town spent money in legal fees, advertising fees and staff time and Mr. Gammino should be held responsible for paying the costs. If Mr. Gammino was agreeable to paying the costs to the Town, the Town should issue the Certificate of Appropriateness so Mr. Gammino could obtain the Certificate of Occupancy for the hotel.

Mr. Gammino stated that he felt it was appropriate to pay the Town's expenses regarding this matter since he caused the situation.

Mayor Sullivan stated that Council considered the following items: i) Review the design on its own merits and decide whether additions of railing would make the building be, or appear to be, more historic; ii) Review the Certificate of Appropriateness process and the applicant's failure to execute the original plan as approved; iii) Council could find the existing work to be compatible with the guidelines and the process not in accordance with the Ordinance. The ordinance allowed for conditions to be applied by Council similar to the case of a conditional use permit. A condition could be applied to reimburse the Town for the cost of the appeal process to include advertising, copying and staff time which was approximately \$1,500; and iv) The Ordinance stated that anyone violating any provision of the Ordinance should be guilty of a Class IV misdemeanor and if found guilty, should be subject to a fine of not less than \$10 and not more than \$250. This would require legal fees, court costs and time. Mayor Sullivan stated that in her opinion, Council could select the third item.

Motion made by Councilwoman Natali, seconded by Councilman Godwin, to grant the Certificate of Appropriateness with the condition that the Town be reimbursed for the cost of the appeal process. The motion was approved by unanimous vote.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the January 10, 2013 Executive Session, the January 10, 2013 Public Hearing, the January 10, 2013 Regular Meeting, the January 24, 2013 Special Meeting, the February 7, 2013 Public Hearing and the February 7, 2013 Special Meeting.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to approve the minutes from the January 10, 2013 Executive Session, the January 10, 2013 Public Hearing, the January 10, 2013 Regular Meeting, the January 24, 2013 Special Meeting, the February 7, 2013 Public Hearing and the February 7, 2013 Special Meeting as presented. The motion was unanimously approved.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Treasurer Kim Coates reviewed the Treasurer's report dated January 31, 2013 which showed \$231,326 in the Bank of America account, \$978,378 in the Shore Bank account, \$68,429 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,133 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$1,701,267. The report also showed Total Cash Held in Reserve at \$356,014. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$207,831 more was collected in FY 2013 as of January 31st with increases noted for license, meals tax, transient occupancy, personal property taxes and real estate taxes. It was noted that the personal property totals were being researched and adjustments would be made moving amounts collected for previous years' taxes to the appropriate category. New billings would also be sent for delinquent real estate and personal property taxes. Kim Coates also reviewed the revenues vs. expenditures and the capital improvement projects. A report showing the total value, total budgeted tax revenue, total of bills mailed, total of collections and total outstanding for real estate and personal property taxes as of January 31, 2013 was reviewed. Kim Coates noted that \$20,412 had been processed via credit cards since new credit card swipers were installed on November 20, 2012. Councilwoman Natali asked whether the credit card payments for the Building Department could be separated from payments taken in the Finance office for future reports. The report detailing the dollars spent to date on the new library building was reviewed.

Heather Arcos stated that the land book from Northampton County showing the updated real estate assessments was expected in early March and would be reviewed during the budget work sessions.

Vice Mayor Bannon asked if there had been any further discussion with the County regarding semi-annual billing for taxes. Heather Arcos stated that the County would be discussing this issue for real estate taxes and would be notifying the Town of their decision. Councilwoman Natali added that the County's policy in the past allowed citizens to pay 50% of their real estate taxes in June and the remaining 50% in December based on the prior years' assessments.

Heather Arcos stated that upon receipt of the County's decision regarding semi-annual tax billing, the Town would review the information and research the impact to the Town to possibly follow suit.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to accept the Treasurer's Report as submitted. The motion was approved by unanimous consent.

B. *Planning Commission and Boards:*

Town Planner Tom Bonadeo reported the following: i) Work was progressing on the new library building and much of it was being done by volunteers – the Friends of the Library, Ralph Orzo, Jim Weiner, Bob Panek and himself; ii) Several months ago, several items were reported to the Army Corps of Engineers as a result of Hurricane Sandy. It seemed that the emergency funding requirements were moving forward for the maintenance dredging of the Harbor, additional stone required to prevent overtopping of the jetty, and repair of the rock revetment along the north shore of the Harbor; and iii) He attended a Climate Change Meeting and the group would be scheduling a public input session in the future regarding sea level rise. Our ground was also sinking. The City of Norfolk had seen a 12" change in sea level in the last 100 years and we were in a similar predicament.

Councilman Godwin asked whether the flood zone maps had changed. Tom Bonadeo responded that FEMA created the flood maps in 1988, and the National Oceanic and Atmospheric Administration (NOAA) would be releasing new maps and upon receipt, the Town would schedule a seminar for all residents to review the effect of the changes.

Councilman Godwin asked whether the proposed expansion of wave attenuators would affect the area where the barges came into the Harbor. Tom Bonadeo stated that the location for the wave attenuators would not affect the barge traffic.

C. *Other Departmental Reports:*

Town Manager Heather Arcos reported the following: i) The heating system in the current library had failed last week but had been repaired as of today; ii) The fishing pier repairs would be done next week and staff was hoping to have the pier reopened by April 1st; iii) Dave Fauber was working with VDOT regarding the sidewalk repairs along Mason Avenue. Business owners would be kept apprised of the progress; iv) An appeal and complaint against the Town had been filed with the Northampton County Circuit Court on February 4th regarding the bathrooms in Central Park. Construction of the bathroom facility was stopped until the appeal could be heard; v) There would be a closed session immediately following the regular meeting tonight regarding the W. M. Schlosser contract and litigation on the Central Park Bathroom Facility; vi) The bids to paint the exterior of the current library were being reviewed; and vii) The Town had been working under a consent order from the Department of Environmental Quality (DEQ) since September 27, 2010 regarding Inflow and Infiltration (I&I) into the collection system for the wastewater treatment plant. The consent order had been closed due to the outstanding jobs done by Dave Fauber, Bob Panek and the Utility Department with all their hard work with the new wastewater treatment plant.

There were no other questions regarding any of the monthly Departmental Reports.

NEW BUSINESS:

A. Library Board Recommendation:

Heather Arcos stated that a recommendation was received from the Cape Charles Memorial Library Board to designate the current library building as a Library Annex to be used for showing movies, recreational activities for children and adults, meetings and other community and library-related activities. The library movie licensure covered only the library and other designated library buildings. Another letter was received from the Friends of the Cape Charles Memorial Library supporting the Library Board's recommendation. The future of the current library building was being reviewed by the Community Needs Advisory Committee and their recommendations would be presented to Council when received. There would be further discussion regarding the future of the building and Council priorities during the Budget Retreat.

B. Dissolution of the Industrial Development Authority of Cape Charles-Northampton County:

Mayor Sullivan stated the Industrial Development Authority (IDA) of Cape Charles-Northampton County was created by resolution on June 5, 1972 to administer the bond financing for Shore Memorial Hospital and Heritage Hall until the bond debt was retired. County Administrator Katie Nunez had reviewed the entire outstanding bond obligations and could not locate any outstanding bond obligations. Ms. Nunez had recommended holding a public hearing to dissolve the body since it corresponded with how the body was created.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to schedule a public hearing to dissolve the Industrial Development Authority of Cape Charles-Northampton County prior to the March Council meeting. The motion was approved by unanimous consent.

C. Cape Charles School Project Update:

Heather Arcos reported the following regarding the Cape Charles School Project: The sale of the former school property was finalized on December 20, 2012; ii) A letter dated February 1, 2013 was received from the Department of Historic Resources (DHR) regarding the Continuation/Amendment sheet for the Part 2 application that was submitted in response to the DHR letter of November 1, 2012. Charon Venture's Tax Credit Consultant had continued to work with the DHR to get these issues resolved; iii) The Town had notified DHR that the sale of the property was finalized on December 20, 2012 and all future letters would be addressed to Charon Ventures with a copy to the Town; iv) Due to the rescheduling of the hearing for the two lawsuits from Old School Cape Charles, LLC (OSCC) from December 17, 2012 to January 25, 2013, and upon request of Mr. Kevin Martingayle, attorney for OSCC, to delay commencement of any structural or physical work to the building until the legal issues were resolved in court, Charon Ventures agreed to postpone commencement of work on the building until after the hearing and at the January 10, 2013 meeting, Council granted an extension to start the 90-day period for commencement of construction on January 25, 2013. Charon Ventures was currently working on their plans for submission to the Building Department for permitting as well as their application for review by the Historic District Review Board; v) The hearing regarding the two lawsuits from OSCC was held on January 25, 2013 and the Town was awaiting Judge Lewis' decision which would be provided in writing; and vi) The first amendment to the sale and purchase contract with Charon Ventures, LLC was finalized on February 8, 2013. Section 15(F) was amended as of the Effective Date of the Contract to clarify the intent and agreement between the parties and removal of the clause in reference to low income housing.

D. Harbor District Density - Direction for Planning Commission:

Tom Bonadeo stated that the Planning Commission was working on the methodology for quantifying the density in the Harbor District. The Commission recommended the use of Floor Area Ratio (FAR), a proven methodology to measure the total amount of development on a parcel not just the residential units. FAR took into consideration the massing, height, parking,

etc. The Commissioners wanted to make sure they were heading in the right direction before continuing their work on this issue and were requesting direction from the Town Council. The implementation of FAR would require the following to take place: i) The areas around the Harbor should be delineated in the ordinance so FAR could be applied to each area differently. The Harbor Area Conceptual Master Plan was part of the Comprehensive Plan and described the areas, especially the area adjacent to Mason Avenue; ii) These areas should have elevation requirements applied differently. The south side of the Harbor should be higher and the properties along Mason Avenue should be lower in better relationship to the existing buildings. The height averaging should be eliminated along Mason Avenue in favor of "broken" elevation; iii) Parking at levels other than ground level would count as developed floor space; iv) A FAR table would be created with smaller ratios along Mason Avenue and larger ratios on the south side of the Harbor; and v) Existing lots bordering Mason Avenue and the Harbor would be defined as separate zones. There was some discussion regarding FAR and several of the Council requested a work session with the Planning Commission to go over the FAR concept in more detail so Council could better understand the concept.

Motion made by Councilman Sullivan, seconded by Vice Mayor Bannon, to direct the Planning Commission to continue with the Floor Area Ratio concept and schedule a joint work session with the Planning Commission for the Council to further review information regarding Floor Area Ratio. The motion was approved by unanimous consent.

E. *Resolution Supporting the Cape Charles Access Road:*

Heather Arcos stated that in 2010, the Town Council and Planning Commission reviewed information regarding the Economic Development Access Program administered by VDOT which was a program to roads to industrial properties. There had been renewed interest in the development of the access road which would provide much needed highway access connecting the sea-lane shipping/rail-based shipping facilitated by the railroad and deep water harbor with the Route 13 highway corridor. With the Town of Cape Charles, Northampton County, the Virginia Port Authority, South Port Investors, Bayshore Concrete, Bay Creek and other stakeholders with interest in the Cape Charles Harbor working together, a more targeted, business ready approach could attract and capture opportunities for the area. The Northampton County Board of Supervisors previously adopted the County's Secondary Roads Six-Year Plan for FY 2013-2014 and Improvement Priorities List for FY 2012-2013 which designated the upgrade of Route 642. At their February 14, 2013 meeting, the Board of Supervisors passed a resolution in support of the construction and implementation of the Cape Charles Harbor Access Road Project as a more efficient use of existing resources than the upgrade of Route 642 as currently designated. There was some discussion regarding the proposed location of the access road and Tom Bonadeo explained that it would use a portion of the area designated for the Bay Creek Parkway extension, along Route 642 and across property owned by South Port Investors providing direct access to South Port and Bayshore Concrete.

Motion made by Councilman Godwin, seconded by Councilwoman Natali, to adopt Resolution 20130221 - Supporting the Cape Charles Harbor Access Road Project. Mayor Sullivan read Resolution 20130221. The motion was unanimously approved by roll call vote. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes.

F. *Virginia Port Authority Grant Request:*

Heather Arcos stated that last year, the Virginia Port Authority (VPA) approved a \$500K grant requested by the Town for Phase 3 of the offshore breakwaters. The estimated project cost was approximately \$800K, with Phases 4 and 5 estimated to be at least another \$1.2M. Town staff met with private stakeholders in the harbor but no commitment of private funds had been made for this project. Last month, Council authorized the Mayor to request a carryover of the existing \$500K grant for protection of the harbor.

Town staff had been working with South Port Investors to develop an alternative approach for protecting the inner harbor from waves and swells by installing wave attenuators (floating breakwaters) on both the north and south sides of the harbor. Discussions with Bayshore Concrete, the Coast Guard and the Army Corps of Engineers were being scheduled. As briefed to Council at the January 24th Work Session, an additional benefit of this project was creation of a basin on the north side of the harbor in front of the Shanty restaurant. Twenty-three additional docking spaces could be created in this area by the addition of another section of floating dock. The estimate for this project was approximately \$100K and could be funded by a new \$75K VPA grant with a \$25K Town match, which had been verbally pledged by South Port. Heather Arcos went on to state that she and Harbor Master Smitty Dize met with the VPA on February 19th and briefed the VPA regarding this approach.

Councilwoman Natali asked why the Town was only asking for \$75K for this project and suggested a request for a larger amount to be prepared for unforeseen expenses related to this project and any additional funds could be used toward the breakwater project. Smitty Dize explained that the percentage of the Town match increased significantly if the grant amount was over \$500K. This \$75K grant request was being submitted as a separate project to build additional floating docks. These types of floating docks were always needed so smaller slips could be created to accommodate 20' to 30' boats which comprised the majority of the waiting list.

Motion made by Councilman Godwin, seconded by Councilwoman Natali, to authorize the Mayor to send a letter to the Virginia Port Authority requesting an additional grant of \$75,000 as discussed. The motion was approved by unanimous consent.

G. *Mayors' Recommendation to Northampton County:*

Mayor Sullivan stated initially a group was formed to stop the move of Riverside Shore Memorial Hospital and added that she declined to join this group and opted to form another group to develop an alternative plan to keep emergency services in Northampton County. The loss of services was critical to the residents of Northampton County and some factors to be considered were i) The time elapsed from the time of injury was critical and the "golden hour" referred to the first hour from incident to treatment, during which, if treatment was received, the chance of survival was greatly increased. The move of the hospital greatly decreased the chances that many of Northampton County's residents could obtain care within the golden hour; ii) Traumatic injuries were more common in rural areas and residents face worse outcomes and higher risk of death than urban patients due to lack of ready access to emergency services; iii) The median age of residents within the County rose 12% since the last census to just over 47 years of age; iv) Any efforts to attract a continuum of care facility would be unsuccessful without an emergency department in the County. This would eliminate a potential economic opportunity and further dampened the housing market in the County; v) Retirees and buyers of second homes would not consider Northampton County an attractive place to settle if adequate emergency services were not available; and vi) Attracting new businesses, entrepreneurs or individuals interested in telecommuting would be more difficult with the lack of adequate emergency services. A letter was sent to the Mayors and Town Managers of the incorporated towns in Northampton County requesting their support in the recommendation to the County for the development of a Request for Proposal by Northampton County to secure a freestanding emergency department. Responses had been received from the Towns of Exmore, Eastville and Cheriton. The Nassawadox Town Council would be reviewing the letter at their February meeting. Mayor Sullivan stated that this would benefit all of us and asked Council for their support.

Motion made by Councilman Godwin, seconded by Councilman Sullivan, to authorize the Mayor to submit the letter to Northampton County for consideration as discussed. The motion was unanimously approved.

H. *Cape Charles Community Band:*

Heather Arcos stated that a letter was received from the Citizens for Central Park (CCP) requesting the Town's support for the Cape Charles Community Band whose goal was to provide free weekly, family friendly concert performances in Central Park during the summer and at other events. The target for its first performance was Memorial Day weekend. Benefits to the Cape Charles community would include: i) Supporting tourism, local merchants, restaurants, hotels, B&Bs and vacation rental owners by adding a free, family friendly draw for visitors each week; ii) Preserving an American tradition of community bands; iii) Utilizing Central Park for public events, building on prior grants; iv) Fostering appreciation of traditional musical composition and performance; v) Encouraging inter-generational activity and learning; vi) Supporting the Northampton County school system music program; vii) Enhancing the "Cape Charles By the Bay ... Harbor for the Arts" brand; and viii) Providing a source of pride in the community. CCP agreed to apply for a \$1K from the Virginia Commission for the Arts for the purchase of musical instruments. The grant required a 100% match. The CCP would be providing \$500 toward the required match and requested that the Town co-sponsor the Community Band and provide \$500 toward the match. The grant would become available July 1, 2013, so the \$500 Town match would be included in the FY2014 budget. The Commonwealth of Virginia also had surplus equipment, including musical instruments, available to certain approved entities such as local governments. If the Town agreed to be a co-sponsor, musical instruments may be available from time to time at greatly reduced prices. When the CCP was organized in early 2000, a community band was part of their vision.

Heather Arcos added that the letter from the CCP included two other requests for funding assistance for holiday lighting and building landscaping. These requests would be reviewed during the budget work sessions.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to co-sponsor the Cape Charles Community Band along with the Citizens for Central Park and pledge \$500 of matching funds in the upcoming budget towards the Virginia Commission for the Arts grant. The motion was approved by unanimous consent.

OLD BUSINESS

A. *Public Service Authority & Regional Wastewater System:*

Assistant Town Manager Bob Panek stated that the Northern Node (Exmore and Nassawadox medical community) was currently on hold until plans for the Riverside facilities were disclosed. The Public Service Authority (PSA) provided a presentation to the Northampton County Board of Supervisors (BOS) on January 8th and presented financial options for implementing the system. The PSA decided to explore a more limited service area focused on the commercial properties around the Route 13 and Route 184 intersection. The preliminary estimate for this project was between \$1.5M to \$2M. The objective would be to fund the first phase of the Southern Node primarily with private capital contributions from the commercial property owners. The BOS requested the PSA to provide a recommendation on the financing approach as well as estimates to extend the system to the Webster property and the Town of Cheriton. A special tax district was under consideration which would add 50¢ to the tax rate for this area. The PSA Board met earlier this week and approved sending the recommendation to the BOS.

B. *Our Town Project:*

Bob Panek stated that the original "Our Town" project budget of \$175K was based on receiving a \$75K grant from the National Endowment for the Arts (NEA). The \$25K grant shortfall had been made up principally by obtaining a total of \$15K in additional grants - \$5K from the Virginia Tourism Commission and Virginia Commission for the Arts, and \$10K from the Virginia Tourism Commission. These grants were supported by \$11,450 of cash matches and about \$10K of marketing support by various organizations. This effort was spearheaded by the Arts

Enter and the Cape Charles B&B Association. \$26,450 was allocated for implementation of a "Cape Charles by the Bay ... Harbor for the Arts" tourism website and a marketing campaign. Development of the website was underway by Ciniva of Virginia Beach. The new website should be operational by the end of March. A \$22K contract modification was negotiated to piggy-back the "Arts Walk" planning efforts on the Land Studio contract for the next phase of the community trail. This effort would begin in the spring and included engaging the community on ideas to link existing performance spaces and create additional spaces such as the Strawberry Street plaza. The final product would be reflected as a modification to the Cape Charles Master Trail Plan. The first event under the Our Town project was "A Magical Weekend in Cape Charles" which included the Cookie Trail by the B&B Association, Santa's House by the Cape Charles Christian School, the Grand Illumination by CCP, and the movie "It's a Wonderful Life" by Arts Enter. Additional events were being planned for this year, including: i) A Pirates & Wenches festival would be held in June during the Tall Ships weekend; ii) A two-week Arts Festival in August beginning with the Clam Slam & Boat Docking Contest and would include workshops in sound, dance and film. There would be a series of musical performances in Central Park, at the beachfront Pavilion, on Strawberry Street and in the Palace Theatre; and iii) An Oktoberfest celebration would be held in conjunction with the Annual Eastern Shore Birding and Wildlife Festival in October.

MAYOR AND COUNCIL COMMENTS

Mayor Sullivan stated that she did not have any additional comments.

Councilwoman Natali stated that the Friends of the Cape Charles Memorial Library Gala Fundraiser for the new library was being held on Saturday evening from 6:00 p.m. – 8:00 p.m. at 201 Mason Avenue. Tickets were \$25 per person or \$50 per couple. Tickets could be purchased from her, Sullivan's Office Supply and Rayfield's Pharmacy. Mayor Sullivan added that there were not many tickets left.

Councilmen Godwin and Sullivan stated that they did not have any additional comments.

ANNOUNCEMENTS

- February 23, 2013 – Friends of the Cape Charles Memorial Library Gala Fundraiser, 6PM
- February 28, 2013 – Town Council Budget Retreat, 12PM – 6PM
- March 7, 2013 – Town Council Work Session, 6PM
- March 14, 2013 – Town Council Budget Work Session, 3PM
- March 21, 2013 – Town Council Regular Meeting, 6PM
- March 28, 2013 – Town Council Budget Work Session, 6PM

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adjourn the Town Council Regular Meeting. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk

**Town Council Regular Meeting
February 21, 2013
Comments Provided in Writing**

Marta Rose, Latimer's Bluff

I would like to request that a town resident be recognized for the time, effort and endless volunteer hours that she gives of herself not only to the Cape Charles Christian School but any event in the Town when she has been asked. Jenni Potts will be relocating to New Orleans this summer; her commitment and support to the town and county residents will be sorely missed. I believe some kind of recognition would be appropriate.

William Burnett, Northampton High School Director of Bands

I wish I could be there to speak to you in person, but I am tonight going to be performing with my students at Northampton High School at the exact time of this meeting.

As a music teacher, I find it critically important that music finds its way to take root in its community. As a resident of Cape Charles, a center for arts and entertainment on the eastern shore, I find it important to add instrumental musicianship to the broad skills and abilities of our artistic community. Being the band director of Northampton High School gives me a unique perspective in terms of watching instrumentalism grow in our community. Right now band is at a critical stage, so few students live in our county, and my band of thirteen high school aged students does not provide my students with the kind of experience a large ensemble can give, such as participation in a community band. The educational benefits this band could provide for the students with the skill to perform at this level are unsurpassed by any that I can provide within the limitations of a classroom. Performances in this band would even give students community service hours, required for honors societies, and for graduating Northampton High School. I strongly urge you, council members, to support music education in these few weeks before music education month (March) by helping to fund the Cape Charles Band.

Sincerely,
William Jason Burnett
Director of Bands,
Northampton High School

DRAFT



DRAFT
TOWN COUNCIL

Executive Session
Town Hall

February 21, 2013

Immediately Following Regular Meeting

At approximately 8:05 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Godwin and Sullivan, and Councilwoman Natali. Councilmen Bennett and Wendell were not in attendance. Town Manager Heather Arcos and Assistant Town Manager Bob Panek were also in attendance.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of:

Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Specifically: A. W. M. Schlosser Contract

B. Central Park Bathroom Facility Litigation

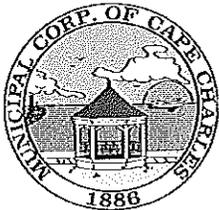
Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to return to Open Session. The motion was approved by unanimous consent.

Motion to certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adjourn the Town Council Executive Session. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk



**DRAFT
TOWN COUNCIL**

Budget Retreat

Town Hall

February 28 2013

12:30 PM

At 12:35 p.m., Vice Mayor Chris Bannon, having established a quorum, called to order the Town Council Budget Retreat. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Sullivan and Wendell and Councilwoman Natali. Councilman Godwin arrived at 2:00 p.m. Mayor Sullivan was not in attendance. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Treasurer Kim Coates and Town Clerk Libby Hume. Town Planner Tom Bonadeo and Public Works/Public Utilities Director Dave Fauber arrived at 3:00 p.m. Chief of Police Charles Brown arrived at 4:30 p.m. There was one member of the public in attendance.

FY 2014 Medical Insurance Review

Treasurer Kim Coates presented the changes to the Town's health benefits including Anthem health insurance, Delta Dental, short term disability through Anthem Life Insurance, Anthem Employee Assistance Program, life insurance and retirement through the Virginia Retirement System, and PrimeFlex a flexible spending account. Kim Coates added that the national average increase for healthcare benefits was 12%, but the Town's group costs increased by approximately 19% due to some large claims filed during the coverage year. Staff recommendation regarding the Town's portion of the health benefits was to keep the amount level with FY 2012/2013. Heather Arcos asked for a consensus from Council, who all agreed with the staff recommendation.

Vice Mayor Bannon asked if Council could participate in the Town's health insurance as part of the group for a possible savings in their health care premiums. Vice Mayor Bannon clarified that he did not want the Town to pay for their insurance, but the opportunity for Council members to participate in the group plan, if possible. Kim Coates stated that she would check with the Town's insurance advisor.

FY 2013 7-Month Budget Review:

General Fund

Heather Arcos stated that much of the information regarding the current budget was provided on the monthly Treasurer's Report during the regular Council meetings.

The revenue report showed that 91% of the budgeted revenue had been collected to date compared to 82% collected at this time in FY 2012. The auditors were currently reviewing the FY 2012 financials and some minor adjustments may be made. The revenue report included funds from general property taxes, other local taxes, building permits and fees, fines and forfeitures, use of money and property, charges for services, recovered operating costs, grant revenue, loan proceeds and miscellaneous revenue.

The expenditure report showed that 68% of the budgeted expenses were used to date compared to 65% expended at this time in FY 2012. Departments included in the General Fund were Mayor and Council, Town Clerk, Town Manager, Finance, Police, Code Enforcement, Public Works, Parks and Recreation, Library, and Town Planner. It was noted that most departments were on target. The Town Manager budget showed expenditures at 130% and included unbudgeted legal expenses and the acquisition of the Bank of Building. The cost of the acquisition of the bank building will be moved to Debt Service since it was funded by a bond for capital projects. The Police Department budget included police academy training for a new officer and increased fuel costs.

The FY 2013 legal expenses were reviewed showing a total of \$125,579.75 paid through January 31, 2013. Heather Arcos explained that the legal expenses would be much higher if the Town did not have the Public Officials Insurance through the Virginia Municipal League.

The revenue and expenditure reports for the Public Utilities, Harbor and Sanitation Funds were also reviewed.

Davenport & Company

Mr. David Rose from Davenport & Company gave a presentation to the Council regarding the Town's debt profile and capital needs. Mr. Rose informed Council of the potential opportunity to refinance the two Water and Sewer Fund Rural Development loans for debt service savings without increasing the current term. Refinancing the current Rural Development loans could potentially save the Town over \$230K in debt service over the term of the loan. Mr. Rose provided information on new loans possibly for the next phase of breakwater at the Town Harbor and/or the Master Trail Plan. Mr. Rose stated that Cape Charles was in good shape in regards to its debt service vs. expenditures with approximately 5¢ of every dollar designated to debt.

Mr. Rose explained that Davenport & Company served as financial advisor on approximately 30 both Northampton and Accomack Counties.

Review of Council Priorities from January 28, 2011

Heather Arcos updated Council on the status of the list of priorities from the January 28, 2011 Town Council Retreat. Several projects were still in progress and were not moving along as quickly as desired due to the lack of staff and time to devote to the projects. These projects included an updated compensation study, review and update of the Comprehensive Plan, and update of the procurement policies which were currently more restrictive than the State Code. Several of the Council suggested outsourcing some of these projects to outside companies because the staff involved in these projects were overloaded and would not have time to dedicate to completing the projects in a timely manner.

Updates were given on the status of some of the vacant buildings in Town and Capital Investment Plan projects that were noted in 2011.

Preliminary FY 2014 Capital Improvement Project – Five Year Projection

Heather Arcos stated that the Town was expecting the County Land Book with the reassessments mid to late March and that the Town would have to equalize the tax rate.

The preliminary capital improvement projects were reviewed by fund. Under the General Fund, the projects reviewed included: the basketball court (full size), Comprehensive Plan Update, Doggie Park which was rated as a low priority by the majority of Council, 5 Dune Crossovers, a Gator for Public Works, handicap access to the north end of the beach which could possibly be done as part of the multi-use trail, jetty improvement, new library building, current library building renovations, alley access for the 200 block of Mason Avenue, replacement police vehicle, replacement of the fishing pier, public parking on Town owned lots, a new sidewalk from Heritage Acres into Town, sidewalk improvements, storm water management, and storm drains – closed circuit TV recordings. Under the Water Fund, the projects included: emergency generator for the water plant, fence around the water tower, backwash vault design and construction, and replacement floor. Under the Sewer Fund, the projects included: replacement backhoe, replacement of 3 pump stations to meet current regulations, comminutor/grinder for Mason Avenue, and I&I compliance manhole repairs. Under the Harbor Fund, the projects included: floating docks, site work and walkways for the West Dock which would be funded by the Virginia Port Authority Grant, and wave attenuators.

Heather Arcos asked Council whether they had any other possible capital projects to discuss. Councilwoman Natali asked about Wi Fi for the Town. Heather Arcos responded that a Request for Proposals (RFP) was being prepared regarding vendors to provide wireless internet access to the Town's residents. The RFP would be advertised soon.

Future Budget Work Sessions

Heather Arcos stated that the next Budget Work Session was scheduled for March 7, 2013 beginning at 6:00 PM at the Town Hall. The General Fund Departmental Budgets would be reviewed for Code Enforcement, Planning, Recreation, Finance, Town Clerk and Legislative. The personnel and benefits lines would not be reviewed at that time but would be discussed in detail at an upcoming executive session. Staff was working on a utility rate study evaluating the rates based on operations and the close-out of the wastewater treatment plant construction contract.

Heather Arcos distributed the updated Town Organization Chart explaining that Andrew Spencer left his full-time position in the Public Works Department and moved back to the Harbor as a part-time Harbor Assistant. The Draft Department Work Plans, which were included in the packet for this Retreat, were working documents and would be updated as needed. Still under consideration was the reorganization of the Public Works and Public Utilities Departments. Since 2005, Dave Fauber had been working as the Director for both departments but it was very difficult for him to continue in this capacity with the work load for these two departments.

Other

Councilman Godwin stated that several questions were posed by the public to Council at the last Council meeting: i) Lenora Mitchell had questions regarding the contract amendment and letter from the Department of Historic Resources. Heather Arcos stated that she planned to call Ms. Mitchell to see if her questions were answered to her satisfaction during the meeting; ii) Larry Veber asked about the legal fees incurred by the Town. Kim Coates stated that he would be provided a copy of the report reviewed by the Council earlier during this meeting; iii) The statement that the Town had not held a public hearing regarding the density issue being reviewed by the Planning Commission. Bob Panek stated that the Mayor had asked Town Planner Tom Bonadeo to address this issue during the meeting and it was explained that nothing had been done yet regarding the issue so it was premature to go to public hearing. Once the Planning Commission reached a consensus for a recommendation to Council, public hearings would be held. Councilman Godwin also noted that many of the individuals addressing the Council during the public comment period, left before Council could address their issue during the regular meetings.

Councilwoman Natali informed Council that she would be out of Town for the March 7th and 14th Budget Work Sessions.

Heather Arcos stated that Tom Bonadeo had submitted a letter addressing his intent to retire effective November 1, 2013, but was planning to use his accrued vacation time prior to that making October 1, 2013 his last work day. Chief of Police Charles Brown had also submitted his letter addressing his intent to retire effective December 31, 2013. Both the Planning and Police budgets would include a two month transitional overlap period for these positions.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to adjourn the Town Council Budget Retreat. The motion was approved by unanimous consent.

Vice Mayor Bannon

Town Clerk



DRAFT
TOWN COUNCIL

Work Session
Town Hall
March 7, 2013
6:00 p.m.

At approximately 6:00 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Sullivan and Wendell. Councilman Godwin and Councilwoman Natali were not in attendance. Also present were Town Manager Heather Arcos, Treasurer Kim Coates and Assistant Town Clerk Amanda Hurley. The other department heads came into the meeting as their department budgets were reviewed. There were three members of the public in attendance.

Mayor Sullivan announced the business for the evening would be to review the proposed departmental operating budgets for FY 2013-2014. The budgets to be reviewed were Code Enforcement, Parks and Recreation, Planning, Legislative, Town Clerk and Finance, however Mayor Sullivan recommended to postpone Town Clerk until the next meeting.

Town Manager Heather Arcos began by reviewing the budget assumptions and highlights and explained the following:

Personnel: i) Proposed merit increases were not included in the salaries and wages. The salaries and wages were reported the same as FY2013; ii) The Planning salary included a two month overlap in position and one month of accrued vacation; iii) A 3% cost of living increase was factored into the personnel costs for both full-time and part-time positions. Last year's budget included a 1% cost of living increase and the 5% increase which was mandated by the State of Virginia to offset the requirement of employees having to pay 5% towards their Virginia Retirement System accounts. The state was applying a 3% increase for employees and the county was following suit; iv) Health benefits were reviewed at the February 28th Retreat and the health care expenses were kept level as last year's benefit; and v) Consideration of the Administrative Assistant/Assistant Town Clerk position becoming a full-time position.

Professional Services: i) All legal fees were allocated in the Town Manager's budget; and ii) A consultant for the Comprehensive Plan would be allocated in the Town Manager's budget.

Other Operating Expenses: i) The Legislative budget included 2014 Election expenses and additional training – VML Legislative Day, the Newly Elected Officials Conference, and the VML Annual Conference; ii) The Town Clerk's budget included the development of a new Town website, conferences and training; iii) The Code Enforcement budget included completion of required certifications for Building Official; iv) The Planning budget included certification for the new Town Planner if needed; and v) The Recreation budget included continuation of the use of VML resources including online university programs.

The operating budgets for the following departments were reviewed: i) Code Enforcement; ii) Recreation; iii) Town Planner; iv) Legislative; and v) Finance.

The Code Enforcement budget included the following: i) Repair & Maintenance included \$5,000 for hiring a demolition contractor for emergency demolition of an unsafe structure; ii) Lot, Lawn Care Code Violations was increased to \$4,000 due to maintenance on the Tavi property. All charges for code violations were reimbursable by the property owner; iii) Third Party Plan Review Fees were not needed as these would be paid directly by the applicant; iv) Repair & Maintenance Supplies was proposed to be cut as it had not been used.

The Recreation budget was reviewed by line item and the significant changes included the following: i) Special Event Movie Night was increased to \$1,200 to add three movies in Central Park as well as drinks and snacks. Due to licensing restrictions admission fees could not be charged, however donations could be accepted to offset the cost. ii) The amount for Leases & Rentals was decreased under equipment due to permanent bathrooms proposed to be constructed in the park. Heather Arcos stated that overlapping construction could continue into the next budget year; iii) Jen Lewis would be purchasing soccer nets this year under Repair & Maintenance Supplies. Sports equipment was replaced as needed; iv) Jen Lewis explained that some line items appeared to be over budget, however the Town received reimbursements from other entities which were included in the revenue and not reflected in the line items; v) Sports Events was budgeted at \$1,500 with revenue estimated at \$1k to offset the cost; vi) July 4th event was budgeted at \$2,500 due to a proposed band or DJ to improve the event, but vendor fees would appear under the revenue to offset the cost.

The Town Planner budget included the following: i) Tom Bonadeo was retiring, so the budget included an overlap in this position for three months at \$5,800 per month for the new Planner. The new employee would not receive health and dental benefits for 90 days; ii) Printing & Binding and Advertising for the Comp Plan were each increased to \$2k. There was much discussion on the Comp Plan regarding outsourcing of the work vs. the work being done in house; iii) Training for the new Planner included Mileage, Gas, Tolls which was decreased to \$1,500, Lodging & Meals which was decreased to \$1,500, and Convention & Education which was decreased to \$500. This fiscal year, the Town had four new Planning Commissioners who were attending training this year.

The Legislative budget included the following: i) Recommendation was made to cut all Mayor and Town Council salaries; ii) Recommendation was made to try to reduce price of chair reupholstering. Only one bid was received and we were awaiting another; iii) Lodging & Meals was increased to \$3,362 and Conventions & Education was increased to \$2,050 due to attendance at VML Legislative Day, the Annual VML Conference and the Newly Elected Officials Conference.

The Finance Department budget included the following: i) \$12,520.20 was budgeted for Computer Consultants/Software Support for Edmunds & Associates Annual Software & Support due to a possible 5% increase; ii) IT Consulting & Website Assistance was increased to \$600 for IT service of department computers; iii) Postage was increased to \$3,500 to account for monthly usage and mailings which included real estate tax, personal property tax, delinquent tax and other taxes as well as golf cart decal notices. Coupon books would also be created and mailed to businesses to help with payments of transient occupancy tax and business licenses; iv) Convention & Education was budgeted at \$250, however additional training was suggested for all three employees in the department; v) Bank Service Charges were increased to \$2,500 due to bank fees, wire fees, returned check fees, credit card terminals and other miscellaneous bank fees; vi) Currently, there were two full time positions and one position had previously been consolidated to include both the accounting and utility billing position. Recommendation was made to reinstate the full time Utility Billing position to maximize productivity. Justification for this proposed position was requested for review at the next meeting.

The next Budget Work Session was scheduled for March 14, 2013 beginning at 3:00 PM.

Motion made by Councilman Sullivan, seconded by Councilman Bennett to adjourn the Town Council Work Session. The motion was approved by unanimous consent.

Mayor Sullivan

Assistant Town Clerk

MUNICIPAL CORPORATION OF CAPE CHARLES

CASH POSITION

FEBRUARY 28, 2013

<u>Cash on Hand</u>	<u>1/31/2013</u>	<u>2/28/2013</u>
Bank of America Checking	231,326	231,787
Shore Bank	961,378	666,141
Local Government Investment Pool - New Library Funds from CD	68,429	68,437
Local Government Investment & Restricted Funds	440,133	440,184
Total Cash On Hand	\$ 1,701,267	\$ 1,406,549

<u>Restricted Cash Balance</u>	<u>1/31/2013</u>	<u>2/28/2013</u>
LGIP - Rural Development	97,195	97,206
Shore Bank Savings Account - Police Funds	1,231	1,231
US Bank - VRA Interest Free Loan	257,588	257,591
Total Cash Held in Reserve	\$ 356,014	\$ 356,029

Tax Collection Comparison - February 28, 2013 (YTD):

<u>Tax Category</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>Difference</u>
Admission Taxes	14,397.57	13,601.00	(796.57)
Business License Tax - Contractor	2,214.65	683.22	(1,531.43)
Business License Tax - Finance, Real Estate & Professional	2,099.21	844.76	(1,254.45)
Business License Tax - Repairs, Personal & Business Services	480.00	564.00	84.00
Business License Tax - Retail Sales	90.00	254.50	164.50
Consumer Utility Taxes	29,404.28	26,087.97	(3,316.31)
Electric, Gas & Telephone	30,421.42	32,753.88	2,332.46
Franchise License Taxes	-	-	-
Golf Cart Decals	746.00	1,333.00	587.00
License Tax	17,068.77	31,782.80	14,714.03
Machinery & Tools	34,819.00	30,780.00	(4,039.00)
Meals Tax	118,350.59	148,654.72	30,304.13
Penalties & Interest - All Property Taxes	13,524.29	23,580.27	10,055.98
Penalty & Interest - Miscellaneous Taxes	218.46	30.93	(187.53)
Personal Property Taxes **	73,571.77	189,413.10	115,841.33
Prior Year Real Estate & Personal Property Taxes	34,334.32	48,176.88	13,842.56
Real Estate Taxes	986,552.18	1,021,611.36	35,059.18
Short Term Rental Tax	3,466.59	3,414.31	(52.28)
Transient Occupancy Tax	27,392.60	36,695.54	9,302.94
Total	\$ 1,389,151.70	\$ 1,610,262.24	\$ 221,110.54

** Currently researching totals to be sure everything has been linked to correct line item

MUNICIPAL CORPORATION OF CAPE CHARLES
 TREASURER REPORT
 FEBRUARY 28, 2013
 REVENUE VS. EXPENDITURES

FUND	ANNUAL BUDGET	CURRENT MONTH	CURRENT YEAR-TO-DATE	PRIOR YEAR-TO-DATE	INCREASE/DECREASE YTD	% REALIZED/EXPENDED FY13
GENERAL						
REVENUES	1,975,357	46,304	1,874,174	1,745,544	128,630	94.88%
EXPENDED	1,975,357	117,382	1,451,631	1,453,876	(2,245)	73.49%
PUBLIC UTILITIES						
REVENUES	3,535,654	70,299	1,249,600	4,128,807	(2,879,207)	35.34%
EXPENDED	3,535,654	135,224	1,107,800	4,523,884	(3,416,085)	31.33%
HARBOR						
REVENUES	2,047,874	19,012	610,354	782,767	(172,413)	29.80%
EXPENDED	2,047,874	25,069	620,187	832,642	(212,455)	30.28%
SANITATION						
REVENUES	188,300	11,530	117,697	124,933	(7,237)	62.50%
EXPENDED	188,300	12,794	90,256	92,912	(2,656)	47.93%

FY 2013 Capital Improvement Project (CIP) Five-Year Projection

General Fund	FY11		FY12		FY12		FY13	
	actual	budgeted	actual	budgeted	budgeted	actual	budgeted	
			unaudited			as of 02/28/13		
CBDG Broadband	\$ 207,410	\$ 512,300	\$ 254,742	\$ 209,703	\$ -	\$ -	\$ -	\$ -
Cape Charles Multi-Use Trail	\$ 351,814	\$ 165,000	\$ 55,486	\$ -	\$ -	\$ -	\$ -	\$ -
Public Works Building	\$ 28,293	\$ 30,000	\$ 36,277	\$ 24,795	\$ -	\$ -	\$ -	\$ -
New Library Building	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 207,633	\$ 207,633	\$ 207,633
4WD Gator with Sides	\$ -	\$ -	\$ 12,000	\$ 12,000	\$ -	\$ -	\$ -	\$ -
Cape Chas Multi-Use Trail Phase 2	\$ -	\$ 433,026	\$ -	\$ -	\$ 96,000	\$ 12,889	\$ 96,000	\$ 96,000
Public Works Pickup	\$ 20,437	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Street Sweeper	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 19,089	\$ 20,000	\$ 20,000
Central Park Restrooms - Town Portion	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
subtotal	\$ 607,954	\$ 1,160,326	\$ 358,504	\$ 342,498	\$ 239,611	\$ 338,633	\$ 338,633	\$ 338,633
Water Fund								
Infrastructure 2 Wells	\$ 120,906	\$ 280,000	\$ 26,650	\$ 325,000	\$ -	\$ -	\$ -	\$ 117,367
Water Production Expansion	\$ 25,183	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Project Consultant/Management	\$ 3,060	\$ 4,613	\$ 2,576	\$ 3,339	\$ -	\$ -	\$ -	\$ -
Control Panel**	\$ -	\$ -	\$ -	\$ 120,000	\$ 72,978	\$ 120,000	\$ 120,000	\$ 120,000
New Generator Water Plant	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
New Utility Trailer (50% Cost)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000	\$ 2,500	\$ 2,500
Softener Media	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Stainless Steel Walkway	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,950	\$ 10,000	\$ 10,000
Stainless Steel Racks	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Asset Management System Software	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
subtotal	\$ 149,149	\$ 304,613	\$ 29,226	\$ 448,339	\$ 83,928	\$ 324,867	\$ 324,867	\$ 324,867
Sewer Fund								
Wastewater Generator Replacement	\$ 45,000	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Inflow & Infiltration Project	\$ 779,889	\$ 1,200,000	\$ 722,664	\$ 325,000	\$ -	\$ -	\$ -	\$ -
WWTP Plant Construction (1)	\$ 9,721,278	\$ 13,041,519	\$ 3,620,370	\$ 6,100,000	\$ 141,048	\$ 1,783,944	\$ 1,783,944	\$ 1,783,944
Project Consultant/Management	\$ 36,081	\$ 41,519	\$ 24,047	\$ 30,049	\$ -	\$ -	\$ -	\$ -
New Generator Mason Ave	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -
New Vehicle for Department	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Utility Trailer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000	\$ 2,500	\$ 2,500
Asset Management Design/Population	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
subtotal	\$ 10,582,248	\$ 14,328,038	\$ 4,367,081	\$ 6,490,049	\$ 142,048	\$ 1,821,444	\$ 1,821,444	\$ 1,821,444
Harbor Fund								
Offshore Breakwater Phase 1	\$ 122,485	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000
Marina Inshore Floating Slips	\$ 1,540,370	\$ 1,643,977	\$ 75,378	\$ -	\$ -	\$ -	\$ -	\$ -
Surveillance Cameras	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bathhouses	\$ -	\$ -	\$ 343,300	\$ 343,977	\$ -	\$ -	\$ -	\$ -
Site Work *	\$ -	\$ -	\$ 60,368	\$ -	\$ -	\$ 1,599	\$ -	\$ -
Walkways West Dock *	\$ -	\$ -	\$ 62,043	\$ 20,000	\$ 720	\$ -	\$ -	\$ -
subtotal	\$ 1,662,855	\$ 1,648,977	\$ 541,090	\$ 363,977	\$ 2,319	\$ 500,000	\$ 500,000	\$ 500,000

* Site Work and Walkways are funded by VPA grant ** Capital Project Carryover

TOTAL	\$ 13,002,206	\$ 17,441,954	\$ 5,295,901	\$ 7,644,863	\$ 467,905	\$ 2,984,944	\$ 2,984,944	\$ 2,984,944
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MUNICIPAL CORPORATION OF CAPE CHARLES
 TREASURER'S NOTES
 FEBRUARY 28, 2013

2012 Real Estate Tax Collections

Total Land Value	\$ 379,603,900.00	
Total Improvement Value	<u>\$ 243,536,300.00</u>	
Total Real Estate Value	\$ 623,140,200.00	
Total Budgeted	\$ 1,040,710.00	
Total Bills Mailed	\$ 1,139,339.35	
Total Collected	<u>\$ 1,021,611.36</u>	90%
Amount Due	\$ 117,727.99	

2012 Personal Property Tax & 2013 License Tax Collections

Total Personal Property Value	\$ 14,736,200.00
Total Budgeted	\$ 137,622.00
Total Bills Mailed	\$ 167,150.52

* Researching collections for personal property. Have received many corrected assessments from County since bills were originally printed and will give revised totals soon.

Credit Cards Processed in Office with New Swipers (since November 20, 2012)

	<u>Visa</u>	<u>MasterCard</u>	<u>Discover</u>	<u>Total</u>
In Office	\$ 11,340.05	\$ 5,000.33	\$ 2,325.44	\$ 18,665.82
By Phone	<u>\$ 11,128.50</u>	<u>\$ 2,964.90</u>	<u>\$ 189.00</u>	<u>\$ 14,282.40</u>
Total	\$ 22,468.55	\$ 7,965.23	\$ 2,514.44	\$ 32,948.22

Other Notes:

MUNICIPAL CORPORATION OF CAPE CHARLES
 NEW LIBRARY BUILDING
 FEBRUARY 28, 2013

<u>DATE</u>	<u>DOLLARS SPENT TO DATE</u>	<u>DOLLARS</u>
	Maintenance	
11/16/2012	Moving Furniture	\$ (700.00)
11/21/2012	Larry Burkhard - Cleaning of Building	\$ (250.00)
11/23/2012	Professional Heating & Cooling - Contract Annual Preventative Maintenance	\$ (2,186.64)
11/26/2012	Professional Heating & Cooling - Carrier Fan Coil Unit Repair	\$ (1,333.23)
12/5/2012	The Daily Times - Advertise Silent Auction	\$ (57.60)
12/11/2012	Crawford Door Sales of Maryland - Contract Door Removal & Replacement	\$ (2,545.00)
12/11/2012	Watson's Hardware - Safety Glasses	\$ (12.87)
12/21/2012	Q.S., LLC - Deposit Paint Removal	\$ (1,437.50)
12/21/2012	Q.S., LLC - Contract Paint Removal Remainder Due + Extra Work	\$ (4,662.50)
1/15/2013	B&B Plumbing - Labor & Materials for Bathroom & ADA Compliance	\$ (2,940.00)
1/16/2013	VML - Flood Insurance	\$ (2,504.00)
1/28/2013	Q.S., LLC - Contract Switch 2 Doors, Paint Walls & Ceiling	\$ (1,900.00)
1/29/2013	Carpet	\$ (2,728.00)
1/29/2013	Cleaning Prior to Opening	\$ (300.00)
1/29/2013	Melos, Inc. - Library Shelving	\$ (24,118.10)
1/29/2013	Library Circulation Desk	\$ (1,000.00)
1/29/2013	Chapman Electric	\$ (1,035.00)
2/28/2013	Bagwell Oil - Fuel through 2/15/2013	\$ (2,195.47)
	TOTAL DOLLARS SPENT TO DATE	\$ (51,905.91)
<u>DATE</u>	<u>REVENUE/BANK \$ TO DATE</u>	<u>DOLLARS</u>
11/27/2012	Eastern Shore Recycling - Recycled Steel	\$ 922.00
12/1/2012	Auction / Sale of Items	\$ 970.75
12/18/2012	CD Transferred to LGIP Account	\$ 68,420.05
	TOTAL REVENUE/BANK \$ TO DATE	\$ 70,312.80
	DIFFERENCE	\$ 18,406.89

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: March 21, 2013
Subject: Report for Planning Department

Planning Commission Meeting – March 5

1. The Planning Commission held its regular meeting on March 5.
 - a. The Commission reviewed the combined sign ordinance. The Commission started with the International Code Zoning Sample Ordinance, made modifications and then added those relevant items from our existing ordinance.
 - b. Staff will now add the enforcement section and request review by VML.
 - c. After review, the Planning Commission will make the required modifications and hold a public hearing.
2. The new Planning Commissioners (4) are attending the Certified Planning Commissioner Course March 25 and 26. The second session will be held on June 10 and 11.
3. The Planner is working on:
 - a. The Harbor Area Review Application of South Port.
 - b. The Friends of the Library held a fundraising event in the new building on February 23 to a sold out crowd. The carpet, ADA bathroom and rear exit door were all completed in time for the event.
4. South Port has submitted a revised application for Harbor Area Review. The HARB was scheduled to meet on March 13 but had to be rescheduled for March 19 or 20. Information will be forthcoming as soon as it is available...
5. The Planner and Town Manager will be attending a meeting with the Corps of Engineers in Chincoteague on March 22. This meeting will cover the Corps projects that have current funding and the possibility for future projects and funding. A maintenance dredge of the Cape Charles Federal Channel is still on the list.
6. The Planner is working with the new owners of Aqua and the Marina area on future plans. They have enlisted the aid of a wetlands consultant to help with the permitting for bayside protection of Aqua and the constraints of constructing a deck on the property. This would greatly enhance the wedding capability.
7. A Conditional Use Application has been received and staff is working with the applicant on completion. It is expected to be ready for the next Planning Commission meeting.
8. Staff is working with the Baptist Church on a play area. Impervious ground coverage is an issue. We are limited to 50% coverage with impervious surface such as concrete. Over this amount of coverage requires treatment of the runoff water.
9. FEMA has announced that the new Flood Insurance Rate Maps (FIRM) have a preliminary release date of May 5, 2013. This date is a projected date and each community will have a 90 day appeal period once the actual date is set. The new FIRM is scheduled to go into effect October 2, 2014. An appeal could change the

effective date for the new FIRMs. These maps are used to determine the requirement for flood insurance and the flood elevation requirements.

Historic District Review Board Meeting – March 19

1. The Board is scheduled to hold its regular meeting but has no applications at this time. The Clerk has received multiple applications for replacement Board members as four have resigned.

Wetlands Board Meeting – No meeting held

1. The Wetlands Board can expect an application for additional work in the Bay Vista area. This may be a new application or a modification of the existing one. The Sea Breeze apartment building was damaged prior to the completion of the existing permit for wave attenuation devices and beach nourishment.

Code Enforcement
Month of February FY 2013

Building Permits Issued/Permit Fees Collected:

Permits this month: 22	
Permits this year: 136	Total permits last year: 218
Total construction this month: \$ 189,850	
Total construction this year: \$4,776,404	Total construction last fiscal year: \$4,654,387
Permit fees this month: \$2,322.64	
Total permit fees this fiscal year: \$82,962.98	Total permit fees last fiscal year: \$37,034.16
Bay Creek Water/Sewer Tap fees: \$0	
The Colony/Sewer Water Tap fees: \$0	
Marina Village/Marina Village East Sewer/Water Tap fees: \$0	
Bayside Village Sewer/Water Tap fees: \$43,966	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$43,966	Total Tap fees last fiscal year: \$0
Fire Dept. levy this month: \$198.45	
Total Fire Dept. levies this year: \$3,207.99	Total Fire Dept. levies last fiscal year: \$3,195.93
State levy this month: \$39.69	
Total state levies this year: \$641.58	Total state levies last fiscal year: \$638.20
Miscellaneous Revenue: \$	

Existing Structures Code Enforcement Cases:

Total Cases: 28	
New this month: 0	
Closed this month: 0	
Rental Inspections: 2	
Rental C.O's Issued: 0	
Rental Inspection Fees Collected: \$100	
Rental Inspection Fees Collected this Fiscal Year: \$1,900	
Grass cutting enforcement: 0	
Grass cutting: 0	
Enforcement fees charged this month: \$0	
Enforcement fees charged this year: \$6,550	Fees charged last fiscal year: \$11,859.56
Enforcement fees collected: \$0	
Enforcement fees collected this year: \$1,129.36	Fees collected last fiscal year: \$6,362.53

Annual Fire Inspections (updated) (Completed)

Total Cases: 92
Inspections conducted: 0
Closed this month: 0
Closed altogether: 92
Cases unresolved: 0

Month of February FY13

Annual Fire Reports (updated) (Completed)

Total Cases: 59

Received this month: 0

Closed: 59

Unresolved: 0

Other items of note:

1. Completed 25 inspections
2. Conducted 0 zoning clearances
3. Completed 0 courtesy residential inspections
4. Conducted 0 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 1 Commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 Commercial plan reviews.
8. Completed 0 Residential plan reviews.
9. Issued 0 Public Utilities Shallow Well permits.
10. Continued gaining compliance with all the short term and long term rental properties in the Historic District.
11. Continued working to gain compliance for the Treasurer's office regarding business licenses. No contractor may apply for a permit before a business license is obtained. Even though forms are sent out every year to existing applicant's people forget or just ignore them until they come into town to work.
12. UPDATE: Contractors have been diligently working to make repairs/improvements to the new library building. All the Exit and Emergency Lights have been installed and are in operation. The handicapped bathroom upgrade is complete. The new rear door was installed late last week. Carpet was installed last week. All work left to complete is cosmetic i.e. Painting, Column Repair work, Plaster Repair.
13. Had a pre-construction meeting regarding the Bayside Village Beach Club Project. This project got under way late last week and is looking at a 8 month build time.

03/01/13

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PG130003	Gas	02/26/2013	125 Creekside Lane	New Gas Piping for SF Residence	\$38.80	\$3,000
	PB130016	Building	02/13/2013	223 Jefferson Avenue	Residential Alteration per Application	\$196.00	\$20,000
	PP130008	Plumbing	02/20/2013	223 Jefferson Avenue	Plumbing Alteration	\$56.00	\$2,000
	PM130007	Mechanical	02/21/2013	223 Jefferson Avenue	1 Air to Air Heat Pump with Gas Backup	\$73.60	\$6,000
	PE130010	Electrical	02/25/2013	223 Jefferson Avenue	New Electrical for Re-Hab	\$64.40	\$4,000
	PG130004	Gas	02/28/2013	223 Jefferson Avenue	2 New Gas Outlets	\$56.00	\$600
083A3-0100-27	PB130017	Building	02/19/2013	501 Monroe Avenue	Tear off/reroof	\$151.20	\$12,000
	PE130009	Electrical	02/22/2013	631 Monroe Avenue	Finish Electrical from Existing Permit	\$56.00	\$2,500
	PP130004	Plumbing	02/11/2013	111 Old Course Loop	Finish Plumbing for C.O.	\$56.00	\$1,500
083A3-0203-00	PM130005	Mechanical	02/07/2013	9 Randolph Avenue	New Gas Boiler	\$175.04	\$5,900
083A3-0203-00	PG130002	Gas	02/07/2013	9 Randolph Avenue	New Gas Piping for Boiler	\$56.00	\$350
083A3-0203-00	PB130022	Building	02/19/2013	9 Randolph Avenue	Kitchen Remodel	\$308.00	\$40,000
083A3-0203-00	PE130008	Electrical	02/22/2013	9 Randolph Avenue	Kitchen Remodel	\$61.60	\$3,500
	PB130018	Building	02/15/2013	307 Randolph Avenue	Tear off/reroof flat roof on back of structur	\$56.00	\$1,000
	PE130006	Electrical	02/04/2013	538 Randolph Avenue	Adding a new circuit for bathroom	\$56.00	\$200
	PB130015	Building	02/11/2013	615 Strawberry Street	Residential Renovation	\$308.00	\$40,000
	PB130023	Building	02/20/2013	113 Tazewell Avenue	Accessory Building Rehab	\$196.00	\$20,000
	PB130014	Building	02/11/2013	219 Tazewell Avenue	Bathroom Renovation & Adding Bathroom	\$168.00	\$15,000
083A3-0100-38	PG130001	Gas	02/01/2013	409 Tazewell Avenue	Gas Lines to 5 new outlets	\$56.00	\$1,450
083A3-0100-37	PE130007	Electrical	02/19/2013	501 Tazewell Avenue	New 200 amp service	\$56.00	\$2,000
	PM130006	Mechanical	02/21/2013	502 Tazewell Avenue	New Air-to-Air Heat Pump with Propane Ba	\$0.00	\$6,350
	PB130024	Building	02/28/2013	602 Tazewell Avenue	Foundation Repair	\$56.00	\$2,500
Total Permits:						\$2,322.64	\$189,850

Total Permits: 22

PerDateIssued Range from: 02/01/2013 to
02/28/2013

MONTHLY INSPECTION TOTALS

Jeb Brady

Rough-In	02/01/2013
Framing	02/01/2013
Footing	02/05/2013
Footing	02/05/2013
Final	02/05/2013
Footing	02/06/2013
Pressure/R.I.	02/07/2013
Framing	02/11/2013
Foundation	02/11/2013
Framing	02/11/2013
Rough-In	02/19/2013
Rough-In	02/19/2013
Framing (Garage)	02/19/2013
Final	02/20/2013
Sheathing Rear D	02/20/2013
Footing	02/21/2013
Sheathing	02/21/2013
Rough-In	02/22/2013
Initial	02/22/2013
Insulation	02/22/2013
Rough-In	02/26/2013
Initial	02/28/2013

Total 25

Grand Total 25

InsDateCompleted Range from
02/01/2013 to 02/28/2013

Revenue Totals by Items/Type

From: 02/01/2013 to: 02/28/2013

Fire Dept Fee		
Building	8	\$128.50
Electrical	5	\$26.25
Gas	4	\$20.25
Mechanical	2	\$13.45
Plumbing	2	\$10.00
Miscellaneous totals	21	\$198.45
RENTAL INSPECTION		
Rental	2	\$100.00
Rental Fee totals	2	\$100.00
Valuation Res \$2.5K - \$10K		
Electrical	2	\$112.50
Gas	1	\$52.50
Residential totals	3	\$165.00
STATE TAX		
Building	8	\$25.70
Electrical	5	\$5.25
Gas	4	\$4.05
Mechanical	2	\$2.69
Plumbing	2	\$2.00
State Tax totals	21	\$39.69
Valuation Res \$0 - \$2.5K		
Plumbing	2	\$100.00
Valuation totals	2	\$100.00
Valuation Res \$0-\$2.5K		
Building	2	\$100.00
Electrical	3	\$150.00
Gas	3	\$150.00
Valuation totals	8	\$400.00
Valuation Res \$2.5K - 10K		
Mechanical	2	\$134.50

Valuation totals	2	\$134.50
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Valuation Res > \$10K		
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Building	6	\$1,185.00
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Valuation totals	6	\$1,185.00
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Work W/O Permit		
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Mechanical	1	\$100.00
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Valuation totals	1	\$100.00
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Grand Totals	66	\$2,422.64
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Town Harbor Town Council Report February, 2013

March 1, 2013

General maintenance:

1. **Western Dock Area:** We added a gate to the railroad crossing and narrowed the opening so only Golf Carts can pass through. We also began dragging the parking lot to smooth out the pot holes. This process seems to be working. We will be finishing up the entrance area to the parking lot by adding shrubbery etc. to planting areas we previously constructed. We will also be finishing if the turn at the end of the parking area if weather permits. We will try to complete by all March 15th.
2. **Floating Docks:** due to weather we have been unable to do all the maintenance to this area, we did however replace the cover to the pedestal on D-Dock, we also made a temporary repair to the eastern gangway waiting for weather to make full repair which will be done in March. We will also repair the wire companion brackets in March as well. The three floats and the guard rails that were damaged during Sandy will be repaired when weather permits as will the two cleats.
3. **Bath House:** Female Restroom toilet needs a new wax seal and some touch up painting, these items will be done before opening March 15th.
4. **Boat Ramps:** We will continue to repaint parking stripes as weather permits. We have been doing this on a bi-annual basis as per contract with VDGIF.
5. **Harbor Masters Office:** We have replaced some rotten wood and will continue as weather permits, we hope to have completed by April 30th.
6. **Fuel System:** We will be replacing fuel filters next month and will begin painting the fuel tank as weather permits, we hope to have completed by Mid-May.
7. **Pump Out Station:** We will be bringing it back into service in Mid-March, no problems when we winterized. We will also be painting the building and hope to have completed by Mid-May.
8. **Work Shed:** We have currently been reorganizing this area on bad weather days, to give us more room for storage, as we hope to have completed by the end of this month. We will also power wash and paint the building before May 1.
9. **Water:** Three Freeze hydrants on CG-Dock needs to be replaced, and a repair on A-Dock to the main line which was damaged during Sandy. These will be repaired by March 15th.
10. **Electric:** All electric is functioning properly. We need to look at B-Dock and A-Dock as both of these area have only 50 or 100 amp hook-up. Many times last summer we needed 30 amp as some vessels did not have a 50 amp splitter.
11. **Boardwalk:** All is fine at the western Boardwalk the Eastern Boardwalk needs some boards re-screwed and re-leveled.



Town Harbor Town Council Report February, 2013

Scheduled Inspections and maintenance:

1. Daily dock inspections: Same as reported last month could not get to due to weather.
2. Weekly fuel system inspections: No visible leaks or problems
3. Monthly fire pedestal inspections: No Visible Problems
4. Monthly lighting inspections: No visible problems
5. Monthly electrical pedestal inspections: No Visible Problems
6. Scheduled fuel filter changing: March.

Capital Projects:

1. **Wave Attenuator:** Staff will meet with Stakeholders this month to discuss the possibility of this type of protection and how it will affect them.
2. **Waterman's Memorial:** Mr. Lewis is currently redesigning the layout to accommodate the area that it will be located. It's possible that a sign and donation box will be placed at the area until any type of construction would begin. Some construction may begin as early as this fall.
3. **Dredging:** Staff will attend a meeting in Chincoteague with the Army Corps of Engineers regarding maintenance dredging in our Harbor and the entrance Channel. The Harbor and Channel has a maintained depth of 18ft, currently in some locations it's less than 14ft.

Other Items:

1. Follow us on Face Book (**Cape Charles Town Harbor**)
2. Winter fuel dock hours 8am – 3:30pm Monday – Friday, closed Saturday & Sunday through February.

Notes:

1. The 6th Annual Blessing of the Fleet will be held on April 5th, 2013 at 5:30pm.
2. Clam Slam 2013 & 3rd Annual Boat Docking contest will be August 3rd, and 4th, 2013.



Town Harbor Town Council Report February, 2013

Business:

Average docking per day/night by category:

<u>Rentals</u>	<u>Feb. 13</u>	<u>Feb. 12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Nightly:	0.1	0.1	3.6	2.5
2. Weekly:	2.1	4.4	4.1	4.0
3. Month/Quart:	4.0	2.1	8.8	1.6
4. Seasonal:	2.0	1.0	10.1	7.8
5. Annual:	37.0	40.0	38.2	39.2
Total Rentals,	45.2	47.6	64.8	55.1

Wharf Fees by Pounds:

	<u>Feb. 13</u>	<u>Feb. 12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Crabs:	0	0	355,680	302,310
2. Fish:	0	45,522	215,108	261,624
3. Conchs:	0	0	780	31,655
4. Horse Shoes:	0	0	117,520	5,296
5. Gravel:	0	0	0	0
6. Clams	0	0	0	0
7. Oysters	0	0	0	0
8. Conch Pots	0	0	0	0
9. Crab Pots	0	0	0	0
10. Bait	0	0	0	0
11. Lg. Trap Piles	0	0	165,000	0
12. Sm. Trap Piles	0	0	0	0
Total Pounds:	0	45,522	854,088	600,885

<u>Fuel Gallons:</u>	<u>Feb. 13</u>	<u>Feb. 12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Diesel	1,378	3,477	35,922	32,186
2. Regular	826	992	21,441	18,756
3. Non-Ethanol	187	393	19,801	18,766
4. Transport	0	0	36,349	28,111
Total Fuel	2,391	4,862	113,513	97,819

<u>Waiting List:</u>	<u>1/31</u>	<u>Registered</u>	<u>Removed</u>	<u>2/28</u>
1. 60ft Slips:	2	0	0	2
2. 50ft Slips:	2	0	0	2
3. 45ft Slips:	12	1	0	13
4. 36ft Slips:	5	0	0	5
5. 30ft Slips:	20	0	0	20
6. 24ft Slips:	20	0	0	20
7. 20ft Slips:	11	0	0	11
Total	72	1	0	73

William Smith Dize Jr.
Harbor Master

From: Ann Rutledge
To: Town Council
Date: March 5, 2013
Subject: Library Report for **February 2013**

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of **52** children and caregivers attended this month. A total of **23** children attended the **Arts and Crafts** programs held on Wednesday at 4:00. Two craft programs were canceled due to lack of heat.
2. On February 8 our heating system failed and we were without heat for two weeks. We closed early several days and were closed on Saturday, February 16. But even without heat our customers continued to use our services - wrapped in hats, scarves, and coats!
3. On February 28 the library celebrated Dr. Seuss's birthday with a visit from the Cat in the Hat. (Our own Jennifer Lewis!) Also in honor of **Dr. Seuss's Birthday** and **NEA's Read Across America**, the Library is handing out **FREE** early readers (1 per child) that we received from the Literacy Empowerment Foundation. Come check it out!
4. The displays for this month were books celebrating Black History Month and Valentines Day.
5. This month the Library again offered **Beginning Computer Classes** and we had one student that attended two classes.
6. Our big event this month was the **Library Gala Fundraiser**, held on Saturday, February 23 by the Friends of the Library at the new library building at 201 Mason Avenue. This spectacular event offered the public a sneak preview of the facility and a chance to support the library. The event was held from 6:00 to 8:00 and the library was packed! Heavy hors d'oeuvres, a cash bar, and great music made this an event to remember. The building looked beautiful thanks to the hard work of the Friends and the improvements that have been made under the supervision of Tom Bonadeo, Town Planner. The new aqua carpet looked great and the renovated bathroom was working, although without a lock! Thank you to all who came out to show your support. The excitement is building – and the move time is getting closer. If you would like to help out with the move call the Library at 331-1300. For updated information about the progress of the new library and library related information check out the Cape Charles Memorial Library's **Facebook** page! We will keep you posted.
7. Due to a limited amount of space, we kindly ask that any book donations be saved until we move to our new location. Any questions, give us a call. Thanks for your understanding.
8. The Library has a new circulation system. The Eastern Shore Public Library will be migrating to Evergreen Virginia (a new library catalog system) which CCML shares, starting March 1, 2013. In switching systems we have not been able to add new items to our database since February 25th. As a result, there may be a delay in the availability of new items and requests. There will also be some interruption in our normal service but we should be running smoothly very soon.. Evergreen will have all of the function and features in our current catalog, plus some great new additions; it will just look and "feel" a bit different. We appreciate your patience while we transition to Evergreen.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Police Department		AGENDA DATE March 21, 2013
	SUBJECT/PROPOSAL/REQUEST: FEBRUARY 2013 Monthly Law Enforcement Statistic		ITEM NUMBER
	ATTACHMENTS: None		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Charles Brown Chief of Police	REVIEWED BY: Heather Arcos Town Manager	

The following information is the monthly statistics regarding law enforcement activities for the Cape Charles Police Department.

Calls for Service in Cape Charles: 11

Calls for Service Outside of Cape Charles: 06

10-13 Calls

(A) By Dispatch: 17

(B) By Phone via Officer/Trooper: 00

(C) In Person 00

Felony Arrests: 00

Misdemeanor Arrests: 00

DUI Arrests: 00

Traffic Summons Issued: 09

Traffic Warnings Issued: 01

Parking Tickets Issued: 00

Assisted Northampton County Sheriff's Office: 04

Assisted Virginia State Police: 02

Assisted Other Local Police: 00

Assisted Other Federal Agencies 00

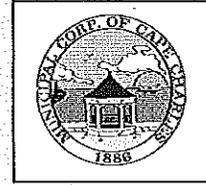
Assisted Fire & Rescue: 02

Assisted VDOT:

Hours of Training Received & What Type? 160 HOURS ACADEMY, 12 HOURS TAZER INSTRUCTOR

Public Utilities

Monthly Report February 2013



Production Summary

- Miss Utility Tickets: 4
- Emergency Call Outs After Hours and Weekends:
 - Number of times called out: 6
 - Total Man Hours: 12
- Sludge: 3.5
- Water: Total Production: 1,195,447 gallons
 - High: 112,700 on 2/10/2013
 - Low: 59,100 on 2/5/2013

Average	Raw Water	Finished Water
Hardness	392.8	141.1
Iron	7.45	.012
Manganese	.476	.013

All Data in PPM

- Waste Water: Average Flow 129k Gallons/Day
 - Maximum 270k Gallons/Day

Personnel

- Thomas Stratton out due to illness.
- Scottie Neville continues to fill in part time until Thomas can return.

Completed Projects

- The State consent order that the Town waste water system has been operating under for noncompliance at the old waste water treatment plant and inflow and infiltration in the collection system has unofficially been lifted.
- Installed electric service at the East Well III site, with night lite, in preparation for radio transmitter, to be installed in conjunction with new filter control panel, to send East Well III meter reads to Water Plant.

New WWTP

- We continue to work on correcting some issues under the warranty period.

In Progress

- The final grading of the polishing pond has been completed. Seeding will be done when site conditions are dry enough to move forward.
- MC Dean is making good progress with the design of the controls for the water plant. We will go to Harrisonburg for the factory test of the panel on March 18th and 19th. Installation is scheduled for the sometime in April.

Public Utilities

- The DEQ has reviewed and commented on the Aquifer test plan for Keck Wells. We have responded to their comments and continue waiting for their final approval to proceed.
- The stainless steel walkway that will provide access to the chemical feed injection quills at the water plant has been installed.

Upcoming Projects

- A new mulch formula for the vacuum pump stations will be installed. A blend of pine chunks and peat moss.
- An automatic flush valve will be installed in Heron Point to introduce water into that vacuum sewer system to increase the flow through the pump station in an effort to reduce the septic odors created when sewage water resides in the system for extended periods of time.

Capital Projects

- Waste Water
 - New Vehicle Budgeted \$20k
 - 2013 Jeep Compas 4x4. Purchase Price \$19,459. Not yet Purchased.
 - Utility Trailer Budgeted \$2.5k Waste Water \$2.5k Water
 - Purchased used for \$2,000
 - Asset Management Software \$15k Waste Water \$15k Water
 - Researching at this time.
- Water
 - Utility Trailer (See comment above)
 - Keck Well Connection Budgeted \$325k
 - PER submitted to VDH, waiting for comments.
 - Proceeding with TO No.6 for construction and Bidding Phase. GHD has proposed a budget of \$60k for these services. We are exploring other options, possibly design build.
 - Water Filter Master Control Panel Budgeted \$120k
 - Going to Harrisonburg for Factory Test.
 - On schedule for install in April.
 - Softener Media Replacement Budgeted \$50k
 - An IFB was advertised with a submittal deadline of 3/20.
 - Stainless Steel Walkway Budgeted \$10k
 - Completed.
 - Contract Price \$9,950.
 - Stainless Storage Racks Budgeted \$10k
 - No action will be taken

PUBLIC WORKS DEPARTMENT

February 2013

Dump Fees

- Oyster Landfill: 4 Trips, @ 1.4Tons @ cost of \$381.83

Staff Report

- Andrew Spencer has rejoined the Town Harbor staff
- Advertising for new position placed, application deadline March 13, 2013

Completed Projects

- Mason Avenue: (18) lamp posts shimmed and tightened down to sidewalk
- New HVAC dual fuel heat pump system installed at current Library
- Sand fence, including laterals, installed on beach
- Assisted Utilities Department with monthly water meter reads
- Completed repairs to street vacuum
- Spring banners installed on Mason Avenue
- Lowered Kiosk board @ Municipal Building

In Progress

- Cleaning of streets and drains
- Playground upgrades, repairs and stain of all wood areas
- Public Works Office/Training Room construction near completion
- Bid for Library exterior repair & paint are in and pending approval by Council
- Fishing Pier wood structure repairs have been completed and the electrical repairs are underway. The Fishing Pier will reopen upon completion of all work. Weather permitting, the Fishing Pier should be open April 1st.

Upcoming Projects

- Trimming of shrubs/ hedges & pampas grasses
- Wooden beach access walkway repairs
- Repaint cement benches along Bay Avenue
- Beach bathroom interior face lift, new paint and upgrade light switches & hand dryers
- Beach Replenishment

Man Hours per Project/Task

Vehicle Maint.	Equipment Maint.	Building Maint.	Yard Debris	Street Cleaning	Beach Maint. / Sand Removal	Town Trash	Cleaning Facilities	Library/Fire Dept/Church event set up & paper work	Playground Maint. & Repair
39	36	63	41	3	102	20	24	39	41.5

Capital Projects

- Central Park Restrooms
 - Contractor started footer, job on hold
- Multi-Use Trail, Budgeted \$96k
 - Awaiting approval from VDOT on 30% design review

Recreation Department March 2013 Council Report

Committee/Organization Updates

1. New Roots Youth Garden – The New Roots Youth Garden discussed the upcoming events for 2013. Jen will participate in the Spring and Summer Sessions. Jen also met with the events committee and plans are underway for the Blessing of the worms.
2. The Northampton County Chamber of Commerce has postponed the Chili Cook Off until Fall. The Citizen of the Year awards went well this year. There were four awards presented this year and recipients were Joan Prescott, Andy Buchholz, Moonrise and Robin Sexauer.
3. Eastern Shore Birding and Wildlife Festival continue to move forward. Posters and rack cards should be available before the Memorial Day weekend.
4. Clam Slam continues to meet. Tickets have been ordered and will be on sale this year prior to the event. One day or two day tickets can be purchased.
5. The Citizens Needs Advisory Committee now has seven members. The committee will continue to meet and work on reaching out to the public.
6. Jen, Pete and Sambo met with the MS bike race coordinator. This event will take place May 31-June 2.

Programs

1. February 6 – Arts and crafts
2. February 9 – Valentines Party with 22 participants.
3. February 27 – Arts and Crafts with 7 in attendance.
4. February 28 – Bingo at Heritage Acres with 17 in attendance.

Upcoming Events

1. March 19, 2013 – CPR Class
2. March 29, 2013 – Ways of the Cross
3. March 30, 2013 – Easter Egg Hunt
4. Arts and crafts are held every Wednesday at 4:00 p.m. at the library sponsored the Rec Department.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Dissolution of the Joint Industrial Development Authority of Cape Charles-Northampton County

AGENDA DATE:
March 21, 2013

SUBJECT/PROPOSAL/REQUEST: Adopt Ordinance 20130321 to dissolve the Joint IDA of Cape Charles-Northampton County

ITEM NUMBER:
7A

ATTACHMENTS: Ordinance 20130321, Letter from Northampton County Administrator Katie Nunez

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Joint Industrial Development Authority (IDA) of Cape Charles-Northampton County was created by resolution on June 5, 1972. The members were appointed by both Northampton County and the Town of Cape Charles. The IDA was created to administer Industrial Revenue Bond financing made to Shore Memorial Hospital and Heritage Hall until the bond debt was retired. The IDA was to be dissolved upon retirement of its debt.

County Administrator Katie Nunez reviewed the entire outstanding bond obligations that were issued through the IDA and could not locate any outstanding bond obligations.

DISCUSSION:

§ 15.2-4914 of the Code of Virginia states the following:

Dissolution of authority; disposition of property.

Whenever the board of directors of the authority by resolution determines that the purposes for which the authority was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, the then members of the board of directors of the authority shall thereupon execute and file for record with the governing body of the locality which created the authority, a resolution declaring such facts. If the governing body of the locality which created the authority is of the opinion that the facts stated in the authority's resolution are true and that the authority should be dissolved, it shall so resolve and the authority shall stand dissolved. Upon such dissolution, the title to all funds and properties owned by the authority at the time of such dissolution shall vest in the locality creating the authority and possession of such funds and properties shall forthwith be delivered to such locality.

On February 4, 2013, the Joint IDA of Cape Charles-Northampton County adopted a resolution to dissolve that body. The Northampton County Board of Supervisors held a public hearing on March 13, 2013 and adopted an ordinance to repeal "An Ordinance to Create the Joint Industrial Development Authority of Cape Charles-Northampton County, Virginia, Pursuant to the Industrial Development and Revenue Bond Act Constituting Chapter 33 of Title 15.2 of the Code of Virginia of 1950, As Amended."

A Cape Charles Town Council public hearing is scheduled for March 21st beginning at 6:00 PM to hearing comments regarding the dissolution of the IDA.

RECOMMENDATION:

Staff recommends review of the public comments and the attached information and adoption of Ordinance 20130321 to repeal Ordinance 321 To Create the Joint Industrial Development Authority of Cape Charles-Northampton County, Virginia, Pursuant to the Industrial Development and Revenue Bond Act Constituting Chapter 33 of Title 15.1 of the Code of Virginia of 1950, As Amended by Roll Call Vote.

ORDINANCE 20130321 TO REPEAL

“ORDINANCE 321 TO CREATE THE JOINT INDUSTRIAL DEVELOPMENT AUTHORITY OF CAPE CHARLES-NORTHAMPTON COUNTY, VIRGINIA, PURSUANT TO THE INDUSTRIAL DEVELOPMENT AND REVENUE BOND ACT CONSTITUTING CHAPTER 33 OF TITLE 15.1 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED”

WHEREAS, the Northampton County Board of Supervisors adopted “An Ordinance to Create the Joint Industrial Development Authority of Cape Charles-Northampton County, Virginia, pursuant to the Industrial Development and Revenue Bond Act Constituting Chapter 33 of Title 15.1 of the Code of Virginia of 1950, As Amended” on June 5, 1972; and

WHEREAS, the Cape Charles Town Council adopted “Ordinance 321 to Create the Joint Industrial Development Authority of Cape Charles-Northampton County, Virginia, pursuant to the Industrial Development and Revenue Bond Act Constituting Chapter 33 of Title 15.1 of the Code of Virginia of 1950, As Amended” on June 13, 1972; and

WHEREAS, the Joint Industrial Development Authority of Cape Charles-Northampton County was created to serve as a financing vehicle for Northampton-Accomack Memorial Hospital and subsequent medical facility construction needs; and

WHEREAS, all bond obligations issued through this industrial development authority have been reviewed and it has been determined that all of the bond obligations theretofore issued have been fully paid; and

WHEREAS, on February 4, 2013, the Joint Industrial Development Authority of Cape Charles-Northampton County adopted a resolution indicating its desire to effect its dissolution and has provided such declaration to the governing bodies of Northampton County and the Town of Cape Charles; now

THEREFORE, BE IT ORDAINED that the Town Council of the Town of Cape Charles does repeal “Ordinance 321 to Create the Joint Industrial Development Authority of Cape Charles-Northampton County, Virginia, pursuant to the Industrial Development and Revenue Bond Act Constituting Chapter 33 of Title 15.1 of the Code of Virginia of 1950, As Amended” effective this 21st day of March, 2013, as codified in the Town of Cape Charles Code of Ordinances, Section 2.2, and the said Joint Industrial Development Authority of Cape Charles-Northampton County is hereby dissolved.

Adopted by the Town Council of the Town of Cape Charles on March 21, 2013.

By: _____
Mayor

ATTEST:

Town Clerk



Board of Supervisors of Northampton County
P.O. Box 56 • Frazzville, Virginia 23347

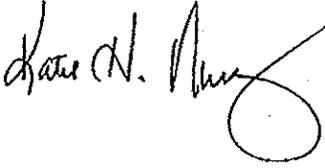
Katherine H. Nunez
County Administrator

PHONE: 757-678-0440
FAX: 757-678-0483

BOARD OF SUPERVISORS
Willie C. Randall, Chairman
Laurence J. Trala, Vice Chairman
Oliver H. Bennett
Richard L. Hubbard
Larry LeMond

MEMORANDUM:

TO: Northampton County Board of Supervisors
Cape Charles Town Council

FROM: Katie H. Nunez
County Administrator 

DATE: February 4, 2013

SUBJECT: Dissolution of Industrial Development Authority
Of Cape Charles-Northampton County

At its meeting of February 4, 2013, the Industrial Development Authority of Cape Charles-Northampton County adopted a resolution to dissolve that body.

As you may recall, this body was created jointly by the County and the Town by ordinance in 1972 and its primary purpose was to serve as a financing vehicle for Northampton-Accomack Memorial Hospital and subsequent medical facility construction needs.

I have reviewed the entire outstanding bond obligations that were issued through the IDA and cannot locate any outstanding bond obligations. As per the Code of Virginia, as outlined below, I believe it would be appropriate for both the Northampton County Board of Supervisors as well as the Cape Charles Town Council to conduct public hearings to dissolve the entity.

"Whenever the board of directors of the authority by resolution determines that the purposes for which the authority was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, the then members of the board of directors of the authority shall thereupon execute and file for record with the governing body of the locality which created the authority, a resolution declaring such facts. If the governing body of the locality which created the authority is of the opinion that the facts stated in the authority's resolution are true and that the authority should be dissolved, it shall so

resolve and the authority shall stand dissolved. Upon such dissolution, the title to all funds and properties owned by the authority at the time of such dissolution shall vest in the locality creating the authority and possession of such funds and properties shall forthwith be delivered to such locality."

While the statute does not specifically state that a public hearing is required to dissolve the body, I would recommend that approach since it corresponds with how we create, amend or dissolve other ordinances.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: USDA Rural Development Loan Resolution for Police Car		AGENDA DATE: March 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Adoption of Resolution 20130321 to accept the terms of the USDA RD Loan for a new police car.		ITEM NUMBER: 7B
	ATTACHMENTS: Resolution 20130321 and Information from USDA RD		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

At the February 21, 2013 meeting, the Town Council authorized the application requesting \$11,745 for a US Department of Agriculture – Rural Development (USDA RD) Loan to purchase a new 2013 Dodge Charge to replace the 2008 Ford Crown Vic which was deemed a total loss after an accident on December 25, 2012.

DISCUSSION:

The cost of the 2013 Dodge Charges is \$23,145. The insurance proceeds of \$11,400 paid to the Town by VML will go towards the purchase of the vehicle reducing the balance to finance to \$11,745. The USDA RD offers a fixed rate of 3.125% for three (3) years with an annual payment of \$4,162.20.

Staff received notification from Peggy Jordan, Area Specialist with USDA RD that the Town has received approval to proceed with the loan application. Resolution 20130321 is required to be adopted by the Town Council stating its agreement to abide by the covenants and to execute the forms required by the USDA RD. The loan resolution is a part of Resolution 20130321.

RECOMMENDATION:

Staff requests adoption of Resolution 20130321 by roll call vote to authorize the Town Manager to execute all applicable forms required by the US Department of Agriculture, Rural Development.

**RESOLUTION 20130321
OF GOVERNING BODY OF
THE TOWN OF CAPE CHARLES**

The governing body of the Town of Cape Charles, consisting of seven members, in a duly called meeting held on the 21st day of March, 2013 at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the purchase of a police vehicle and equipment to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Town Manager of the Town of Cape Charles be authorized to execute on behalf of the Town Council the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

The Town of Cape Charles

By: _____

Attest: _____

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Town Council of the Town of Cape Charles in a duly assembled meeting on the 21st day of March, 2013.

Secretary/Clerk

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE Town CouncilOF THE Town of Cape CharlesAUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITSPolice Vehicle & Equipment

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Cape Charles
(Public Body)(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
11,745.00pursuant to the provisions of VA Code 15.2; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.



United States Department of Agriculture

MAR 14 2013

Ms. Heather Arcos, Town Manager
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Dear Ms. Arcos:

This letter, with Attachments 1 and 2, establishes conditions which must be understood and agreed to by you before further consideration may be given to your application for financial assistance from Rural Development for purchase of a police vehicle. Any changes in project cost, source of funds, scope of services, or any other significant changes in the project or applicant must be reported to and approved by Rural Development by written amendment to this letter. Any changes not approved by Rural Development shall be cause for discontinuing processing of the application.

This letter is not to be considered as loan approval or as a representation as to the availability of funds. The docket may be completed on the basis of a Rural Development loan not to exceed \$11,745, and other funds in the amount of \$11,400 for a total project cost of \$23,145. The other funding is planned in the form of applicant contribution.

If Rural Development makes the loan, you may make a written request that the interest rate be the lower of the rate in effect at the time of loan approval or the time of loan closing. If you do not request the lower of the two interest rates, the interest rate charged at closing will be the rate in effect at the time of loan approval. The loan will be considered approved on the date a signed copy of Form RD 1940-1, Request for Obligation of Funds, is mailed to you. If you want the lower of the two rates, your written request should be submitted to Rural Development as soon as practical. In order to avoid possible delays in loan closing such a request should ordinarily be submitted at least 30 calendar days before loan closing.

All regulations, forms, and bulletins outlined in this letter can be obtained from our web site at <http://www.rurdev.usda.gov/regs/> (click on "Instructions" or "Forms," as appropriate, in the upper left-hand corner). From this web site, you must review RD Instruction 1942-A, Sections 1942.17, 1942.18, and 1942.19. You must also review RD Instruction 1942-C and RD Instruction 1940-Q and all exhibits. If you do not have internet access, we will provide the appropriate documents. Any regulation, form, or bulletin identified in this letter as a Virginia form will be provided to you at the appropriate time.

22329 Main Street • Bldg. #2 • Courtland, VA 23837
Phone (757) 653-2532 x 125 • Fax (757) 653-2278
TDD (804) 287-1753 (for hearing impaired)

USDA is an equal opportunity provider, employer and lender.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building,
14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

Attached are the following:

Attachment No. 1 - Project Planning Factors

Attachment No. 2 - Form RD 1942-46, Letter of Intent to Meet Conditions

The conditions referred to in the first paragraph of this letter are as follows:

1. Loan Repayment - The loan will be scheduled for repayment over a period of 3 years. For planning purposes use a 3.125% interest rate and an annual amortization factor of .35439, which provides for a yearly payment of \$4,163.

A debt service reserve is required and must be accumulated at the rate of 10% of the monthly debt payment until a sum equal to no less than one annual installment is accumulated.

You will be required to participate in the Preauthorized Debit (PAD) payment process. It will allow for your payment to be electronically debited from your account on the day your payment is due.

2. Security - The loan must be secured by a Promissory Note, a DMV lien on the vehicle, and other agreements between you and Rural Development as set forth in Form RD 1942-47, Loan Resolution Security Agreement which must be adopted and executed by the appropriate applicant officials. Prior to the adoption of the Loan Resolution Security Agreement, the town council must review and adopt these forms.

You must provide for us a description of the equipment. The description where possible must include the year, make, model, and serial number.

3. Organizational Documents - We have reviewed the documents creating your Town and have found them acceptable.
4. Audit Requirements - Audited financial statements shall be submitted on an annual basis in accordance with the Government Auditing Standards (GAAS), General Accepted Accounting Principles (GAAP), and the Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States, 1994 revision, and any subsequent revisions.

Audits performed in accordance with OMB Circular A-133, "Audits of States, Local Governments, and Non-profit Organizations," are based upon the amount of Federal financial assistance expended during a borrower's fiscal year from a Federal source. **Borrowers expending Federal financial assistance over \$500,000 are required to have an OMB Circular A-133 audit. Borrowers expending less than \$500,000 in Federal financial assistance are required to submit financial statements, either GAAS, GAGAS, or management reports, based upon loan balances and prevailing Federal regulations.**

In addition to the audit required above, RD Instruction 1942-A outlines management reports which must be submitted to Rural Development.

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14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

5. Insurance and Bonding Requirements - Prior to closing, you must acquire the following insurance and bond coverage:
- a. Liability, Property Damage, and Comprehensive Insurance - The project will be reviewed for liability, property damage, and comprehensive needs, and amounts will be established accordingly. The amount of coverage will be determined by the Borrower in conjunction with a representative of Rural Development.
 - b. Workers' Compensation - In accordance with appropriate State Laws.
 - c. Position Fidelity Bond Coverage - You must provide evidence of adequate fidelity bond coverage for all persons who have access to funds by loan closing or start of construction, whichever occurs first. Coverage may be provided either for all individual positions or persons, or through "blanket" coverage providing protection for all appropriate employees and/or officials. The amount of coverage will normally approximate the total annual debt service requirements for your Rural Development loan. Form RD 440-24, Position Fidelity Schedule Bond, may be used for this purpose. We encourage you to have your accountant or insurance provider review proposed types and amounts of coverage, including any deductible provisions. Rural Development must agree on the acceptability of proposed coverage. You must continue to provide evidence to Rural Development that adequate coverage is being maintained for the life of the loan. This is your responsibility, not that of Rural Development.
 - d. National Flood Insurance - In addition to meeting the requirements for the type of assistance requested, the following requirements must be met for financial assistance for acquisition in designated special flood or mudslide prone areas:
 1. If flood insurance is available, you must purchase a flood insurance policy at the time of closing.
 2. Applicants whose buildings, machinery, or equipment are to be located in an area which has been notified as having special flood or mudslide prone areas will not receive financial assistance where flood insurance is not available.
 - e. Real Property Insurance - You must obtain real property insurance (fire and extended coverage) on all above ground structures to include machinery and equipment housed therein, in an amount equal to the insurable value thereof.
6. Procurement - You may proceed to acquire the proposed vehicle by competitive negotiation. You must develop a Request for Proposal (RFP) and specifications. Rural Development must review and give prior approval to the specifications and RFP before soliciting for offers.

22329 Main Street • Bldg. #2 • Courtland, VA 23837
Phone (757) 653-2532 x 125 • Fax (757) 653-2278
TDD (804) 287-1753 (for hearing impaired)

USDA is an equal opportunity provider, employer and lender.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 328-W, Whitten Building,
14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

Following the receipt of offers, Rural Development must be provided with the following:

- a. Summary of all offers
 - b. Copy of the successful offer
 - c. Narrative summary of all negotiations
 - d. Copy of notice to all unsuccessful offerors
 - e. Copy of resolution of tentative award
7. Code of conduct - Owners shall adopt and maintain a written code or standards of conduct which shall govern the performance of their officers, employees, or agents engaged in the award and administration of contracts supported by Rural Development funds. No employee, officer, or agent of the owner shall participate in the selection, award, or administration of a contract supported by Rural Development funds if a conflict of interest, real or apparent, would be involved.
8. Other Funds - Prior to advertisement for bids, you must provide evidence showing the availability of the other funds.
9. Agency Forms - You will be required to execute certain Agency forms in order to obtain financial assistance from Rural Development. By Resolution, these forms must be adopted and properly executed, and minutes showing the adoption must be provided.

Under Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), no handicapped individual in the United States shall, solely by reason of their handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from Rural Development.

As a recipient of Federal financial assistance, you must be in compliance, and continue to comply, with Title VI of the Civil Rights Act of 1964 and the Rural Development regulations promulgated by this Act. Your signature on Form RD 400-4, Assurance Agreement, is your commitment to comply with these Federal laws and regulations, as well as your agreement to maintain records and data to verify your compliance. The data you must provide depends on the type of project financed with Rural Development funds, and guidance will be provided to you by Rural Development. Your compliance is monitored through compliance reviews conducted by Agency personnel. The first compliance review will be conducted prior to, or concurrent with, closing, with subsequent compliance reviews conducted every three years.

If all parties agree the bids received are acceptable and it is determined that adequate funds are available to cover the total costs and that all the administrative conditions of approval have been satisfied, closing instructions will be issued. The closing instructions, a copy of which will be forwarded to you, will set forth any further requirements that must be met before the loan can be closed. **LOAN CLOSING WILL**

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NOT BE SCHEDULED UNTIL CLOSING INSTRUCTIONS ARE RECEIVED FROM RURAL DEVELOPMENT. When all parties agree that the closing requirements can be met, a mutually acceptable date for the closing will be scheduled.

The Debt Collection Improvement Act (DCIA) of 1996 requires that all Federal payments be made by Electronic Funds Transfer/Automated Clearing House (EFT/ACH). Borrowers receiving payments by EFT will have funds directly deposited to a specified account at a financial institution with funds being available to the recipient on the date of payment. The borrower should complete Form SF-3881, Electronic Funds Transfer Payment Enrollment Form, for each account where funds will be electronically received. The completed form(s) must be received by Rural Development at least thirty (30) days prior to the first advance of funds.

As a recipient of federal financial assistance, you must comply with all applicable federal, state, and local statutes, ordinances, regulations, and codes. The major portion of existing Rural Development rules and regulations which must be met are included in RD Instruction 1942-A and 1942-C. No modifications or waiver of any portion of these regulations is authorized. Such regulations shall govern regardless of any misinterpretation, omission, misunderstanding, or statements made by any Rural Development employee. The most critical requirements of the instructions have been highlighted or clarified in this letter.

In addition, you will be required to refinance the unpaid balance of the proposed loan, in whole or in part, upon the request of the government if at any time it shall appear to the government that you are able to refinance your obligation by obtaining a loan for such purposes from responsible lending sources at reasonable rates and terms for loans for similar purposes and periods of time.

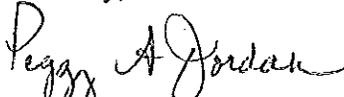
After providing for all authorized cost, any remaining Rural Development funds will be refunded to Rural Development.

We believe the information herein clearly sets forth the action which must be taken; however, if you have any questions, please do not hesitate to contact my office.

Please complete and return the attached Form RD 1942-46, Letter of Intent to Meet Conditions, if you desire further consideration be given your application.

If the conditions set forth in this letter are not met within 6 months from the date hereof, Rural Development reserves the right to discontinue processing of the application.

Sincerely,



for JANICE STROUD-BICKES
Area Director
USDA, Rural Development

cc: Deputy Administrator, Community Programs, Washington, D.C.
State Director, Rural Development, Richmond, VA
Accountant

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14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Grounds Maintenance Service Contract Extension		AGENDA DATE: March 21, 2013
	SUBJECT/PROPOSAL/REQUEST: One-year extension for the Grounds Maintenance Services contract		ITEM NUMBER: 8A
	ATTACHMENTS: None		FOR COUNCIL: Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ()
	STAFF CONTACT (s): Dave Fauber	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Staff published an Invitation for Bids (IFB) for Grounds Maintenance Service on February 9 & 12, 2011. Proposals were due and opened on February 28, 2011. The contract was awarded to Eastern Shore Landscape Management, Inc. (ESLM). The contract was signed in March 2011 and allows for three (3) one year extensions, this being the second of three.

DISCUSSION:

Some changes were made to the base list of areas to be mowed, reducing the overall service area.

With those changes ESLM's base bid for mowing services has decreased. Total mowing service is \$21,018. The maintenance of Central Park is \$16,870 and includes mowing, fertilization, aeration, herbicide spraying, mulching, pruning and irrigation.

The Town is working with ESLM regarding maintenance of additional locations including the planting beds at the intersection of Rt. 13 and Stone Road, and the planting beds on Mason Avenue.

RECOMMENDATION:

Staff requests that Council approve the one-year extension of the Grounds Maintenance Service Contract, including the maintenance of Central Park, with Eastern Shore Landscape Management, Inc.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Contract for Replacement of Water Softener Media

AGENDA DATE:
March 21, 2013

SUBJECT/PROPOSAL/REQUEST: Award contract for Water Softener Media replacement

ITEM NUMBER:
8B

ATTACHMENTS: None

FOR COUNCIL:
Action
Information

STAFF CONTACT (s):
Dave Fauber

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Town owns and operates a municipal water treatment plant. The water is filtered through two greensand pressure filters and softened through an ionic exchange softener. The original softener media installed in 1993 is still in service at the water plant. The useful life of ionic exchange media is from 10 to 20 years, or less, depending upon the use. Our media is 20 years old. In 2006 Roberts Filters quoted \$40k to replace the media. This year \$50k was budgeted for replacement.

DISCUSSION:

On Wednesday, March 20, 2013, the Town will receive sealed bids for replacement of the water softener ionic exchange media. We anticipate the low bidder will be M.L. Ball Company, Inc. with a price of about \$23,500.

RECOMMENDATION:

Staff recommends discussion and award of the contract to M.L. Ball Company, Inc. or the lowest bidder.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Memorial Library Exterior Paint and Repairs		AGENDA DATE: March 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Award contract for the painting and repairs of the Cape Charles Memorial Library Building Exterior		ITEM NUMBER: 8C
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Dave Fauber	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Cape Charles Memorial Library on Tazewell Avenue was last painted in 2006. The Town budgeted \$15k this year for library painting and repairs.

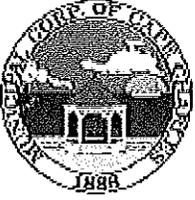
DISCUSSION:

An Invitation for Bids for the painting and repairs to the Cape Charles Memorial Library was advertised with a submission deadline of February 20, 2013. Two bids were received. The Director of Public Works reviewed the bid proposals with the Town Manager and selected Bill Widgeon who bid \$5,500.

We anticipate that there will be additional costs associated with the repairs that are not apparent at this time and would like Council approval to move forward with those repairs as change orders are submitted, not to exceed \$5,000.

RECOMMENDATION:

Staff recommends discussion regarding the above items and approval to award the contract for the exterior painting and repairs of the Cape Charles Memorial Library to Bill Widgeon as presented.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Contract for Demolition of Wastewater Treatment Plant (WWTP)		AGENDA DATE: March 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Award contract amendment.		ITEM NUMBER: 8D
	ATTACHMENTS: Spreadsheet		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Dave Fauber	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

On June 14, 2012, Council approved award of a contract in the amount of \$19,100 to Brittingham Bulldozing & Excavating for demolition work on the old Wastewater Treatment Plant (WWTP). The scope of work encompassed demolition of several concrete structures (plant water well, drying beds, polishing pond outfall), and closure of the polishing pond (removal of berms, grading, seeding). The total amount in the WWTP construction budget for closure of the old plant site is \$288,650. This is included in the estimate for the \$5.2 million Clean Water Revolving Loan Fund zero-interest loan. With the award of the contract to Brittingham, closure costs totaled \$47,138. We have avoided significant costs included in the original estimate by awarding a no-cost contract for demolition of the steel tanks and structures, and by accomplishing the re-routing of the water plant backwash piping by Public Utilities staff.

On October 11, 2012, Council approved Change Order #1 for additional funds (\$30k) to cover removal of concrete structures not included in the original scope of work, removal of the polishing pond liner, moving the sludge pile off the original polishing pond location into a berm constructed to aid in drainage and accelerate drying, additional grading to level temporary drying berm, additional final grading and seeding of berm area, with funds left in an amount sufficient to construct a fence around the water plant backwash vault (originally UV vault for old WWTP) under Change order #2.

DISCUSSION:

Brittingham returned in early December 2012 to grade the polishing pond sediment and sediment drying berm. The moisture content in the sediment was too high to be graded out on site. In order to progress with site preparation the sediment was moved off site to an area just west of the new WWTP. Change Order #3 incorporates the hauling associated with this change of scope and has been invoiced in the amount of \$17,250.

Change Order #4 is for grading the site west of the new WWTP which contains stock piled, rejected materials from the excavation of the new WWTP, top soil brought from Central Park for use as a cap over the rejected material, other over excavation materials created during plant construction, and the sediment brought from the old WWTP site. The dollar amount of this change order was unknown at the time this staff report was prepared but will be available before the Council meeting on the 21st.

Total budget for closure was \$288,650. Cost of project to date, including Change Order#3 and an estimate of \$20k for Change Order #4, is \$114,388.

RECOMMENDATION:

Staff requests discussion and approval to amend the Brittingham contract for the additional work and dollar amounts of \$37,250 or with adjusted amount for Change Order #4.

Brittingham Bulldozing and Excavating
Old WWTP Demolition

	Invoices	Approved	Reimbursements
Original Award	\$ 19,100.00	\$ 19,100.00	
Change Order #1			
Additional Demo and Relocating Sludge On Site	\$ 17,210.00	\$	\$ 19,100.00
Approved Change from Council		\$ 30,000.00	
Change Order #2	\$ 8,500.00		
Fence			
Change Order #3 (Not Yet Submitted or Approved)			\$ 17,210.00
Relocating Sludge Off Site	\$ 17,250.00		
Totals	\$ 62,060.00	\$ 49,100.00	\$ 36,310.00

Original Award Approved by Council 6/14/2012 \$ 19,100.00

Change Order #1	Added Scope on Site	\$ 17,210.00
Change Order #2	Fence	\$ 8,500.00
Total		\$ 25,710.00
Approved by Council 10/11/2012		\$ 30,000.00
Left for Seeding and Grading		\$ 4,290.00

Change Order #3 Off Site Hauling Need Approval
Change Order #4 Off Site Grading Guestimate

Total		\$ 37,250.00
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Cost Thru 10/11/2012

Change Order #1		\$ 47,138.00	Paid
Change Order #2		\$ 17,210.00	Paid
Change Order #2		\$ 8,500.00	Paid
Left for Seeding and Grading		\$ 4,290.00	
Change Order #3	Need Approval	\$ 17,250.00	
Change Order #4	Guestimate	\$ 20,000.00	
Total		\$ 114,388.00	



TOWN OF
CAPE CHARLES

AGENDA TITLE: 2013/2014 Virginia Commission for Arts
Local Government Challenge Grant

AGENDA DATE:
March 21, 2013

SUBJECT/PROPOSAL/REQUEST: 2013-2014 Local Government
Challenge Grant Application

ITEM NUMBER:
8E

ATTACHMENTS: Virginia Commission for the Arts Local
Government Challenge Grant Application

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT(s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Town of Cape Charles has participated in the Virginia Commission for the Arts Local Government Challenge Grant since 1997. The Commission matches local government funds up to \$5K.

For the last two fiscal years, the Town allocated \$5K as the local match. Prior to that, the Town provided \$2,500.

DISCUSSION:

The grant application deadline is April 1, 2013. The grant application is typically drafted by the Arts enter and signed by Town Staff. The Town must confirm in writing to the Commission the Council's decision to appropriate the matching funds by July 1, 2013. The local match in the amount of \$5K is included in the draft FY 2013/2014 budget and the amount will be reviewed by Council at a future budget work session.

RECOMMENDATION:

Staff requests approval to submit the Local Government Challenge Grant application by the April 1, 2013 deadline as discussed.

2013-2014 Local Government Challenge Grant

Applicant:

Town of Cape Charles
 2 Plum St.
 Cape Charles, VA 23310
 Phone: 757-331-3259
 Fax: 757-331-4820
 Email: heather.arcos@capecharles.org

Federal ID #: 54-6001186

Contact Person: Heather Arcos

Amount requested from Virginia Commission for the Arts for Fiscal Year 2013-2014:
 \$5,000.00.

Proposed Local Government Arts Appropriation for Fiscal Year 2013-2014: \$5000.00.

Organization	Mailing Address	Contact Person	Proposed VCA Grant Share
Arts Enter Cape Charles	P.O. Box 226 Cape Charles, VA 23310	Clelia Sheppard, Executive Director	100 %

Award Process:

The Town of Cape Charles is currently in the budget preparation stage. Five thousand dollars (\$5000.00) is being proposed in the FY 14 budget to match this grant request from Arts Enter Cape Charles. However, this amount is conditionally submitted contingent upon the preparation and approval of the final budget.

Current Mayor/Council Members:

Name	Position	Address	Phone
Dora Sullivan	Mayor	636 Monroe Ave. Cape Charles, VA 23310	757-331-1179
Chris Bauuon	Vice Mayor	9 Tazewell Ave. Cape Charles, VA 23310	757-331-2206
Joan Natali	Councilwoman	Blue Heaven Rd. Cape Charles, VA 23310	757-331-4884
Mike Sullivan	Councilman	635 Monroe Ave. Cape Charles, VA 23310	757-331-1179
Thomas Godwin	Councilman	725 Monroe Ave. Cape Charles, VA 23310	757-331-3810
Frank Wendell	Councilman	515 Monroe Ave. Cape Charles, VA 23310	757-678-6990
Steve Bennett	Councilman	100 Creekside Ln. Cape Charles, VA 23310	757-362-8588

2013-2014 Local Government Challenge Grant

Brief History of Arts Enter Cape Charles

When the Historic Palace Theatre first opened in 1942, it was one of the most celebrated theatres between Norfolk and Philadelphia. As Cape Charles began to decline with the opening of the Chesapeake Bay Bridge, so did the theatre. In 1997, Arts Enter was incorporated and purchased the Historic Palace Theatre, a contributing structure in the historic district of Cape Charles and began the renovation of this art deco gem while offering year round programming in arts education along with presentation of professional performances and cultural programs such as symphonies, dance companies, art exhibitions, musicals, solo instrumentalists, vocalists and musical ensembles. Arts Enter continues to produce in-house dance, drama and musical theatre programs. One of the important facets of Arts Enters' mission is to encourage people of all ages to participate in the many theatrical opportunities. This includes not only acting, singing and dancing, but also choreography, directing, lighting, set and costume design.

Over the past fourteen years, thousands of dollars raised through grants, private donations and fundraising have brought the theatre back to life and have helped revitalize the town as a tourism destination. Combined with its natural beauty and bayside charm, Cape Charles has emerged and Arts Enter has become a hive of culture, entertainment and instruction. In 2007, the adjacent Savage's Drugstore was completely restored by Arts Enter and became the new home of the Stage Door Gallery. In 2012, Arts Enter partnered with the Town of Cape Charles, the Citizens of Central Park and the Cape Charles Business Association and was awarded a prestigious National Endowment for the Arts award called Our Town. The purpose of the grant is to build an identity for Cape Charles as a viable tourism destination with arts at the core. The town and other partner organizations have embraced the concept and this summer will feature the first Harbor for the Arts Festival in Cape Charles. The project will enliven public spaces with the performing and visual arts.

Arts Enter continues to grow and promote positive artistic experiences in our rural and geographically isolated community and will continue to honor the heritage and enrich the future of Cape Charles.

DESCRIPTION

The Commission will match, up to \$5,000, subject to funds available, tax monies given by independent town, city, and county governments to arts organizations in their jurisdictions. The money, which does not include school arts budgets or arts programming by parks and recreation departments, may be granted either by a local arts commission/council or directly by the governing board.

DEADLINE

All applications must be received in the Commission office no later than 5:00 p.m., **April 1, 2013 (receipt deadline, not a postmark deadline)**. The Commission does not accept application materials via fax or email.

ELIGIBILITY & CRITERIA

Independent city, town, or county governments in Virginia are eligible to apply. Eligible activities are grants to independent arts organizations for arts activities in the locality.

APPLICATIONS ARE EVALUATED ON THE BASIS OF:

- Artistic quality of the organizations supported by the city/county/town
- Clearly defined policies and procedures for awarding local funds to arts organizations
- Degree of involvement of artists and arts organizations in the local process of awarding grants
- Responsiveness to community needs
- Evidence of local government support of the arts

APPLICATION REVIEW & PAYMENT PROCEDURE

Completed applications must be received by the Commission on or before April 1, 2013. The Commission staff reviews each application for completeness and eligibility and makes recommendations on the levels of funding. The Commission reviews the staff recommendations and takes final action on the applications.

After the Commission has awarded the grants, each local government must confirm in writing to the Commission that its governing board has appropriated the matching funds. The Commission will pay the grant in full after receiving this confirmation.

APPLICATION SUBMISSION CHECKLIST

A complete application must contain ONE (1) collated set of the following items:

- A completed Local Government Challenge Grant on 8.5" x 11" pages typed on one side.
- Signed Certification of Assurances Form (one page, both sides, sign on back).

Applicants should read the 2013-2014 Online Guidelines for Funding, Certification of Assurance and Grant Conditions to ensure compliance with all of the conditions. **The grant deadline is April 1, 2013.** The Virginia Commission will not accept any application materials via fax or email. For assistance or more information, contact the Commission office. The Commission staff is available for consultation on applications and to review drafts of applications.

Mail application to:

Virginia Commission for the Arts
1001 East Broad Street, Suite 330
Richmond, VA 23219
804.225.3132 (Voice/TDD)
www.arts.virginia.gov

Please Note New Address

DIRECTIONS

Provide all the information requested below in the order listed and send it to the Commission at the mailing address above.

1. Type "2013-2014 Local Government Challenge Grant" at the head of the page. Provide the information requested below on no more than TWO (2) 8.5" x 11" white pages and the attachments. (Use 12 point type or larger)
2. **Applicant local government name, address, zip code.**
3. **Telephone, email, URL.**
4. **Federal Employer ID Number.** The Federal Employer ID number is assigned to your city / county by the federal government as your Federal Employers' Identification number. This number must be included in your application. Payments cannot be made without this number.
5. **Contact Person.** The name, telephone number and e-mail address of the person to be contacted for more information about this application.
6. **Amount of Virginia Commission for the Arts assistance requested for fiscal year 2013-2014.**
7. **Proposed local government arts appropriation for fiscal year 2013-2014.** Applicant governments must match the amount requested from the Commission on at least a dollar-for-dollar basis with local government funds; federal funds may not be included. A local government that has not approved its budget by the grant deadline may apply conditionally. After the grant has been approved, any change in the allocation of funds subgranted to local arts organizations must be approved by the Commission.
8. **Sub-grants** (grants made by the local government) of any Commission funds from the Local Government Challenge grant program may only go to independent Virginia arts organizations for arts activities in the locality. Virginia arts organizations are defined as those organizations whose primary purpose is the arts (production, presentation or support of dance, literary arts, media arts, music, theater, or visual or related arts), that are incorporated in Virginia, and have their headquarters and home seasons, or activities equivalent to a home season, in the state. Units of government and educational institutions cannot be considered arts organizations.

Using the following format, list which local independent arts organizations will receive the Commission grant money subgrant. (After the Commission grant has been approved, any changes in the allocation of sub-grants to local arts organizations must be approved by the Commission.)

Organization	Mailing Address/Contact Person	Proposed VCA Grant Share
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9. **What is the process for awarding the above grants? Who is involved in making these decisions? What criteria are sought in evaluating applicants?**
10. **Attach a copy of the list of your current board/council members,** if a board/council is involved in making funding decisions.
11. **Attach a brief description of the arts organization(s)** proposed to receive Commission assistance through the Local Government Challenge Grant in 2013-2014.

CERTIFICATION OF ASSURANCES AND GRANT CONDITIONS 2013-2014 FOR LOCAL GOVERNMENT GRANTEES OF THE VIRGINIA COMMISSION FOR THE ARTS (COMMISSION)

Virginia Commission for the Arts grantees are required to be non-profit Virginia organizations and exempt from federal income tax under Section 501(a), which includes the 501(c)3 designation of the Internal Revenue code, or are units of government, educational institutions, or local chapters of tax exempt national organizations.

No part of any Commission grant shall be used for any activity intended or designed to influence a member of Congress or the General Assembly to favor or oppose any legislation.

Each Commission grantee will:

- provide accurate, current and complete financial records of each grant.
- maintain accounting records which are supported by source documentation.
- maintain effective control over and accountability for all funds, property, and other assets ensuring that assets are used solely for authorized purposes.
- maintain procedures ensuring timely disbursement of funds.
- provide the Commission, or its authorized representatives, access to the grant-related financial records.

The grantee will expend any and all grant funds only for purposes described in the application form and attachments. The grantee must request permission in writing to make substantial changes in budget, schedule, program, personnel. The requested changes must be approved in advance by the Commission. **NOTE:** If any project receiving grant support from the Commission has actual income in excess of expenses, the grantee must use these funds for other arts activities and the Commission must approve the organization's use of any of these excess funds up to the amount of the grant.

Each Commission grantee will comply with these federal statutes and regulations:

- Title VI, Section 601, of the Civil Rights Act of 1964, which provides that no person, on the ground of race, color or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
- Title IX, Section 1681, of the Education Amendments of 1972, which provides that, with certain exceptions, no person, on the basis of sex or age, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.
- Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with physical or mental disabilities in federally assisted programs. Compliance with this Act includes the following: notifying employees and beneficiaries of the organization that it does not discriminate on the basis of handicap and operation of programs and activities which, when viewed in their entirety, are accessible to persons with disabilities. Compliance also includes maintenance of an evaluation plan developed with the assistance of persons with disabilities or organizations representing disabled persons which contains: policies and practices for making programs and activities accessible; plans for making any structural modifications to facilities necessary for accessibility; a list of the persons with disabilities and/or organizations consulted; and the name and signature of the person responsible for the organization's compliance efforts. ("ADA Coordinator")

No final report is required for the Local Government Challenge Grant. Each local government will confirm in writing to the Commission that its governing board has appropriated the matching funds. The Commission will pay the grant in full after receiving this confirmation.

In **all** published material (printed programs, news releases, web news, email alerts, advertisements, flyers, etc.) and announcements regarding the particular activity or activities supported, acknowledgment of the Commission must be made. A suggested phrase is "(organization or activity) is partially supported by funding from the Virginia Commission for the Arts and the National Endowment for the Arts."

This form must be signed by an individual duly authorized by the governing body of the locality to act on its behalf and submitted with every grant application made to the Commission. The signature of the individual indicates the locality's compliance with all of the grant conditions listed above.

The undersigned certifies to the best of his/her knowledge that:

- the information in this application and its attachments is true and correct;
- the filing of this application has been duly authorized by the governing body of the applicant organization;
- the applicant organization agrees to comply with all grant conditions cited above.

The undersigned further certifies that he or she has the legal authority to obligate the applicant locality.

Typed Name of Authorizing Official _____ Title _____

Signature of Authorizing Official _____ Date _____

Applicant Locality Name _____

Applicant/Organization Name: _____

FORM BCKFDR8891
(Updated 12/20/01)

NATIONAL STANDARD FOR ARTS INFORMATION EXCHANGE
RACIAL/ETHNICITY DATA COLLECTION FORM

Individual Applicants:

Individuals should circle **any combination** of the characteristics listed below that apply:

- A: Asian**
- B: Black/African American**
- H: Hispanic/Latino**
- N: American Indian/Alaskan Native**
- P: Native Hawaiian/Pacific Islander**
- W: White**

Organizational/Institutional Applicants

(e.g. school, arts group):

Using the characteristics listed below, circle the predominant group of which the staff or board or membership (not audience) is composed. Organizations should choose the **one** code that best represents 50 percent or more of its staff or board or membership. If none of these conditions apply to the organization, classify the organization "99."

- A: 50% or more Asian**
- B: 50% or more Black/African American**
- H: 50% or more Hispanic/Latino**
- N: 50% or more American Indian/Alaskan Native**
- P: 50% or more Native Hawaiian/Pacific Islander**
- W: 50% or more White**
- 99: No single group** listed above represents 50% or more of staff or board or membership

For Both Individual & Organizational Applicants:

Using the characteristics listed below, indicate if the majority of the grant activities are intended to involve or act as a clear expression or representation of the cultural traditions of one particular group, or deliver services to a designated population listed below, choose that group's code from the list. If the project or activity does not emphasize the culture or traditions of one group, please circle "99." If you seek or receive general operating support or support for administrative or artistic expenses for many projects and activities and cannot select one group, please circle "99."

- A: Asian individuals**
- B: Black/African American individuals**
- H: Hispanic/Latino individuals**
- N: American Indian/Alaskan Native individuals**
- P: Native Hawaiian/Pacific Islander individuals**
- W: White individuals**
- 99: No single group**

NOTE: Generally, an activity can be considered "a clear expression or representation of the cultural traditions of one particular group" if it is:

(1) A project in which the intent is to communicate the culture or traditions of a particular race. For example, performances by an African dance company would be coded as "Black/African American."

and/or

(2) Projects which are usually understood to be reflective of the culture or traditions of a particular race. For example, Kabuki theatre is performed in many localities, and by many Asian and non-Asian groups. All of these performances would be coded as "Asian" because regardless of who produces the work, the type of theatre itself is widely understood to be an expression of Japanese culture.

This information will be used as part of a data collection project which documents state arts agency grant-making activities nationwide. This information will be used to determine national trends in grant-making and will not be considered during the grant-making process.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Saint Charles Catholic Church Request for Handicap Parking Spaces

AGENDA DATE:
March 21, 2013

SUBJECT/PROPOSAL/REQUEST: Request from St. Charles Catholic Church for Town's support for handicap parking spaces

ITEM NUMBER:
8F

ATTACHMENTS: Resolution 20130321A, Letter from St. Charles Catholic Church

FOR COUNCIL:
Action
Information

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

A letter was received from the Saint Charles Catholic Church requesting additional handicap parking spaces near the entrance of the church citing their ever-growing elderly population for the need for additional spaces. Currently, Saint Charles Catholic Church has one handicap space directly in front of the building.

DISCUSSION:

Handicap parking designation comes under the purview of the Virginia Department of Transportation (VDOT). The Town Manager spoke with a VDOT representative and a resolution adopted by the Town Council was needed in order for VDOT to consider the request. Any expenses for the designation of the additional handicap parking spaces would be charged to the Church.

RECOMMENDATION:

Staff requests Council review and discussion of the letter from Saint Charles Catholic Church and adoption of Resolution 20130321A In Support of the Request from Saint Charles Catholic Church for Additional Handicap Parking Spaces by roll call vote, if deemed appropriate.



Saint Charles Church
545 Randolph Avenue
Cape Charles, Virginia 23310
757-331-1724

March 11, 2013

Heather Arcos
Town Manager
2 Plum Street
Cape Charles, VA 23310

Dear Heather,

This is request from Saint Charles Catholic Church, 549 Randolph Avenue, Cape Charles to add additional handicap parking spaces near the entrance of the Church. We have an ever growing elderly population and at the present time there is one space directly in front of the building.

I understand that handicap parking designation is part of the Virginia Department of Transportation purview. Any help from you regarding his matter is appreciated.

Many thanks

"Chris" Bannon

L. G. "Chris" Bannon
President
Saint Charles Pastoral Council
757.331.2206
chrisban@verizon.net

RESOLUTION 20130321A

**IN SUPPORT OF THE REQUEST FROM SAINT CHARLES CATHOLIC CHURCH
FOR ADDITIONAL HANDICAP PARKING SPACES**

WHEREAS, the Town received a request from Saint Charles Catholic Church requesting additional handicap parking spaces near the entrance of the Church; and

WHEREAS, the letter cited the ever-growing elderly population of their congregation as the reason for the request; and

WHEREAS, the designation of handicap parking spaces comes under the purview of the Virginia Department of Transportation; and

WHEREAS, in order for the Virginia Department of Transportation to consider the request for handicap parking spaces, a resolution must be adopted by the Town Council of the Town of Cape Charles in support of the request; and

WHEREAS, after discussion at the March 21, 2013, Town Council Regular Meeting it was agreed to support the request from Saint Charles Catholic Church for additional handicap parking spaces for its congregation;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Cape Charles hereby expresses its support of the request for additional handicap parking spaces near the entrance of Saint Charles Catholic Church.

Adopted by the Town Council of Cape Charles on this 21st day of March, 2013.

By: _____
Mayor Dora Sullivan

ATTEST:

Town Clerk



TOWN OF
CAPE CHARLES

AGENDA TITLE: Harbor Area Review Board – South Port
Project Review

AGENDA DATE:
March 21, 2013

SUBJECT/PROPOSAL/REQUEST: Review Harbor Area
Review Board's Recommendation

ITEM NUMBER:
8G

ATTACHMENTS: Harbor Area Review Board Staff work and
letter

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Tom Bonadeo

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Harbor Area Review Board was scheduled to meet March 13, 2013. The due to a medical emergency the Board did not have a quorum and the meeting was rescheduled for this week. The Board's recommendation is expected to be available for this meeting.

South Port Investors purchased the Sustainable Technologies Industrial Park from Northampton County. South Port has leased multiple parcels from the Town of Cape Charles for the purpose of developing the Yacht Center. The leases are structured in that manner.

The Town Council has approved a Conditional Use Permit for the uses of boatel, marine engine repair, security fence (6') and a dwelling over the storage building.

The application, fee, Project Description (letter of application) and plot plan have been received for a Harbor Development Certificate. These are required for the General Application and the Site Development Plan has also been received. The relative portions of the site plan have been reproduced for the Harbor Area Review Board.

The Harbor Area Review Board documentation is attached for your review.

RECOMMENDATION:

Recommend that the Planning Commission continue development of the FAR for inclusion in the Harbor District zone.

Harbor Area Review Board Staff Report

From: Tom Bonadeo
Date: March 13, 2013
Item: South Port Investors – Cap Charles Yacht Center
Attachments: General and Detailed Application information.

Application Specifics

South Port Investors has been working with the Town Council on the development of the Cape Charles Yacht Center Project for nearly five years. South Port Investors purchased the Sustainable Technologies Industrial Park from Northampton County. South Port has leased multiple parcels from the Town of Cape Charles for the purpose of developing the Yacht Center. The leases are structured in that manner.

The Town Council has approved a Conditional Use Permit for the uses of boatel, marine engine repair, security fence (6') and a dwelling over the storage building.

The application, fee, Project Description (letter of application) and plot plan have been received. These are required for the General Application and the Site Development Plan has also been received. Only relative portions of the site plan have been reproduced for this meeting. This plan currently represents Phase I of the Yacht Center development and as such contains only one new building, a fence, the boatel structure and the pedestrian walkway and surrounding plantings. These structures will be built on Parcel 12, the site of the old "Fish House". Parcel 17, located across the street will be used "as is" except for the addition of 2 fuel storage tanks as show on the plans.

The Harbor District zone lists Criteria for Review of the application.

1. The use of the property is a working waterfront as shown in the Harbor Area Master Plan.
2. There are no historic structures to be preserved on this site. The old fish house was neither historic nor safe.
3. The plan shows the parking areas and meets the table of parking standards in the zoning ordinance.
4. The plan shows the entrances and exits and these are under review by VDOT at the present time. Comments have been received and are being integrated into the final site plan.
5. No alleys are required in this development.
6. No trash is detailed along any public ROW.
7. Traffic statistics have been supplied to VDOT for review.
8. The Harbor District requires 25% open space and this plan meets that requirement.
9. The plan accommodates a public walkway along the property. The walkway is delineated from the working waterfront by the fence around the vehicular area. The walkway is separated from the street by a smaller fence and landscaping.

10. The building while small in footprint it is two stories and located next to the boatel structure. This location is a functional part of the working waterfront and does not conflict with the massing of other structures on the site.
11. The architecture of the building fits within the guidelines of the Architectural Guidelines.
12. The area is mostly open and the new boatel structure is an open structure. Micro climate effects should not be a problem in this phase of construction.
13. The lighting of the Coast Guard Station is the brightest in the harbor area. This lighting will not "outshine" the Coast Guard area.
14. The applicant has located the boatel structure and storage building on the northern boundary with the coast Guard. This keeps the western view shed intact at the corner of Bayshore Road and Marina Drive.
15. The plan adheres to both the Cape Charles Harbor Conceptual Master Plan and the Design Guidelines and the zoning ordinance.

This project has been in development for some time and the applicant has had time to work with the zoning administrator and other staff to provide the best fit with the existing ordinances. This is a working waterfront project and not a housing or retail development.

The landscaped pedestrian walkway, the western view shed and the large boats will add significantly to the attractiveness of the Harbor and add needed jobs to the area.

Recommendation

Review the plan in accordance with the above criteria. Forward the project to Town Council with a recommendation. A second review meeting is required only if the project does not meet the requirements of the ordinance.



Engineering Resources Group, LLC

Cleveland Park Business Center
5741 Cleveland Street, Suite 120
Virginia Beach, VA 23462
Ph: (757) 961-6215 Fx: (757) 961-7244

January 25, 2013

Mr. Tom Bonadeo, Town Planner
Town of Cape Charles Planning Department
2 Plum Street
Cape Charles, VA 23310

**RE: Harbor Development Plan
Cape Charles Yacht Center - Phase I
Parcels 12 and 17
Cape Charles, Virginia
ERG Project No. 2111203.A**

The following items are attached for Harbor Area Review Board review and approval:

Item	Copies	Description
1	1	Application for Harbor Development Certificate
2	5	Business Plan
3	5	Harbor Development Plan
4	5	Harbor Development Plan Reduced Size
5	5	Elevation Plan

The required Application Fee was previously provided by the applicant on a development plan that encompassed the subject property that did not move forward. As the scale of the project has since been reduced, we respectfully request that the difference between the previous fee paid and the required fee for this application be reimbursed by the Town to the applicant.

Feel free to contact me at (757) 961-6215 or dmacLennan@ergroup.net if you have any questions or need additional information.

Sincerely,

Donald W. MacLennan, P.E.
President
Engineering Resources Group, LLC

Municipal Corporation of Cape Charles, Virginia
Application for Harbor Development Certificate

Date: 1/25/13
Permit No: _____
Fee: \$1,160.00

Proposed Use: Boat & Marine Engine Repair Yard, Boatel, Equipment Storage, Dwelling
Present Zoning: Harbor District
Location Address: East End of Cape Charles Harbor at Bayshore Road and Marina Road
Tax Map ID: Parcel 12: 083A3-((OA))-00-012 Acreage: 1.09 Total, 1.04 Disturbed
Parcel 17: 083A3-((OA))-00-017 Acreage: 11.19 Total, 0.63 Disturbed

I (We) hereby petition the Cape Charles Town Council for a Harbor Development Certificate to provide the above use on the above-mentioned property.

I (We) acknowledge the fact that all pertinent information required by the Harbor Area Review Board and Zoning Office must be submitted in a timely manner so that required public hearings can be scheduled and advertised. Applicant or representative must be present in the public hearing.

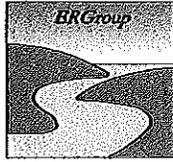
Land Owner's Lessee Signature: _____
Address: P.O. Box 395, Eastville, VA, 23347
Phone Number: (757) 678-5880

Harbor Area Review Board Meeting
Date: _____ Time: _____ Place: _____

Harbor Development Certificate
Application Checklist

- 1. Completed Application
- 2. Payment of Fees (\$300.00 + \$70.00 per acre)
- 3. Letter of Application stating general terms of property use, effect of changes on the surrounding area, and the reason for the request.
- 4. A Plot Plan in accordance with the Site Plan Ordinance

Detailed Application information shall be added per Section 3.9.G.1.b of the Zoning Ordinance when required.



Engineering Resources Group, LLC

Cleveland Park Business Center

5741 Cleveland Street, Suite 120

Virginia Beach, VA 23462

Ph: (757) 961-6215 Fx: (757) 961-7244

Project Description and Business Plan

Cape Charles Yacht Center - Phase I

Parcels 12 and 17

Summary

South Port Investors, LLC is launching the Cape Charles Yacht Center project on the east end of the Cape Charles Harbor at the intersection of Bayshore Road (S.R. 1117, S.R. 1108) and Marina Road (S.R. 1108). The Yacht Center is located within the Harbor District and consists of Parcels 12, 17, 19, and 20.

Project Description

This project is to be developed in accordance with Zoning Ordinance Section 3.9.C.1 in which the marine related boat and marine engine repair and boatel use is permitted subject to securing a Conditional Use Permit.

The purpose of this project is for the construction of a waterfront boat and marine engine repair yard, boatel, 1,200 sq ft equipment storage building with second floor dwelling, and adequate utilities to service Parcel 12. This also includes dredging, docks, bulkheads, and operation areas for both a 75 ton travel lift and a boat fork lift operation.

The operations will extend on to Parcel 17 with provisions for boat repair, marine engine repair, boatel, equipment storage and dwelling. Gasoline and diesel storage tanks will also be located on Parcel 17. The existing former Town of Cape Charles Wastewater Treatment Plant building and asphalt drive are to remain and be reused. The building will be used for equipment storage and house the operations office space. The utilities serving Parcel 17 will be upgraded as needed for the proposed use.

The Cape Charles Yacht Center project will be constructed in phases based on owner and operator needs. The future use of Parcels 19 and 20 is unknown at this time and will be addressed with a future phase of development.

The total area of Parcel 12 is 1.09 acres and the total area of Parcel 17 is 11.19 acres, including 2.58 acres of wetlands, for a total of 12.28 acres in Phase I.

A total of 1.67 acres between Parcels 12 and 17 will be disturbed in Phase I. Less than one tenth of an acre of Parcel 19 will be disturbed to improve the existing entrance off of Bayshore Road onto Parcel 19 as a shared commercial entrance serving both Parcels 12 and 19. Additionally, a portion less than one tenth of an acre of the Town of Cape Charles Harbor Parcel 10 will be impacted to house the proposed floating docks and travel lift piers.

Off site work related to the development will occur in the Bayshore Road and Marina Road right of way. An existing material storage and stockpile area to be used during construction is located on STIP Park Parcel 90.

Location

The existing sites are both previously developed properties. Parcel 12 was a previously developed waterfront site along the eastern edge of the Cape Charles Harbor that has been cleared of existing structures and is currently gravel and packed dirt and remains vacant. The northern portion of the parcel is low and is subject to tidal action of the harbor. This parcel has access to a public right of way by the use of a shared entrance on adjacent Parcel 19 to the southwest.

Parcel 17 was the former Cape Charles Waste Water Treatment Plant. The majority of the plant structures and equipment have been removed, with the plant building and existing asphalt on site to remain and be reused. A portion of Parcel 17 is low laying wetlands that are subject to tidal flooding. Special precautions will be taken to ensure that this area will not be disturbed during construction.

Parcel 12 is bound by the Cape Charles Harbor to the west, a United States Coast Guard station to the north, and the public right of ways of Marina Road and Bayshore Road to the east and southeast. To the southwest is Parcel 19, an undeveloped waterfront property which shares a common entrance with Parcel 12.

Parcel 17 is bound to the north and west by the public right of way of Bayshore Road, bound to the east by the properties of Sinclair Telecable housing a telecommunications tower and facilities, and to the south by undeveloped parcels of the Sustainable Technologies Industrial Park.

The proposed use will effectively utilize one of the Town of Cape Charles's greatest resources, its waterfront location, to attract visitors and businesses to the Town. The proposed use will compliment, not compete, with the surrounding properties.

Pedestrian Access, Safety, and Visibility

As part of the Harbor District, a 10' asphalt pedestrian harbor walk will be provided on the eastern edge of the property from the Coast Guard property on Marina Road to north of the shared entrance into the site on Bayshore Road. This allows for pedestrian access to the harbor and future development. Due to physical and property limitations, the connection of the 10' walk will stop just short of the Coast Guard entrance. A 42" split rail wooden fence, as well as bushes and shrubs, will be placed between the pedestrian walkway and the railroad tracks for public safety. No trees will be planted along Bayshore Road to ensure that the view of the harbor is not blocked from public roadways.

A 72" black coated chain link security fence will tie into the Coast Guard chain link fence on Marina Road and run down the north side of Bayshore Road and turn west to the harbor to secure Parcel 12. A gate will be placed just north of the end of the pedestrian harbor walk. Parcel 17 is currently secured by a chain link fence which is to remain. In accordance with Zoning Ordinance Section 4.2.G.3 a Conditional Use Permit is required for the proposed non-conforming fence. As the proposed use will be operating in an open work environment, as opposed to closed buildings, the use of the 72" high chain link fence will help protect the expensive investments of both the operator and the customers on site. Additionally, the chain link fence is to secure the work area as large equipment will be maneuvering around the site and keep pedestrian traffic outside of the work area while still maintaining the views of the Harbor.

Landscaping

Landscape buffers will be used along the northern portion of the site along Marina Road. Care will be taken to ensure that the proposed building locations do not infringe on any potential harbor views from public roadways.

Additionally, careful consideration has been given to the security of the Coast Guard property when selecting plantings and their locations along the northern property boundary.

Projected Costs

South Port Investors, LLC currently maintains a lease agreement with the Town of Cape Charles to develop and operate all of the parcels comprising of the Cape Charles Yacht Center Master Plan - Parcels 12, 17, 19, 20, and a portion of Parcel 10.

Construction costs for the first phase of the Cape Charles Yacht Center project are gauged at approximately five million dollars (\$5,000,000) and will be assumed by South Port Investors, LLC and their investors.

Construction

Phase I construction is expected to take 6 months. The engineering and architectural drawings are at 90% completion. The Conditional Use Permit (CUP) was approved by Council in January 2013. The construction plans were then submitted to the Town for review and approval in January 2013. Bids for construction will be finalized once local and state reviews are complete and permits for construction are ready to be issued. Permits for dredging and wetlands have been secured with all local, state, and federal agencies.

Operations

The operations of the Phase I facility will be spread between Parcel 12 and Parcel 17 by a single operator. The Yacht Center will be operated by a full time professional staff and offer boat storage and repair services, including, but not limited to, mechanical repair, fiberglass repair, welding and metal fabrication, and painting.

Parcel 12 operations will include all waterfront activities, including, but not limited to, launching and recovery of boats from the Harbor by either travelift or forklift, refueling of boats, pumping out of boat sewage tanks from dockside connections, and minor repairs that can be completed while the boats are in the water and tied to the floating docks. An equipment storage building with second floor dwelling is located adjacent to the bulkhead to support the waterfront operations. The purpose of the second floor dwelling is to ensure that local and out of town workers have an onsite resting and restroom facility. A boatel with a storage capacity of up to 33 boats is also to be located on Parcel 12. The primary purpose of the proposed boatel is to provide rental space. Parking for the boatel rental space has been designated on Parcel 17 adjacent to the operations office space.

Parcel 17 operations will include the main facility office and equipment storage building as well as an additional laydown area for long term boat storage and repairs. Boats in need of long term repair or maintenance, boats that are larger than available dry storage racks, or when the boat racks are full, would be stored on Parcel 17 allowing Parcel 12 to remain clear for waterfront operations. Painting and fiberglass work will be performed under temporary tenting with impervious tarp ground protection within the stone work area on Parcel 17 until a permanent paint and repair facility is constructed on Parcel 17. An area of boat trailer parking has been designated on the parcel. Additionally, above ground diesel and gasoline fuel tanks will be located on Parcel 17 to supply the waterfront fueling dispensers on the floating docks.

Additional parking has been designated on both Parcels 12 and 17 in accordance with the Town zoning ordinance to accommodate the spaces needed for the equipment storage facilities, dwelling, and office space.

Future boat repair, marine engine repair, boatel, equipment storage and dwelling operations will extend on Parcel 17 as needed for operations.

This project is working towards meeting the Virginia Clean Marina designation requirements.

Initial operations of the facility will produce income from repair services and boat rental space. This income will be further enhanced by fuel and retail sales.

Traffic Analysis

Trip Generation

Based upon ITE Code 420, 11 slips will produce 33 daily and 2 PM Peak trips for Parcels 12 and 17 (single operator). Neither proposed entrance warrants left or right turn lanes at this time.

Access Management

Bayshore Road is a 2 lane, 25 mph rural local roadway. In accordance with Table 2-2 and Figure 4-11 in Appendix F of the VDOT Road Design Manual, the proposed entrances meet the minimum 50' spacing required from return of radius to return of radius.

The existing entrance off of Bayshore Road onto Parcel 19 will be improved as a VDOT standard shared commercial entrance serving both Parcels 12 and 19. Both parcels are owned by the Town of Cape Charles; therefore, an easement is not required at this time. The railroad crossing will also be improved. All necessary approvals and easements will be obtained from the railroad.

A new VDOT standard commercial entrance is proposed off of Bayshore Road onto Parcel 17 across from the improved shared entrance serving Parcels 12 and 19. The existing entrance serving Parcel 17 will be closed upon completion of the Town of Cape Charles Waste Water Treatment Plant demolition or the construction of the new entrance.

The existing entrance on Parcel 20 is to remain as a shared entrance serving the future development of both Parcels 20 and 11-001.

The geometrics and pavement design of both proposed entrances, as well as, the subject portion of Bayshore Road to be improved are designed to handle the marine operations vehicles and heavy equipment.

Turn Lane and Taper Warrant Analysis

In accordance with Figure 3-26 in Appendix F of the VDOT Road Design Manual, due to the low AADT and trips generated by this project, neither proposed entrance warrants a right turn lane or taper at this time.

Stormwater Management

Stormwater management facilities, including bio-retention planting beds and water quality swales, are incorporated into the design to ensure that all state and local water quantity and quality requirements are met or exceeded. Our design intent is for no net stormwater runoff during a 10 year storm event, meeting the MS-19 requirements for this site. This is achieved by strategic grading and the minimal use of impervious surfaces. Primary driveway, work areas, and parking areas of this project use pervious stone surfaces to reduce the impervious area for the project.

Additionally, the proposed water quality swales will capture the untreated stormwater runoff within the State maintained right of way adjacent to the proposed development, treat, and convey the runoff at non-erosive velocities to the nearest outfall with adequate capacity.

A Stormwater Pollution Prevention Plan will be prepared for this project.

Erosion & Sediment Control

All vegetative and structural erosion and sediment control practices shall be constructed and maintained according to minimum standards and specifications of the Virginia Erosion & Sediment Control Handbook. There are no apparent non-standard erosion & sediment control devices required for this project.

Water Services

Parcel 12

The proposed water meter and detector check serving Parcel 12 will be located at the eastern portion of the property adjacent to Marina Road. The proposed water service line will tie into the existing 8" water main. Adequate water services are provided to the equipment storage building with 2nd floor dwelling located at the northwestern corner of Parcel 12 and to the dockside pedestals.

An advanced water recycling system will be used at the wash rack that has a zero discharge closed loop system that is encouraged by the EPA and reduces the water and sewer service needs of the development; therefore, minimal water services are needed for this wash rack.

Parcel 17

The existing former Town of Cape Charles Waste Water Treatment Plant building is to remain on Parcel 17. The building will be used for equipment storage and office space. No new fixtures are proposed for Parcel 17; therefore, the existing water service line and meter are to remain.

Sanitary Sewer Services

Parcel 12

A SaniSailor Sentinel M300 High Vacuum System will be located on the longest length of floating dock run and will be used as a dockside pump station. This system is designed for high capacity with moderate frequent use.

The SaniSailor force main will run along the floating dock, under the stone work area adjacent to the proposed bio-retention areas, and tie into the new grinder pump station wet well. A bypass force main connection will also be provided that will tie directly into the new grinder pump station force main, bypassing the grinder pump station.

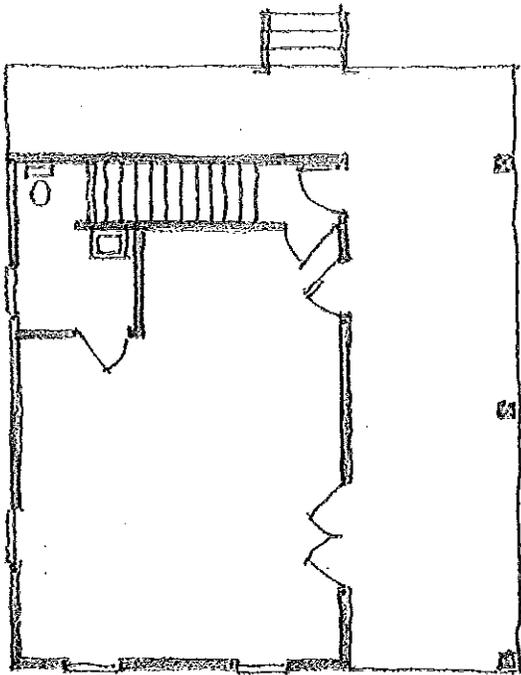
The new grinder pump station will serve the proposed equipment storage building with 2nd floor dwelling located at the northwestern corner of Parcel 12. The pump station will be located within the building porch area at the building finished floor elevation to ensure that the pump station rim elevation is the minimum 6" above the 100 year flood elevation of the property.

The pump station force main will run under the stone work area, tie into the proposed SaniSailor force main bypass pipe, run along the northern landscape buffer, and tie into the existing 6" force main on Bayshore Rd.

An advanced water recycling system will be used at the wash rack that has a zero discharge closed loop system that is encouraged by the EPA and reduces the water and sewer service needs of the development; therefore, no sanitary sewer provisions are needed for this wash rack.

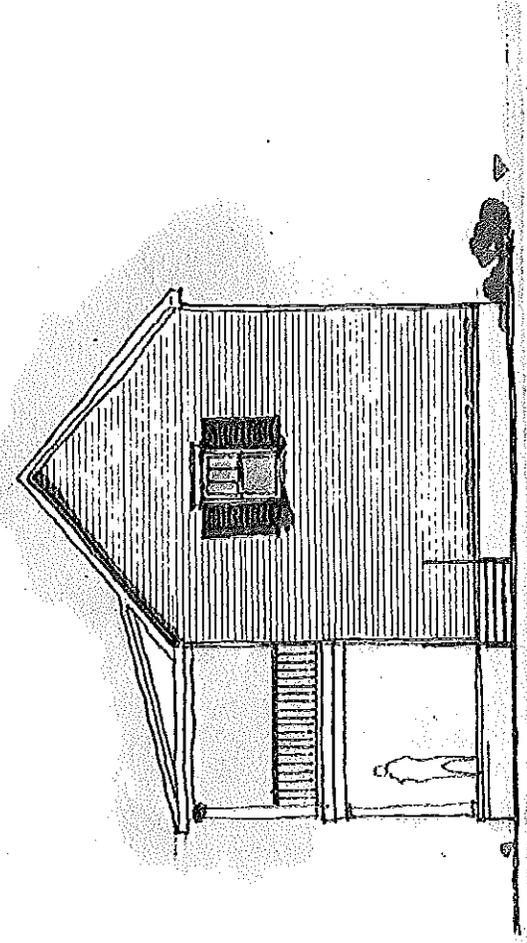
Parcel 17

The existing pump station and 6" force main serving the old Town of Cape Charles Waste Water Treatment Plant will be replaced with a grinder pump station and smaller force main that will connect to the existing, relocated 2" STIP Park force main before tying into the existing 6" force main on Bayshore Road.



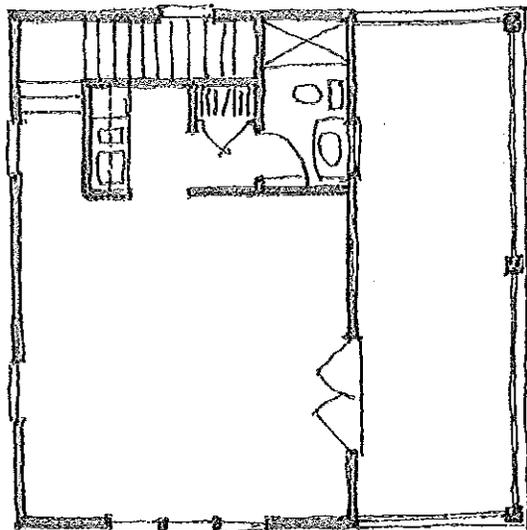
FIRST FLOOR PLAN

SCALE = 1/8" = 1'-0"



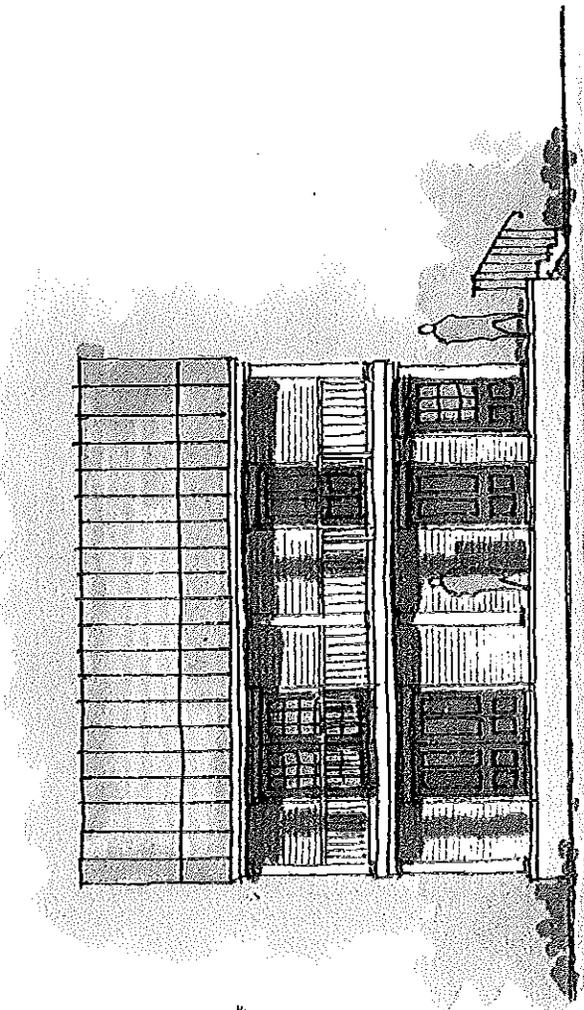
EAST ELEVATION

SCALE = 1/8" = 1'-0"



SECOND FLOOR PLAN

SCALE = 1/8" = 1'-0"



SOUTH ELEVATION

SCALE = 1/8" = 1'-0"

CAPE CHARLES YACHT CENTER
STORAGE BUILDING



TOWN OF
CAPE CHARLES

AGENDA TITLE: Request from Concerned Citizens for Cape Charles and Old School Cape Charles Partnership

SUBJECT/PROPOSAL/REQUEST: Request from Concerned Citizens for Cape Charles and Old School Cape Charles Partnership

ATTACHMENTS: Letter from the Concerned Citizens for Cape Charles and Old School Cape Charles Partnership

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

AGENDA DATE:
March 21, 2013

ITEM NUMBER:
8H

FOR COUNCIL:
Action ()
Information (X)

BACKGROUND:

On March 14, 2013, a request was received from the Concerned Citizens for Cape Charles (CCCC) and Old School Cape Charles (OSCC) Partnership regarding the proposed use of the current Cape Charles Memorial Library Building on Tazewell Avenue.

DISCUSSION:

The CCCC-OSCC Partnership requests use of the building as a base for community social, recreational and educational programs and projects with special emphasis on youth and seniors. They also request that the existing computers and equipment and other items not needed by the new facility remain in the building. The complete request/proposal from the CCCC-OSCC Partnership is attached for review.

The future of the current library building is being reviewed by the Community Needs Advisory Committee. This proposal will be forwarded to the Advisory Committee for their review and their recommendations will be presented to Council for review when received.

RECOMMENDATION:

Provided for information only.

CCCC & OSCC Partnership

REQUEST: Use of space in the library as a base for community social, recreational and educational programs and projects with special emphasis on youth and seniors. We also request that the existing computers and equipment and other items not needed by the new facility remain.

PURPOSE: To empower the community to take responsibility for improving their quality of life and well-being.

To enhance existing town programs, identify and address gaps in services and meet other needs and desires as dictated by the community.

To identify all existing agencies and organization creating a Resource Directory through the ESVA portal and 211 Connect web sites so as not to duplicate social services.

To promote, enhance and create community recreational opportunities through partnerships and other avenues.

To inform and educate residents through seminars, workshops and training sessions dictated by community needs and interests, such as, Budgeting & Financial Management, Nutrition and Healthy Eating, How to Hire a Contractor, How to Write a will and so forth.

To promote youth scholastic excellence through Tutoring and Homework Assistance, Career Development and Incentive Programs.

PROPOSED PROGRAMS AND PROJECTS:

To bring citizens into the center to create awareness of programs and projects through co-sponsoring Family Movie Night, at least once a month with discussions and refreshments offered and Community Bingo twice a month instead of cash prizes, household and other items will be offered as prizes.

Establish the library as a pick-up point for Veterans for medical transport to the VA medical center in Hampton the 4th Thursday of each month.

Identify citizens who need ramps to aid in mobility, coordinate efforts to make it happen through ESAAA and other resources.

Establish a Volunteer Youth Corps.

Aid eligible residents in the Northeast neighborhood in accessing the Community Development Block grant side-aside funds for housing repair and improvements through assisting them in locating qualified contractors.

Establish an arts and crafts program for youth, young adults and seniors to create items for display and sale to produce income for the individuals as well as programs and projects.

Promote, through churches and organizations, community-wide participation in Michelle's Obama's "Let's Move" program to encourage residents to adopt healthy choices in eating and being more active. Identify and secure funding for this program.

Initiate and encourage community beautification and clean-up projects to instill a sense of pride in the community.

FUNDING: No funding is being requested from the Town for any new activities. The partnership will bankroll these efforts through fundraising, grants, donations and in-kind support.

OTHER: We do request that the Town encourage clean-up and beautification activities by designating several days of the year for removal of bulk items at no cost to the residents.

Since Central Park has no sports fields, we ask that the Town identify other sites for sports such as baseball, football, soccer and etc.

AGREEMENT: The Partnership will work out a user agreement with the Town stating days and hours of use and other responsibilities regarding the use of the building.