

**TOWN COUNCIL**  
**Regular Meeting**  
November 8, 2012  
St. Charles Parish Hall  
6:00 PM

1. Call to Order
  - A. Roll Call
  - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Public Comments (3 minutes per speaker)
4. Consent Agenda
  - A. Approval of Agenda Format
  - B. Approval of Minutes
5. Report Presentations
  - \*A. Treasurer's Report
  - B. Planning Commission and Boards
  - C. Other Departmental Reports
6. Old Business
  - \*A. Central Park Rest Rooms
7. New Business
  - A. Hurricane Sandy Damage Update
  - \*B. Community Needs Advisory Committee
  - \*C. Bagwell Oil Fuel Services Contract Extension
  - \*D. 2013 July 4<sup>th</sup> Fireworks Display
  - \*E. CCVFC Allocation for Truck Payment (\$18,600)
  - F. Enterprise Zone
  - \*G. Support for Creating Prosperity Through Preservation Act
9. Announcements
  - November 12, 2012 – Town Offices Closed in Observance of Veterans' Day
  - November 15, 2012 – Town Council Work Session @ 6PM
  - November 21, 2012 – Town Offices Close at Noon for Thanksgiving Holiday
  - November 22-23, 2012 – Town Offices Closed for Thanksgiving Holiday
  - December 13, 2012 – Town Council Regular Meeting @ 6PM
  - December 20, 2012 – Town Council Work Session @ 6PM
10. Adjourn at 8:00 P.M.



**DRAFT**  
**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**October 11, 2012**  
**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 Sullivan, Veber and Wendell and Councilwoman Natali. Councilman Godwin arrived at 6:04 p.m. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek and Town Clerk Libby Hume as well as the majority of Department Heads and approximately 10 members of the public.

Mayor Sullivan asked for a moment of silence to remember Mr. Doug Walker (15-24) who served the community as a fire fighter for 22 years. Mr. Walker passed away on October 9, 2012. The moment of silence was followed by the recitation of the Pledge of Allegiance.

**PUBLIC COMMENTS:**

*Don Bender, 300 Fulcher Street*

Mr. Bender deferred his allotted time to Deborah Bender.

*Deborah Bender, 300 Fulcher Street*

Ms. Bender addressed Council regarding the following: i) A FOIA response she received from the Dept. of Historic Resources where Town Manager Heather Arcos applied to have the school certified as a historic structure for rehabilitation purposes; ii) A list of costs to the Town for work done on the school and Bank of America building totaling \$850K; iii) A couple of days after she brought it to everyone's attention about Echelon advertising on their website for one and two-bedroom apartments in the school building, their website was changed; iv) The Town stated that the building was in such bad condition, but when Councilman Wendell went into the building with some of Echelon's men who were checking the building out, they told Councilman Wendell that the foundation was in great shape, the beams underneath the school were also in good shape and the asbestos could be contained. The worst part of the building was the stairwell where water had been leaking in for years. If the Town had performed general maintenance, the stairwell would be in better shape; and v) The problem was that no one cared about the 100-year old historic school. Ms. Bender concluded by stating that the fight was far from over, the citizens were not going to go away and would be watching every move made by the Town.

*Lenora Mitchell, 309 Tazewell Avenue*

Ms. Mitchell began by talking about when the initial development of the resort community was being proposed and two scenarios of how the venture would impact the community. Brown and Root stated that rich people would come, hang out on their yachts or play golf all day and not get involved in small town politics. Another view came from St. Helena Island, South Carolina who stated that the people would discover Cape Charles and make it their little paradise, taking over the local government and pushing the natives out using tactics such as oppression, domination, repression and coercion. Ms. Mitchell went on to state that the citizens said "no" to discrimination and the Town was one community even though it was split into three districts. The voters spoke on May 1<sup>st</sup> and they would speak again. Council needed to find a way to serve the community inclusively. Ms. Mitchell asked Council to develop a plan to relocate the basketball court adding that she would hate to have the kids come to the court

only to find a yellow tape around the parameters. The citizens' pleas have fallen on deaf ears which made their resolve stronger. Ms. Mitchell continued to state that the citizens were willing to work with the Town if permitted to do so, but if not, would be watching every step and move made by Council.

*Veann Duvall, 110 Tazewell Avenue*  
Please see attached.

*Frank Wendell, 515 Monroe Avenue*

Councilman Wendell stated that the tax credit application was signed and submitted on August 13<sup>th</sup> by Town Manager Heather Arcos and he had a copy of a letter dated September 14<sup>th</sup> from the Dept. of Historic Resources regarding the submission of the Rehabilitation and Tax Credit Application Part 1. Councilman Wendell went on to state that in a FOIA request, he asked for copies of applications made by the Town for grants to keep the school building public over the course of the last 4 - 10 years and was told that there were none. The Town Manager had replied that she was never directed by the Town Council to apply for anything. Councilman Wendell asked under whose direction the application was submitted for Echelon to receive the tax credits and whether Council ever directed staff not to maintain the school because one of the problems, per Echelon's architect, was the ongoing moisture in the school which could have been resolved with caulking the windows. Councilman Wendell stated that compared to the \$349K bath house, caulking at the old school would seem reasonable. Councilman Wendell continued to state that when he went to look at the school, Tom Bonadeo introduced him to the representatives from Echelon who were looking over the school and asked them how they liked the old school and their reply was that it was in great shape and they proceeded to point out the beams, etc. Councilman Wendell asked why the application was not included in the September or October Council packet so Council could be aware that the staff had submitted it on behalf of Echelon.

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

**CONSENT AGENDA:**

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to approve the agenda format as presented. The motion was approved by unanimous consent.**

The Town Council reviewed the minutes of the August 23, 2012 Public Hearing & Special Meeting, the September 11, 2012 Work Session, the September 13, 2012 Executive Session, the September 13, 2012 Regular Meeting, the September 27, 2012 Work Session and the September 27, 2012 Executive Session.

Councilwoman Natali stated that she had contacted the Town Clerk regarding two typographical errors in the September 13, 2012 Regular Meeting minutes.

Councilman Wendell stated that he submitted additional language for the August 23, 2012 Public Hearing & Special Meeting minutes. There was some discussion regarding the language.

**Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to approve the minutes from the August 23, 2012 Public Hearing & Special Meeting as presented with the addition of Councilman Wendell's language to the end of the minutes as an addendum. The motion was unanimously approved.**

**Motion made by Councilman Sullivan, seconded by Councilman Veber, to approve the minutes of the September 11, 2012 Work Session, the September 13, 2012 Executive Session, the September 27, 2012 Work Session and the September 27, 2012 Executive Session as presented and the minutes from the September 13, 2012 Regular Meeting as amended. The motion was approved by unanimous consent.**

**REPORT PRESENTATIONS:**

**A. *Treasurer's Report:***

Treasurer Kim Coates reviewed the Treasurer's report dated September 30, 2012 which showed \$293,241 in the Bank of America checking account, \$612,058 in the Shore Bank account and \$439,861 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$1,344,159. The report also showed Total Cash Held in Reserve at \$354,739. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$65,287 more was collected in FY 2013 as of September 30<sup>th</sup> with increases noted for meals tax, real estate taxes, and transient occupancy tax.

**Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to accept the Treasurer's Report as submitted. The motion was approved by unanimous consent.**

**B. *Town Manager's Report:***

Town Manager Heather Arcos reported the following: i) A Candidate Forum, hosted by the Arts Enter, was being held on October 25<sup>th</sup> at the Palace Theatre. Northampton County District 1 Supervisor Willie Randall would be the moderator; ii) Thomas Stratton of the Water Plant was doing better but still unable to work; iii) Heather Arcos thanked Officer Jim Pruitt and Chief of Police Charles Brown for all their work on the ceremony honoring fallen officer Sgt. James Taylor; and iv) The service for Doug Walker would be held on Sunday, October 14<sup>th</sup>, at 2:00 PM at the Cape Charles Volunteer Fire Company.

Councilwoman Natali thanked the Town and the ESVA Festivals organization for doing such a great job for the Birding Festival.

**C. *Planning Commission and Boards:***

Heather Arcos stated that Town Planner Tom Bonadeo was attending a meeting at the Eastern Shore Community College regarding the Walkability Tour Report. Cape Charles would be on the front cover of the report which would be posted on the Town's website when received.

Councilman Wendell asked about the sidewalk project and stated that he hoped the Town could find money to extend the sidewalk along Randolph Avenue from Heritage Acres to Fig Street and the Rayfield's parking lot. Heather Arcos responded that the Town was talking with Branscome, VDOT's contractor for this project, and Public Utilities Director Dave Fauber was looking at the safest layout for the sidewalk. Once something definite had been worked out, staff would report back to the Town Council.

Councilman Godwin expressed his concern regarding the quality of work being done by Branscome on the sidewalk project. Dave Fauber informed Council that we would look at the work tomorrow and address the issue with VDOT if necessary.

**D. *Other Departmental Reports:***

Librarian Ann Rutledge reported the following: i) Free computer classes were offered every Tuesday morning at 10:00 AM and every other Tuesday evening at 7:00 PM. Word was getting out and the classes were filling up. One attendee came from Onley; ii) The kids'

programs were doing great with a lot of attendees; iii) They were very excited about the new library and lots of positive feedback was being received from the public.

Mayor Sullivan asked if there were any questions regarding the other departmental reports.

Councilman Wendell asked Dave Fauber about the upcoming project to repair the Pine Street Pump Station with a FEMA Grant. Dave Fauber explained that it was determined that the damages to the pump station were caused by the earthquake last year and FEMA was providing approximately \$7,500 to help repair the damage.

**OLD BUSINESS:**

**A. *Contract for Demolition of Wastewater Treatment Plant:***

Assistant Town Manager Bob Panek stated that Council previously approved the award of a contract in the amount of \$19,100 to Brittingham Bulldozing & Excavating for demolition work on the old wastewater treatment plant. Bob Panek explained that the Town avoided significant costs included in the original estimate by awarding a no cost contract for demolition of the steel tanks and structures and by the Public Utilities staff completing the re-routing of the water plant backwash piping in-house. Several problems had arisen as Brittingham's work progressed: i) the polishing pond liner could not be removed by the Public Utilities staff as planned and had to be removed piecemeal as demolition work progressed; ii) additional concrete foundations were discovered under the former steel tanks and needed to be removed; and iii) the polishing pond sediment would not drain properly and needed to be diverted to a temporary drainage impoundment to dry. Brittingham incurred costs totaling \$17,210 to accomplish this work. Bob Panek continued to state that the sediment appeared to have dried sufficiently for grading and seeding and this was estimated to cost about \$6K, bringing the total additional cost for this phase of closure to \$23,210 for a total of \$70,348. After this work was accomplished, there would be some additional costs, mainly for fencing, to finish the closure work. The estimated additional cost would be no more than \$30K. The total cost of demolition would be approximately \$100K and \$289K was included in the Wastewater Treatment Plant Capital Budget for this project. Bob Panek requested that Council approve an amendment to the Brittingham contract for the additional work, not to exceed \$23,210.

There was some discussion regarding the various costs included in the demolition project. Councilwoman Natali stated that she was impressed that the project was able to be completed well below budget. Bob Panek responded that the Public Utilities staff did a great job in cleaning out the tanks, etc.

Councilman Godwin also congratulated staff for doing a great job.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to amend the Brittingham Bulldozing & Excavating contract for the additional work discussed, not to exceed \$23,210. The motion was approved by unanimous consent.**

**B. *PSA / Regional Wastewater System Update:***

Bob Panek stated that the PSA was working on the application for a USDA RD Grant for the Northern Node for submission in November. The Southern Node service area was scaled back focusing on the commercial properties around the US 13 / State Road 184 intersection. The preliminary estimate for this project was between \$1.5M to \$2M. The objective was to fund this first phase of the Southern Node primarily with private capital contributions from the commercial property owners. The PSA was following up with several of the property owners regarding a special tax district or capital contribution up

front. Once this process had been completed, the information would be presented to the Northampton County Board of Supervisors.

There was some discussion regarding the service area and the County's zoning of the area.

C. *Resolution to Request VDOT Traffic Study:*

Heather Arcos stated that after discussion at the September 13<sup>th</sup> Regular Meeting, upon request of Council, she contacted the VDOT resident administrator to request either a four-season or summer traffic study of the Randolph Avenue / Fig Street intersection in order to get an accurate picture of the volume of traffic in town. It was confirmed with a VDOT traffic engineer that a traffic study could be done within 30 days and another one could be done after Memorial Day for comparison and measurement purposes. Heather Arcos asked Council to review the Staff Report and attached resolution and discuss the request for multiple traffic studies for the intersection of Randolph Avenue and Fig Street.

There was some discussion regarding this issue and the safety of the residents and visitors traveling through this intersection.

**Motion made by Councilwoman Natali, seconded by Councilman Godwin, to adopt Resolution 20121011 - Requesting a Virginia Department of Transportation Traffic Study for the Intersection of Randolph Avenue and Fig Street.**

**Mayor Sullivan moved for adoption of Resolution 20121011 as noticed and forewent reading of the resolution. The motion was approved by majority vote. Roll call vote: Bannon, no; Godwin, yes; Natali, yes; Sullivan, yes; Veber, yes; Wendell, yes.**

**NEW BUSINESS:**

A. *Cape Charles Trail Project Agreement Amendment:*

Heather Arcos stated that in November 2011, as part of the Phase 2 North Peach Street and Washington Avenue design and construction, the Town submitted an application for a Transportation Enhancement Program Grant in the amount of \$251,878. In June of this year, the Town was awarded \$251K. An amendment (Appendix A) needed to be executed as a formality to accept the money and move forward with the project.

**Motion made by Councilman Sullivan, seconded by Councilman Godwin, to authorize the Town Manager to execute the Amendment to Project Development and Administration Agreement (Appendix A). The motion was approved by unanimous vote.**

B. *Former Bank of America Building Update:*

Heather Arcos stated that the purchase of the Bank of America building was completed on October 5, 2012 and continued to report the following: i) A draft floor plan had been developed; ii) The Town was working with the Friends of the Cape Charles Memorial Library regarding fundraising; and iii) Staff was evaluating the work to be done to the building and going through the furniture to determine the items to be kept. Heather Arcos went on to state that she would continue to give updates to the Council as the Town moved forward with plans to move the Library. Discussion and plans would be made to hold meetings to obtain citizen feedback on the future of the current Library building and its possible uses for meetings, recreation programs, Library annex, etc.

Councilman Veber asked about plans to let the citizens tour the building. Heather Arcos explained that staff was in the process of cleaning the interior of the building which needed to be done prior to permitting anyone inside to tour the space. The work on the building

would be prioritized and would be presented to Council for approval prior to any money being spent.

C. *Former Cape Charles School Update:*

Heather Arcos reported the following: i) Echelon Resources' review and inspection period would end no later than December 26, 2012; ii) The Echelon team, which included architects, contractors and engineers, was evaluating the condition of the building, utilities, zoning and building code requirements; iii) Notification was received on the reassignment of the entity name – Charon Ventures, LLC; iv) Survey had been completed and an engineer was working on the site plan; and v) The project architect and engineer had visited the site; vi) Echelon was working with the Historic Tax Credit Consultant to submit the applications. The Town signed off on Echelon's application verifying that the building was a historic structure.

Heather Arcos continued to state that on August 6, 2012, the Town responded to a lawsuit filed by Old School Cape Charles, LLC and Wayne Creed for an Appeal and Complaint for Declaratory and Injunctive Relief, primarily concerning the sale of the property. On September 24, 2012, Old School Cape Charles, LLC, Wayne Creed, Laura Hickman McSpedden and John L. Hickman filed an Appeal and Complaint for Declaratory and Injunctive Relief against the Town, primarily concerning rezoning of the property. The lawsuit was currently being reviewed by the Town's attorney and the Town would respond by October 16, 2012. A closed session would follow this meeting to discuss the Town's response to this second lawsuit.

D. *Water Plant Control Panel Change Order Request:*

Public Utilities Director Dave Fauber stated that the Town was in the process of updating the water filters and control panel at the water plant. In May 2012, the contract was awarded to MC Dean, Inc. and they were working with GHD, the Town's engineering firm, on the design phase of the new control panel. A back-up to the system was not included in the scope of work under the original contract but was essential to ensure an uninterrupted supply of safe, clean drinking water to the Town's customers and would be difficult and costly to add at a later date. The change order request for the back-up system was for \$20,800 which would bring the total expenditure to \$117,959 out of a total project budget of \$120K.

**Motion made by Councilman Wendell, seconded by Vice Mayor Bannon, to authorize the Town manager to execute Change Order CO-001 to the MC Dean, Inc. contract for \$20,800. The motion was approved by unanimous consent.**

E. *Friends of the Cape Charles Memorial Library Proclamation:*

Heather Arcos stated that October 21 – 27, 2012 was the seventh annual National Friends of Libraries Week, which was an opportunity to recognize and celebrate the Friends of the Cape Charles Memorial Library for their continued help and support through programs and services to the Cape Charles Memorial Library and the community.

Vice Mayor Bannon asked Librarian Ann Rutledge to describe some of the services provided by the Friends of the Library. Ann Rutledge stated that the Friends purchased a movie projector and screen for the Library and purchased the annual movie license for the Library to show movies, purchased 112 DVDs over the last several months, provided funding for special programs, helped with other activities for the children, helped back up staff in the Library, helped with publicity, put on book sales throughout the year and made \$400 from the last one. Ann Rutledge added that the Library could not function without the Friends of the Library.

Mayor Sullivan thanked Councilwoman Natali for bringing this week to Council's attention.

Councilman Natali stated that she and Vice Mayor Bannon were members of the Friends of the Cape Charles Memorial Library.

**Motion made by Councilman Godwin, seconded by Councilman Sullivan, to proclaim October 21 - 27, 2012 as National Friends of Libraries Week and recognize the Friends of the Cape Charles Memorial Library for all they do for the library and community. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes; Veber, yes; Wendell, yes.**

**ANNOUNCEMENTS:**

- October 14, 2012 – Service for Doug Walker, 2PM at Cape Charles Volunteer Fire Company
- October 25, 2012 – Candidate Forum, 6PM at Palace Theatre
- October 27, 2012 – Trunk or Treat with Haunted Harbor, 4PM
- October 27, 2012 – Oyster Roast at Wendell Distributing
- October 31, 2012 – Halloween. Trick or Treating until 8PM
- November 6, 2012 – Special Election
- November 8, 2012 – Town Council Regular Meeting, 6PM

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

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Mayor Sullivan

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Town Clerk

**Town Council Regular Meeting  
October 11, 2012  
Comments Provided in Writing**

*Veann Duvall, 110 Tazewell Avenue*

Those of us who are fighting to save our old school, basketball court and parking for the playground have a few questions for you.

Why are you so eager and so sure that you will be able to close on our school?

Did you know that we have two lawsuits on-going about it?

Are you so sure that you have done the right thing for our town that you are willing to run over the feelings of those who disagree with you?

That might come back to bite you. Perhaps it already has.

You know, and I know, and we all know, that there was no need to remove the entrance to the children's playground before closing on the contract. So why did you do it?

Did it make you happy?

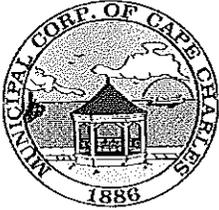
Did it make you feel powerful?

I hope you will think about it as you realize that you are making Cape Charles into a town for old folks. We are not a town that welcomes and values children and youth. You had your little children's play area during the fall festival – only there were no children. Well guess what? There is a reason for that.

You are blind leaders, leading blindly. Your lack of respect for the citizens of this town is obvious in everything you do.

But some of us in this town value children and see value in an old building that you see only as a liability. You are the kind of people who pulled out the old hitching posts around town because they were an inconvenience. Now they are historical makers and treasures for those who still have one.

Do not be too sure that your blind leadership will prevail. You have made a lot of mistakes and sometimes mistakes have a way of catching up with you.



**DRAFT  
TOWN COUNCIL**

**Executive Session  
St. Charles Parish Hall  
October 11, 2012**

**Immediately Following Regular Meeting**

At 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, Sullivan, Veber and Wendell and Councilwoman Natali. Town Manager Heather Arcos and Assistant Town Manager Bob Panek were also in attendance.

**Motion made by Councilman Veber, 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: Old School Cape Charles Civil Suit

**Motion made by Councilman Veber, seconded by Councilman Sullivan and unanimously approved to return to Open Session.**

Councilman Sullivan noted for the record that Councilman Wendell recused himself and did not participate in the meeting.

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; Veber, yes.

**Motion made by Councilwoman Natali, seconded by Councilman Veber, to adjourn the Town Council Executive Session. The motion was approved by unanimous consent.**

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Mayor Sullivan

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Town Clerk

# Planning Commission Report for Town Council

**From:** Tom Bonadeo  
**To:** Town Council  
**Date:** November 8, 2012  
**Subject:** Report for Planning Department

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## Planning Commission Meeting – November 6

1. The Planning Commission held its regular meeting on November 6 and continued work on the Floor Area Ratio (FAR) measure of density. The FAR is better suited to floor area measurement in the commercial area than using the quantity of dwelling units per acre. Dwelling unit controls the quantity of units but not their size. FAR offers control of the quantity of total floor space and its relationship to the total area of the property. The height restrictions, open space requirements, and parking requirements, when added to the FAR control the total square footage of development on any given property.
2. The Planning Commission also reviewed the sign ordinance and continued with the update and modification work.
3. The Commission reviewed the Conditional Use Permit Application for South Port Investors. They discussed the application and could set a public hearing for December.
4. The Planner is working on:
  - a. Zoning compliance reviews and enforcements.
    - i. Parking layout completion at the Harbor.
    - ii. Waterman's Memorial plan and Harbor Area Review Application. This project would enhance the harbor area and the folks are really excited about the prospects. They are working with the Navy and others but have been delayed by the storm problems.
    - iii. New home construction and new building construction at Bay Creek. The modification of one block is underway in Bayside Village. This modification will change a small street into a "green" that all houses will front on. This block has short alleys that will provide access to the homes. This concept has been well proven in Norfolk's East Beach area.
    - iv. Political Sign compliance requirements were announced in the Gazette. Since many do not read the online publications we plan a paper handout for the next election.
  - b. The Planner is working with VDOT on Peach Street parking costs. We have asked if the Town could paint the lines.
5. The Army Corps of Engineers is in agreement with the wetlands mitigation area for Southport. This is important for the permit extension. An application has been sent to VMRC. The Wetlands Board will meet on November 2 to review the new mitigation plan. If approved, the Corps will make a permit modification for South Ports plan.
6. Work on the Wave Attenuation Devices was completed before Hurricane Sandy but the beach nourishment was not. The waves of Sandy overtopped the WADS and were able to erode the bank well under the foundation of the building and the building was condemned

7. The Planning Commission and Historic Review Board appointed 1 member each to the Steering Committee for the next phase of the Trail Project.
8. During Hurricane Sandy the Bay Creek dune and golf courses lost ground to the storm. Emergency mitigation above the high tide line is in progress.

#### **Historic District Review Board Meeting – October 16**

1. The Board held its regular meeting and reviewed and approved a modification to a large accessory building at 711 Tazewell. This building is part of the Fig Street Inn B&B. Only window and door modifications were requested. The buildings siding, roofing and footprint will stay the same. The Hotel Cape Charles is expected to be on the agenda for the November 20 meeting.

#### **Wetlands Board Meeting – October 29 – Rescheduled for November 2**

1. The Wetlands Board is scheduled to meet Friday, November 2 to review the South Port wetlands mitigation. If approved, this will clear the way for Corp permit modification and construction of the project.

## Code Enforcement

Month of October FY 2013

### Building Permits Issued/Permit Fees Collected:

Permits this month: 16	
Permits this year: 72	Total permits last year: 218
Total construction this month: \$ 3,560,311	
Total construction this year: \$3,980,178	Total construction last fiscal year: \$4,654,387
Permit fees this month: \$68,342.36	
Total permit fees this fiscal year: \$74,027.46	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: \$2,005.99	
Total Fire Dept. levies this year: \$2,531.31	Total Fire Dept. levies last fiscal year: \$3,195.93
State levy this month: \$401.20	
Total state levies this year: \$506.24	Total state levies last fiscal year: \$638.20
Miscellaneous Revenue: \$0	

### Existing Structures Code Enforcement Cases:

Total Cases: 28	
New this month: 1	
Closed this month: 0	
Rental Inspections: 2	
Rental C.O's Issued: 0	
Rental Inspection Fees Collected: \$0	
Rental Inspection Fees Collected this Fiscal Year: \$1,800	
Grass cutting enforcement: 3	
Grass cutting: 4	
Enforcement fees charged this month: \$600	
Enforcement fees charged this year: \$6,550	Fees charged last fiscal year: \$11,859.56
Enforcement fees collected: \$529.36	
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

### Annual Fire Reports (updated) (Completed)

Total Cases: 59  
Received this month: 0  
Closed: 59  
Unresolved: 0

Month of October FY13

**Other items of note:**

1. Completed 18 inspections
2. Conducted 1 zoning clearances
3. Completed 1 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 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Continued grass enforcement throughout the Town. The treasurer's office is now handling all billing for grass enforcement. This was done to better track payments and also to make billing look official and important. Although collection numbers still are not as they should be it is better than it was when Code Enforcement was billing.
10. Continued gaining compliance with all the short term and long term rental properties in the Historic District.
11. Worked on short-term plan for Bank of America Building to become Library.
12. House on Randolph Avenue that has been under Code Enforcement for several years is getting a nice facelift. New Roof, Windows, Siding. UPDATED: Siding is complete on three sides of structure.
13. Requested another quote on fireworks display for July 4, 2013 and based on the size of the show that I requested a price on the company did not want to bid.
14. 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.
15. Town department heads, Public works, and fire company personnel met regarding preparations for Hurricane Sandy.
16. Provided a windshield damage assessment survey to the County regarding the damage done from Hurricane Sandy.
17. Due to storm damage one apartment building with 8 units at Seabreeze Apartments had to be vacated and deemed an unsafe building due to the storm surge. The surge was so strong Monday morning that it eroded the land out up to the back of the building. It then eroded the land out underneath the foundation and this compromised the structural integrity of the building.

11/01/12

# Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PE120036	Electrical	10/15/2012	1100 Bayshore Road	100 Amp Permanent Temp Pole	\$0.00	\$10,000
	PES12000	Erosion & Sed	10/23/2012	1100 Bayshore Road	1/4 Acre Demo Polishing Pond	\$0.00	\$100
	PES12000	Erosion & Sed	10/02/2012	1 Beach Club Way	3.97 Acres	\$959.25	\$18,765
	PB120065	Building	10/02/2012	1 Beach Club Way	Beach Club	\$66,219.76	\$3,466,873
	PES12000	Erosion & Sed	10/11/2012	509 Brass Ring Avenue	<1 Acre Land Disturbance	\$250.00	\$5,000
	PB120072	Building	10/31/2012	601 Jefferson Avenue	Porch Repair	\$57.54	\$2,774
083A3-0100-60	PB120071	Building	10/22/2012	329 Mason Avenue	Tear off/roof	\$156.80	\$9,000
	PE120037	Electrical	10/17/2012	110 Monroe Avenue	New Meter Base and Service Entrance Ca	\$56.00	\$325
	PB120069	Building	10/15/2012	207 Monroe Avenue	Tear off/roof	\$98.00	\$10,000
	PM120024	Mechanical	10/22/2012	5 Park Row	1 new heat pump	\$88.61	\$8,324
	PF120005	Fire Suppresio	10/16/2012	301 Patrick Henry Av	Adding to FS system	\$99.12	\$3,850
083A3-0100-49	PE120035	Electrical	10/04/2012	127 Peach Street	Adding new circuits and re-working existin	\$56.00	\$1,500
	PB120068	Building	10/15/2012	115 Randolph Avenue	Tear off/roof	\$71.68	\$5,300
	PB120067	Building	10/10/2012	530 Randolph Avenue	Front Porch Alteration	\$92.40	\$9,000
	PB120066	Building	10/02/2012	2 Tazewell Avenue	Tear off/roof	\$81.20	\$7,000
	PB120070	Building	10/18/2012	506 Tazewell Avenue	Tear reroof front porch	\$56.00	\$2,500

**Total Permits: 16**

**\$68,342.36**

**\$3,560,311**

PerDataIssued Range from 10/01/2012 to  
10/31/2012

## Revenue Totals by Items/Type

From: 10/01/2012 to: 10/31/2012

<b>Sewer Tap Insp</b>		
Building	1	\$50.00
<b>Inspection totals</b>	<b>1</b>	<b>\$50.00</b>
<b>Water Tap Insp</b>		
Building	1	\$50.00
<b>Inspection totals</b>	<b>1</b>	<b>\$50.00</b>
<b>Commercial Sewer</b>		
Building	1	\$26,611.00
<b>Miscellaneous totals</b>	<b>1</b>	<b>\$26,611.00</b>
<b>Commercial Water</b>		
Building	1	\$17,355.00
<b>Miscellaneous totals</b>	<b>1</b>	<b>\$17,355.00</b>
<b>Fire Dept Fee</b>		
Building	8	\$1,979.23
Electrical	2	\$10.00
Fire Suppresion	1	\$8.85
Mechanical	1	\$7.91
<b>Miscellaneous totals</b>	<b>12</b>	<b>\$2,005.99</b>
<b>Permit Fee</b>		
Erosion & Sediment Contr	2	\$849.25
<b>Permit Fee totals</b>	<b>2</b>	<b>\$849.25</b>
<b>Sewer Plan Rev</b>		
Building	1	\$50.00
<b>Plan Review totals</b>	<b>1</b>	<b>\$50.00</b>
<b>Water Plan Rev</b>		
Building	1	\$50.00
<b>Plan Review totals</b>	<b>1</b>	<b>\$50.00</b>
<b>Landscape Plan Review</b>		
Building	1	\$100.00

<b>Review totals</b>	<b>1</b>	<b>\$100.00</b>
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**STATE TAX.**

Building	8	\$395.85
Electrical	2	\$2.00
Fire Suppresion	1	\$1.77
Mechanical	1	\$1.58
<b>State Tax totals</b>	<b>12</b>	<b>\$401.20</b>

**Assembly general, community hall, etc- 5**

Building	1	\$19,244.43
<b>Valuation totals</b>	<b>1</b>	<b>\$19,244.43</b>

**Com \$2.5 >**

Building	1	\$140.00
<b>Valuation totals</b>	<b>1</b>	<b>\$140.00</b>

**Com Bldg Plan Review Fee**

Building	1	\$250.00
<b>Valuation totals</b>	<b>1</b>	<b>\$250.00</b>

**Commercial Site Plan Review**

Building	1	\$150.00
<b>Valuation totals</b>	<b>1</b>	<b>\$150.00</b>

**E & S Plan Review Fee**

Erosion & Sediment Contr	1	\$360.00
<b>Valuation totals</b>	<b>1</b>	<b>\$360.00</b>

**Valuation Com 2.5K >**

Fire Suppresion	1	\$88.50
<b>Valuation totals</b>	<b>1</b>	<b>\$88.50</b>

**Valuation Res \$0-\$2.5K**

Building	1	\$50.00
Electrical	2	\$100.00
<b>Valuation totals</b>	<b>3</b>	<b>\$150.00</b>

**Valuation Res \$2.5K - 10K**

Building	5	\$357.87
Mechanical	1	\$79.12
<b>Valuation totals</b>	<b>6</b>	<b>\$436.99</b>

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<b>Grand Totals</b>	<b>48</b>	<b>\$68,342.36</b>
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# MONTHLY INSPECTION TOTALS

## Jeb Brady

Final	10/01/2012
CUT-IN	10/03/2012
Footing	10/04/2012
Final	10/04/2012
COURTESY	10/04/2012
Footing	10/04/2012
Final	10/07/2012
Insulation	10/09/2012
Rough-In	10/16/2012
Framing	10/16/2012
Final	10/16/2012
CUT-IN	10/16/2012
Insulation	10/18/2012
Sheathing	10/18/2012
Final	10/18/2012
CUT-IN	10/18/2012
Sheathing	10/22/2012
Sheathing	10/24/2012

Total 18

Grand Total 18

InsDateCompleted: Range from  
10/01/2012 to 10/31/2012



## Town Harbor Town Council Report October 2012

**Hurricane Sandy:** The following is a basic assessment of damage at the Harbor.

**Western Boardwalk:** No Damage

**The Shanty:** No Damage

**The Bath House:** No Damage

**Western Parking Area:** Some washout visible, in decent shape.

**Western Gangway:** 2 Wire brackets broke loose

**A-DOCK:**

1. Busted water pipe (Should be fixed tomorrow)
2. Broken deck screws (Should be fixed tomorrow)
3. 2 rub-rails missing

**B-DOCK:**

1. 20 to 25 dock boards busted up at B-12
2. 1 Dock Flotation was Damaged at B-12 and needs to be replaced
3. 1 Cleat Pulled out of the dock at B-12 and needs to be replaced
4. Fire Pedestal pulled screws out of the dock and was leaning over at the T-HEAD

**C-DOCK:**

1. Electrical Pedestal Cracked- Not sure if something hit it or not

**D-DOCK:**

1. Cleat Busted at D-02 and needs to be replaced
2. Rub Rail Missing at D-02
3. Rub Rail Missing at D-06
4. 3 or 4 boards busted at D-14
5. Dock Flotation Damage at D-14 (2 floats needs to be replaced)
6. Rub rails missing at D-14

**Eastern Gangway:** Ramp Hung up no damage to anything though. we need a longer piece of metal at the bottom for sliding.

**Boat Ramp Parking Area:** No Damage

**Boat Ramps and Docks:** (Nice Trash Can Missing)

**Boat Ramp flowerbed area:** Pretty much destroyed except for the plants.

**Harbor Masters Office and Bathrooms:** No Damage

**Storage Shed:** No Damage

**Pump Out Shed and station:** No damage

**Fuel pumps at station:** Spill Tanks under dispensing units dock side filled with water and is now pumped out

**Inner Board Walk:** Minor Damage boards lifted etc. and missing 2 electric covers for the harbor mates.

**CD- DOCK:** No Damage

**CG- DOCK:**

1. Electrical Pedestal Cracked
2. Missing cover on electrical pedestal

**Gazebo:** No Visible Damage



## Town Harbor Town Council Report October 2012

### **General maintenance:**

1. We began weeding all of the flower beds around the new bath house.
2. We replaced all the shower curtains in the restrooms.
3. We had Chapman Electric check on a couple of pedestals that were reported to us that they were not working, one was the other had a bad breaker.
4. Chapman Electric hardwired our sewer pump that had been temporarily plugged in after it was fixed earlier this year by public utilities.

### **Scheduled Inspections and maintenance:**

1. Daily dock inspections
2. Weekly fuel system inspections
3. Monthly fire pedestal inspections
4. Monthly lighting inspections
5. Monthly electrical pedestal inspections
6. Scheduled fuel filter changing

### **Capital Projects:**

1. We are still placing parking bumpers in the new parking area, this should be complete by the Town Council Meeting.
2. Finishing up last year's advertising grant and applied for a new grant for FY 2013-2014

### **Other Items:**

1. Follow us on Face Book (**Cape Charles Town Harbor**)

### **Incidents:**

1. Hurricane Sandy

### **Notes:**

Haunted Harbor was cancelled this year due to Hurricane Sandy, we will try again next year.



## Town Harbor Town Council Report October 2012

### Business:

#### Average docking per day/night by category:

<u>Rentals</u>	<u>October</u>	<u>September</u>	<u>12/13</u>	<u>11/12</u>
1. Nightly:	4.0	9.0	6.4	3.1
2. Weekly:	3.6	2.1	4.8	7.1
3. Month/Quart:	13.5	8.9	10.0	4.6
4. Seasonal:	14.0	16.4	14.1	7.6
5. Annual:	38.0	37.6	38.7	36.1
6. Total Rentals,	73.1	74.1	74.0	68.5

### Wharf Fees by Pounds:

	<u>October</u>	<u>September</u>	<u>12/13</u>	<u>11/12</u>
1. Crabs:	33,210	20,340	252,270	1,261,890
2. Fish:	60,400	135,100	215,108	276,446
3. Conchs:	0	0	0	71,235
4. Horse Shoes:	7,200	0	69,450	10,656
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. Lg. Trap Piles	0	0	0	0
11. Sm. Trap Piles	0	0	0	0
12. Total Pounds:	100,810	155,440	536,828	1,620,227

<u>Waiting List:</u>		<u>9/30</u>	<u>Registered</u>	<u>Removed</u>	<u>10/31</u>
1. 60ft Slips:	2	0	0	2	
2. 50ft Slips:	2	0	0	2	
3. 45ft Slips:	10	0	0	10	
4. 36ft Slips:	5	0	0	5	
5. 30ft Slips:	19	0	0	19	
6. 24ft Slips:	20	0	0	20	
7. 20ft Slips:	10	0	0	10	
Total	68	0	0	68	

William Smith Dize Jr.  
Harbor Master  
November 1, 2012

## Cape Charles Memorial Library

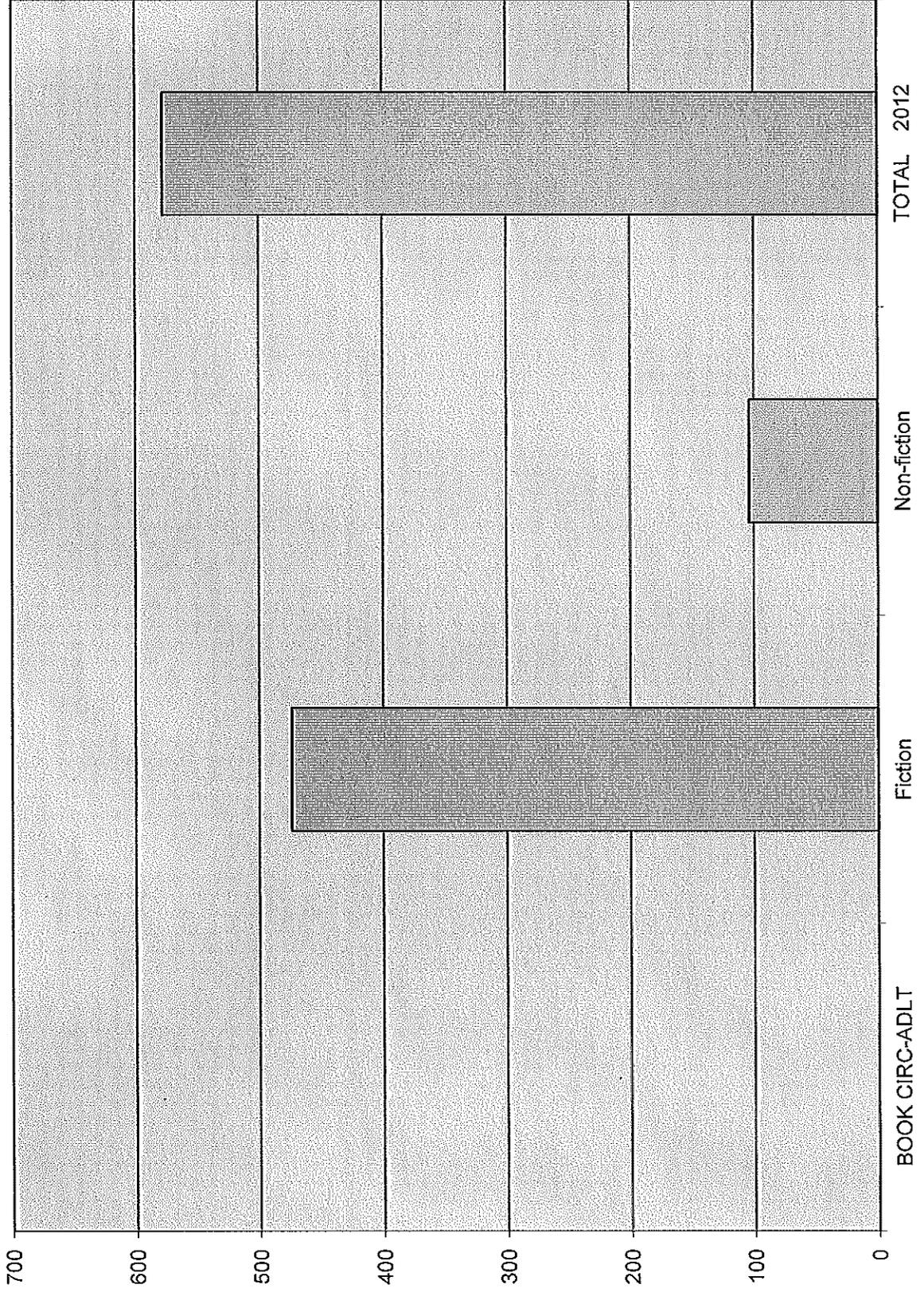
October 2012

Monthly Report Presented by Ann Rutledge

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 64 children and caregivers attended this month. A total of 51 children attended the **Arts and Crafts** programs held on Wednesday at 4:00.
2. This month the Library offered five **Beginning Computer Classes** taught by Library Assistant Sharon Silvey. The attendance was 25 people. Classes are being held every Tuesday morning at 10:00 and every other week at 7:00 at the Computer Lab in the Christian School. The classes provide open lab time and answers to your basic computer questions. Classes are free and registration is required. Call 331-1300 for more information.
3. On Saturday, November 13 the Library offered the movie *The Hunger Games* in celebration of **Teen Read Week** for ages 13-18. Snacks and sodas were available. Unfortunately, no one came to this program.
4. The displays for this month were Halloween books for children and Horror and Halloween books for adults.
5. The Library has a display of voting information, including blank ballots for customer's information.
6. The **Friends of the Library** handed out candy to 188 children on Halloween Night!
7. As usual, the **Friends of the Library** have been busy this month! On October 6 they held a very successful used book sale and they also sent out their fall newsletter. You'll also notice that in our monthly statistics we now have a category for DVDs. Thanks to the donations of the Friends of the Library and others; we now have a great DVD collection!
8. The most exciting thing that happened this month was that the Cape Charles Memorial Library will have a new home in the Bank of America building, where we can expand our growing library!!!
9. For additional information about library programs and library related information check out the Cape Charles Memorial Library's **Facebook** page! We now have 160 friends on our Facebook page.

Cape Charles Memorial Library

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV.	DEC	YTD
<b>INCOME:</b>													
Donations													
Copier/Prt	\$53.40	\$55.10	\$95.29	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60	\$38.00	\$51.80			
TOTAL	\$53.40	\$55.10	\$95.20	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60	\$38.00	\$51.80			
Deposit	\$53.40	\$55.10	\$95.20	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60	\$38.00	\$51.80			
<b>BOOK CIRC-ADLT</b>													
Fiction	474	454	357	430	523	669	974	768	615	557			
Non-fiction	104	125	111	131	87	73	192	186	150	141			
<b>TOTAL 2012</b>	578	579	468	561	610	642	1166	944	765	698			
Books Circ. 2011	783	686	846	867	787	867	833	818	914	769			
DVDs										107			New statistic
<b>BOOKS CIRC-JUV</b>													
Fiction	313	358	399	355	309	596	814	691	391	420			
Non-Fiction	64	103	109	99	16	95	86	104	120	124			
<b>TOTAL 2012</b>	377	461	508	454	325	691	900	795	511	544			
Books Circ. 2011	637	601	601	754	547	680	758	687	508	454			New statistic
DVDs										77			
<b>TOTAL BOOK 2012</b>	955	1040	976	1,015	935	1,333	2,066	1,739	1,276	1,242			
TOTAL BOOK 2011	1420	1,447	1,447	1,621	1,334	1,547	1,591	1,505	1,422	1,223			
<b>Attendance 2012</b>	843	810	802	878	847	1,223	1,618	1,256	734	1,135			
Attendance 2011	742	1,048	1236	1,334	1045	1,438	1,355	1,355	1,042	1,448			
<b>Programs 2012</b>	11	15	13	10	10	12	15	12	10	9			
Programs 2011	7	7	5	5	5	16	9	9	9	10			
<b>Prog. Attend 2012</b>	104	164	111	129	76	236	487	320	100	127			
Prog. Attend 2011	274	90	50	51	88	327	399	144	106	249			
<b>Computer Classes</b>													
Class Attendance										5			New statistic
										25			New statistic
<b>Internet use 2012</b>	368	314	373	300	309	499	549	511	267	277			
Internet use 2011	471	401	483	612	572	842	771	683	485	482			
<b>Library Cards 2012</b>	20	11	7	22	14	25	22	22	8	7			
Library Cards 2011	4	12	6	19	10	11	30	11	17	11			



# Recreation Report

October 2012

## 1. Committee/Organization Update

- a. New Roots Youth Garden continues to have a great turnout for the after school camp. Jen and Tammy Holloway have alternated weeks in providing activities for the children. On October 25 there was another open garden event to plant the butterfly garden. Children, parents and grandparents all chipped in to get the butterfly garden complete. New Roots will hold a strategic planning session on November 9 from 9 a.m. to 2 p.m. Pies are currently on sale for the Holiday Season. Please contact Jen if you need an order form.
- b. The Birding and Wildlife Festival was a big success this year. The Business Association held the Fall Festival the same weekend. Due to the windy weather there was no bonfire for the Saturday night event. Jen had birdhouses for the children to decorate and stayed busy all day Saturday.
- c. The Northampton County Chamber met on October 10. Carol Evans has tickets for a raffle to be held during the Progressive Dinner Tour.
- d. ESVA Festivals is working with Beth Davis and The Eastern Shore 140 Ultra Triathlon. Many details are still being worked out to accommodate this event and updates will be given as information becomes available. This event will take place September 13, 2013.
- e. The Clam Slam Committee met on October 23. Jen will be working on liability issues as well as recreation and games. Jen will work with Smitty on schedule of events.

## 2. Activities

- a. Arts and crafts continues to meet every Wednesday with between 6 and 12 kids. For October they made tissue paper fish bowls, yarn butterflies, frog doorknobs, Halloween sand arts boxes and haunted houses.
- b. Tennis was only able to meet for two weeks due to weather. We will extend two weeks into November weather permitting. There has been a great turnout.
- c. Teen movie night was held October 13. There was 0 attendance.
- d. Jen called 22 Bingo games at Heritage Acres on October 25.
- e. A sign-up sheet has been posted at Heritage Acres to provide the residents with transportation to and from the voter polls on November 6.
- f. Due to inclement weather Trunk or Treating was rescheduled for November 3 at 4:00 p.m. Haunted Harbor is cancelled.

3. Special Holiday Announcements

- a. The Town of Cape Charles will feed the residents of Heritage Acres a special Thanksgiving dinner on November 15 at 11:00 a.m. The Recreation Department will provide the ham, turkey and chicken (which will be smoked by Jeb Brady). Please contact Jen to sign up for a side dish that you would like to prepare for this dinner. You are also invited to come and help serve the residents.
- b. There will be a Mega Bingo at Heritage Acres on December 18 at 1:00 p.m. Contact Jen if you would like to donate time, a snack or prize for Bingo.
- c. Every Christmas the Town of Cape Charles adopts a family. Please contact Jen if you have a suggestion for a family or would like to make a contribution.

4. Upcoming Events

- a. New Roots After School Camp – November 1, 8 and 15
- b. Trunk or Treating – November 3 at 4:00 p.m.
- c. Tennis Camp -- November 4 and 11
- d. Dinner at Heritage Acres – November 15
- e. Grand Illumination- December 1
- f. Santa's Workshop – December 1



TOWN OF  
CAPE CHARLES

<b>AGENDA TITLE:</b> Cape Charles Police Department		<b>AGENDA DATE</b> NOVEMBER 8,2012
<b>SUBJECT/PROPOSAL/REQUEST: OCTOBER 2012</b> Monthly Law Enforcement Statistic		<b>ITEM NUMBER</b>
<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action ( ) Information ( X )
<b>STAFF CONTACT (s):</b> Charles Brown Chief of Police	<b>REVIEWED BY:</b> 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: 23

Calls for Service Outside of Cape Charles: 12

10-13 Calls

(A) By Dispatch: 34

(B) By Phone via Officer/Trooper: 00

(C) In Person 01

Felony Arrests: 02

Misdemeanor Arrests: 02

DUI Arrests: 01

Traffic Summons Issued: 03

Traffic Warnings Issued: 04

Parking Tickets Issued: 03

Assisted Northampton County Sheriff's Office: 09

Assisted Virginia State Police: 00

Assisted Other Local Police: 00

Assisted Other Federal Agencies 00

Assisted Fire & Rescue: 04

Assisted VDOT: 01

Hours of Training Received & What Type? FIRE ARMS INSTRUCTOR 36HRS



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Central Park Restrooms

**AGENDA DATE:**  
November 8, 2012

**SUBJECT/PROPOSAL/REQUEST:** Release of allocated funds to CCP for Central Park Restrooms

**ITEM NUMBER:**  
6A

**ATTACHMENTS:** None

**FOR COUNCIL:**  
Action (X)  
Information ( )

**STAFF CONTACT (s):**  
Heather Arcos

**REVIEWED BY:**  
Heather Arcos, Town Manager

**BACKGROUND:**

Council approved a plan for the Town to partner with Citizens for Central Park (CCP) to build permanent restrooms in Central Park. The building would be similar in design to the Plum Street Pump Station in the northeast corner of the park, and would be located in the southeast corner for symmetry. CCP applied for a \$45,000 grant from the Eastern Shore of Virginia Community Foundation, but received only \$20,000. Council included \$15,000 in the FY 2013 budget as the Town match for the project. CCP has been working with Town staff to determine whether it can be accomplished for the amount of funding available through a design-build contract.

**DISCUSSION:**

CCP contacted six local contractors to ascertain interest in the project: Boytos & Boytos, J.A. Habel, Jesse Philpott, Manning Construction, QS, and Schneider Development. The decision was made by CCP to limit the proposal process to local contractors since those off the Eastern Shore did not prove competitive in the Harbor Bath House design-build competition.

CCP conducted individual meetings with the four interested contractors, focusing on the proposed site, locations for utility connections, flood plain, conceptual drawings, desired features and the funding available. It was emphasized that CCP was looking for the best balance of building aesthetics, features, maintainability and cost. Proposals were received on October 15, 2012 from Boytos & Boytos, Manning and QS.

CCP President Bob Panek asked Town staff to review the proposals regarding preliminary compliance of the Building Code and Town Code.

Manning's proposal significantly exceeded the funding available. The remaining two contractors were contacted for clarifications and modifications to the proposals based on the initial review.

QS provided the best value proposal within the \$35,000 budget. Boytos & Boytos did not meet the budget. CCP will pay for the architectural plans from Parham, at a cost of \$2,000.

**RECOMMENDATION:**

Staff requests Council authorization to disburse the allocated \$15K to the CCP for the completion of the Central Park Restrooms.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Hurricane Sandy Damage Assessment

**AGENDA DATE:**  
November 8, 2012

**SUBJECT/PROPOSAL/REQUEST:** Summary of damage from  
Hurricane Sandy

**ITEM NUMBER:**  
7A

**ATTACHMENTS:** None

**FOR COUNCIL:**  
Action (X)  
Information ( )

**STAFF CONTACT (s):**  
Heather Arcos

**REVIEWED BY:**  
Heather Arcos, Town Manager

### **BACKGROUND:**

The Town staff worked hard in preparation for the arrival of Hurricane Sandy. We were very fortunate considering the impact on many areas in Accomack County, primarily Saxis and Chincoteague and the states further north.

The Cape Charles Volunteer Fire Co. manned the station from Sunday 6:00 p.m. until Tuesday and was called out several times for trees. All essential staff worked around the clock and closely with the Northampton County Emergency Operations team throughout the storm.

### **DISCUSSION:**

The following is a summary of damage and current status:

- Town Harbor – dock repairs with an estimated cost \$6K – filed with our insurance. A detailed report is included in the Harbor's monthly report.
- Pier damage to the old section of the pier; boards have popped up and joists need to be reinforced in this area. The Pier will stay closed until deemed safe. FEMA will be on site to evaluate the damage and planning for the temporary and permanent repairs are underway.
- Beach Erosion primarily at the north end of the beach. FEMA will evaluate the damage and a plan will be put in place to replenish the beach. Minor damage to the bulkhead at Jefferson Ave.
- Sea Breeze Apartments – One building deemed uninhabitable. The residents have been provided housing through the management of Sea Breeze apartments. The owners are evaluating the damage and working with the Code Official regarding repairs to the structure.
- Bay Creek reported damage to the Nicholas and Palmer golf courses. The cart path was redirected in an effort to be open this weekend. Many trees down and beach erosion on beaches.
- Minor reports of shingles missing on houses and trees down in Town.

The procedures for getting information out to citizens during and after a storm are being reviewed and changes will be put in place in the near future.

The Public Works crew is working expeditiously to clean up the Town's streets and property. Your patience is appreciated.

### **RECOMMENDATION:**

For information only.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Community Needs Advisory Committee		<b>AGENDA DATE:</b> November 8, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Form committee to identify community needs and future public "uses" for existing space.		<b>ITEM NUMBER:</b> 7B
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

As of October 5, 2012 the Town of Cape Charles purchased the former Bank of America building and properties. The first floor is slated for use as the new Library which would double their current space and provide handicap access to the library.

"What should we do with the existing library building?" The current library building is in good shape, needing only minor repairs such as exterior painting and ADA compliance if repurposed for public use.

**DISCUSSION:**

At the September 13<sup>th</sup> Town Council Regular Meeting, Mr. Steve Bennett addressed the Council during the public comment period and suggested the establishment of an advisory committee to identify the needs of our community and inventory our existing assets to allow the Town to better design the physical spaces which would now be available and better define the programs necessary to fill the unmet needs. The committee would reach out and involve citizens from all neighborhoods, organizations and groups as well as explore opportunities for program funding. Mr. Bennett offered to chair this committee and help recruit other citizens to serve pending Council's approval.

The Mayor has requested the establishment of this advisory committee whose responsibilities would be as described by Mr. Bennett and also to evaluate the existing library space for public use and provide recommendations to Council. The committee would include Jen Lewis as the staff liaison. We are hopeful to have citizen representation from every age group volunteer their time to serve on this committee.

The future "use" of the existing building can be many things to many citizens. The building is in good condition and can easily be repurposed to provide additional services to our citizens.

**RECOMMENDATION:**

Staff recommends that Town Council review and discuss this issue and, if in concurrence with the Mayor, authorize formation of an adhoc committee as described above.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Bagwell Oil Co. Fuel Services Contract  
Extension

**AGENDA DATE:**  
November 8, 2012

**SUBJECT/PROPOSAL/REQUEST:** Extension of Fuel Services  
Contract with Bagwell Oil Co.

**ITEM NUMBER:**  
7C

**ATTACHMENTS:** Extension Letter to Bagwell Oil

**FOR COUNCIL:**  
Action  (X)  
Information  ()

**STAFF CONTACT (s):**  
Heather Arcos

**REVIEWED BY:**  
Heather Arcos, Town Manager

**BACKGROUND:**

On November 8, 2010, the Town of Cape Charles awarded a contract effective December 1, 2010 to Bagwell Oil Co. for all fuel services for the Town. The contract was for one year with the option to renew for three additional years. In November 2011, the Town awarded the first of three possible contract extensions.

**DISCUSSION:**

The current contract expires at midnight on November 30, 2012 and the Town wishes to exercise the right to renew at current fuel prices with no increase for another year. We are very satisfied with the services provided by Bagwell Oil Co.

**RECOMMENDATION:**

Staff requests Council authorize the Town Manager to execute a one-year contract extension with Bagwell Oil Co. to provide fuel services to the Town.

**Municipal Corp. of Cape Charles**

Municipal Building  
2 Plum St.  
Cape Charles, VA 23310  
(757) 331-3259

November 9, 2012

Marty Kemp, VP  
Bagwell Oil Company  
P.O. Box 136  
Onancock, VA 23417

Dear Mr. Kemp,

The Municipal Corp. of Cape Charles would like to exercise our right, per the contract dated November 18, 2010, to extend the fuel services contract for one year. The renewal period will begin on December 1, 2012 and end November 30, 2013 (at midnight). All current prices and procedures will remain the same.

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Bagwell Oil Company

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: 2013 July 4 <sup>th</sup> Fireworks Display		AGENDA DATE: November 8, 2012
	SUBJECT/PROPOSAL/REQUEST: Fireworks Display		ITEM NUMBER: 7D
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ( )
	STAFF CONTACT (s): Jeb Brady, Code Official	REVIEWED BY: Heather Arcos, Town Manager	

**BACKGROUND:**

The 4<sup>th</sup> of July fireworks display is a well-attended event and last year's show was the best the Town has ever seen. Previously the Cape Charles Volunteer Fire Company (CCVFC) shot off the fireworks but due to new State Regulations a Certified Pyro technician must be used to perform any fireworks shows in the Commonwealth of Virginia.

**DISCUSSION:**

The company hired last year was Bay Fireworks from Farmingdale, New York. They have committed to providing the Town with another awesome show this upcoming 4<sup>th</sup> of July for \$16,500. The quote given was a 10% increase over last year's price of \$15,000. The reasons for price increases are due to rising insurance costs and costs of transporting fireworks to the events.

Another quote was sought from Pyrotecnico. This company provided the fireworks for several years when the CCVFC would shoot them off. A quote list of fireworks was provided to Pyrotecnico so they would be quoting the same caliber show. I received an email the following week saying they were not interested in submitting a quote at this time.

\$10K has been budgeted in the FY 2013 budget under the Town Manager's budget. The Harbor budget includes \$5K for fireworks. The remaining funds will come from the contributions area included in the Town Manager's budget.

Last year letters were sent to Northampton County and the Cape Charles Business Association requesting assistance with the increased costs for the display. The Cape Charles Business Association donated \$1K towards the cost of last year's show. The Town will send letters to both organizations again asking for assistance.

To secure this quote the contract must be signed by November 15, 2012 and a deposit of \$8,250 is required. The other half of the contract amount needs to be paid 30 days prior to the show date.

**RECOMMENDATION:**

Staff requests authorization for the Town Manager to accept the proposal from Bay Fireworks for \$16,500 for the 4<sup>th</sup> of July 2013 fireworks show.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Cape Charles Volunteer Fire Company  
Request

**AGENDA DATE:**  
November 8, 2012

**SUBJECT/PROPOSAL/REQUEST:** Update and request for  
disbursement of allocated funds

**ITEM NUMBER:**  
7E

**ATTACHMENTS:** None

**FOR COUNCIL:**  
Action  (X)  
Information  ( )

**STAFF CONTACT (s):**  
Heather Arcos

**REVIEWED BY:**  
Heather Arcos, Town Manager

**BACKGROUND:**

The Cape Charles Volunteer Fire Co. requested a contribution of \$18,600 to be included in our 2013 budget. The Town Council met with the Fire Co. and discussed their needs through the budget process.

In the FY 2012-2013 budget, the Town allocated \$18,600 as a general contribution to the Cape Charles Volunteer Fire Company in order to pay their annual equipment loan payment and help offset insurance expenses.

The Treasurer, Hollye Carpenter has provided the 2011 Tax return to the Town Manager.

**DISCUSSION:**

The Fire Co. continues to raise funds with letter drives, participation in events and the upcoming Tool Mania which is held in December. The Fire Co. is requesting disbursement of the allocated funds of \$18,600 to be disbursed as follows:

- Annual equipment loan payment is due on December 13, 2012 in the amount of \$14,567.56.
- The balance will offset their annual insurance payment of \$18,850.

The budget allocation is in the Town Manager's budget. An updated P&L statement through October 2012 will be provided and reviewed prior to the Council meeting.

**RECOMMENDATION:**

Staff requests Council discuss the request for disbursement by the CCVFC and authorize the Town Manager to disburse \$18,600 to the Cape Charles Volunteer Fire Company to pay their equipment loan payment and insurance expenses.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Enterprise Zone Update

**AGENDA DATE:**  
November 8, 2012

**SUBJECT/PROPOSAL/REQUEST:** Enterprise Zone Annual Adjustments

**ITEM NUMBER:**  
7F

**ATTACHMENTS:** County Web Page for Enterprise Zone

**FOR COUNCIL:**  
Action ( )  
Information (x )

**STAFF CONTACT (s):**  
Tom Bonadeo - Heather

**REVIEWED BY:**  
Heather Arcos, Town Manager

### **BACKGROUND:**

The Enterprise Zone is established to encourage commercial investment and job creation. Two types of grants are available, Real Property Improvement Grants and Job Creation Grants.

This program is administered by Northampton County and each year we work with the County to review and possibly modify the map. The County is limited in the amount of acreage that can be included in the zone. Generally, commercial and mixed-use zones are included as there are limits on the projects that qualify. The County web page is attached for your review along with the current map.

### **DISCUSSION:**

Recommended change for this year is a portion of Bayside Village which is zoned Village District. Village District is a mixed use area that may benefit from inclusion in the zone. There is no cost to the Town for this change and there is no cost to the Town for funding the grants. The Town benefits from increased real estate taxes for the improved property and increased payroll.

Many businesses have benefitted from this grant offering over the years and here are some of the requirements.

1. Commercial Real Estate Construction – New and Improvements qualify for a 20% grant of the total cost of qualified improvements.
  - a. New construction must be over \$500,000
  - b. Improvements must be over \$100,000.
  - c. If total investment is < \$5,000,000 the grant maximum is \$100,000 over five years.
  - d. If total investment is > \$5,000,000 the grant maximum is \$200,000 over five years.
  - e. Residential projects are not eligible.
2. Job Grants
  - a. Create 4 full time jobs
  - b. Jobs that pay 200% of minimum wage get \$800/year for five years.
  - c. Jobs that pay 175% of minimum wage get \$500/year for five years.
  - d. Retail and food or beverage service businesses do not qualify.

This is only a thumbnail sketch of the program and much more detail can be found on the County and Department of Housing and Community Development websites.

### **RECOMMENDATION:**

Recommend a review of the attached maps.

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**Northampton County**



**Information**

1.757.678.0440

## County Administration / Enterprise Zone

### Virginia Enterprise Zone - Accomack and Northampton Counties

Portions of Northampton and Accomack Counties are in a Virginia Enterprise Zone. Maps of the Zone are available online; please see the list below.

Virginia Enterprise Zones provide grants for qualifying companies that create new full-time jobs or improve commercial real estate. Two substantial financial incentives are available to encourage business locations and expansions within the Zone:

#### Real Property Improvement Grant

Commercial real estate construction or improvement projects that meet minimum thresholds are eligible for a grant of up to 20% of the total cost of qualified improvements (maximum amount not to exceed \$100,000 in a 5-year period for qualified real property investments less than \$5 million; maximum amount not to exceed \$200,000 for qualified real property investments of \$5 million or more). The grants are made after the project is complete.

New construction projects must cost at least \$500,000. Rehabilitated or expanded real property requires a minimum investment of at least \$100,000. The purchase price of the real estate is not included in the investment calculation.

Residential projects are not eligible. Mixed-use projects that are at least 30% business use can qualify for a grant.

#### Job Grants

Businesses that create at least 4 new full-time jobs may be eligible to receive job creation grants, for a maximum of 350 eligible jobs per year. Jobs paying 200% of the federal minimum wage and providing health benefits will be eligible for a grant of \$800 per year for five years. Jobs paying less than 200% of minimum wage, but at least 175% (and providing health benefits) will be eligible for a grant of \$500 per year for five years. Jobs paying less than 175% of minimum wage will not be eligible for job grants.

Job grants are not available to retail, local service or food/beverage service businesses.

#### Enterprise Zone Maps

These maps of our Enterprise Zone are in PDF format (If you can't read the maps, you need to update your Acrobat Reader software. It's free. Go here for the update.) We've listed the maps in alphabetical order below.

#### Northampton County (Northampton County EZ maps were amended in October 2011)

- Eastville Area
- Exmore Area
- Cape Charles Area
- Cape Charles - Sunset Beach Area
- Cheriton Area
- Machipongo Area
- Nassawadox Area
- Weirwood Area
- Willis Wharf Area

Applications and instruction manuals are available online at:  
<http://www.dhcd.virginia.gov/EZones/default.htm>

#### Accomack County

For information about Accomack's Enterprise Zone please contact:

Tom Brockenbrough  
 Accomack County Dept. of Planning & Zoning  
 P. O. Box 686  
 Accomack, VA 23301

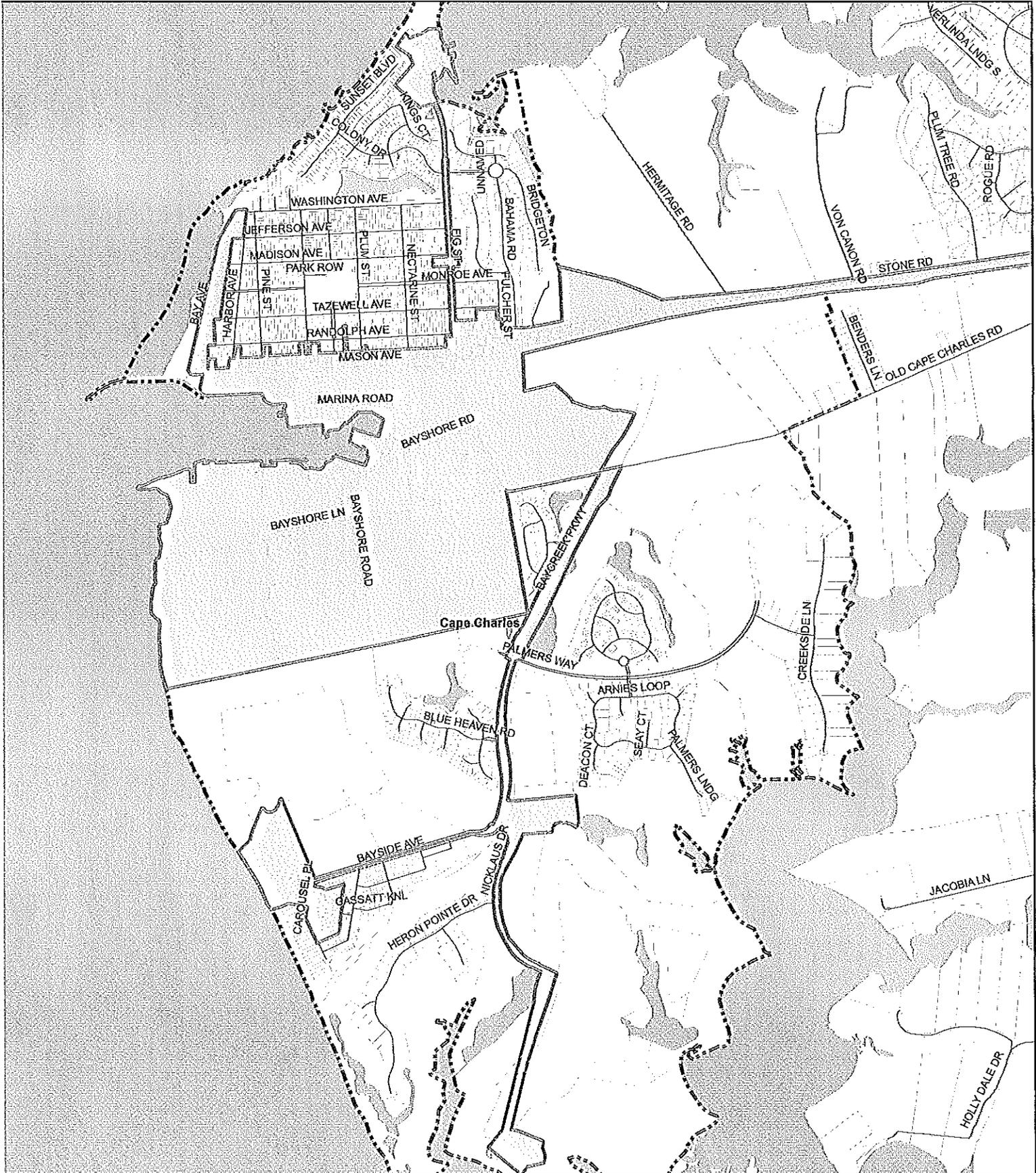
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#### Northampton County



# Current

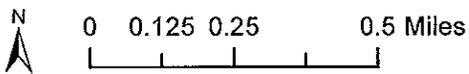
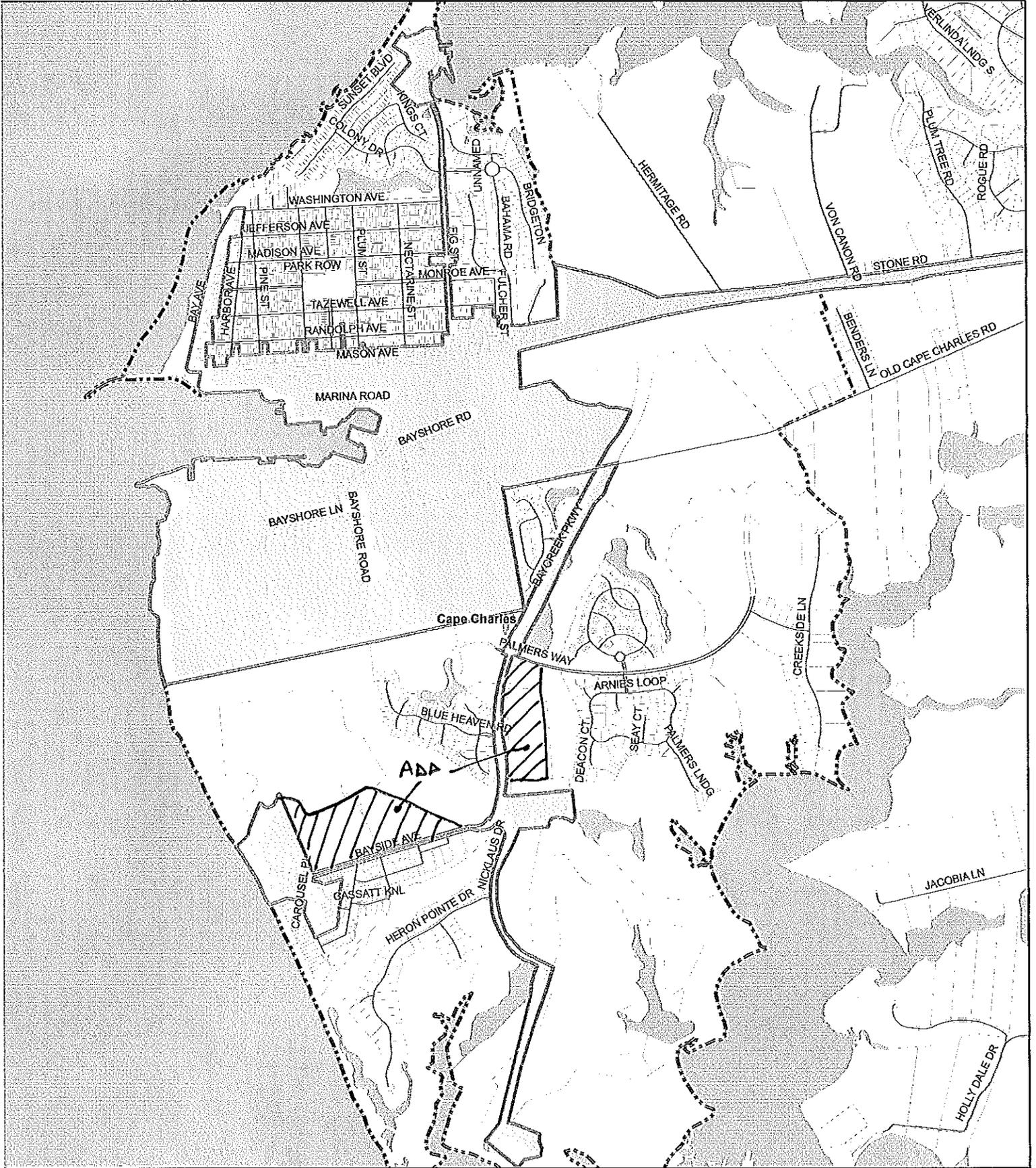


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Northampton County Enterprise Zone  
Cape Charles Area

 Enterprise Zone - (10/18/2011)  
 Corporate Limits

# Proposed Change



Northampton County Enterprise Zone  
Cape Charles Area

Enterprise Zone - (10/18/2011)  
Corporate Limits

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Creating Prosperity Through Preservation Act (CAPP Act)		<b>AGENDA DATE:</b> November 8, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Request for support for CAPP Act		<b>ITEM NUMBER:</b> 7G
	<b>ATTACHMENTS:</b> Request to Mayor and Information regarding the CAPP Act		<b>FOR COUNCIL:</b> Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ( )
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

Since 1978, federal incentives for historic rehabilitation, including the federal historic tax credit (HTC) that became effective in 1982, have rehabilitated more than 38K buildings, created 2.2M jobs and leveraged nearly \$100B in private investment nationwide.

Over the past 10 years, a number of projects in Cape Charles received assistance with federal historic tax credits. A list of projects is shown on the attached request letter received from Mr. Michael Phillips, Public Policy Manager for the Historic Tax Credit Campaign from the National Trust Community Investment Corporation.

**DISCUSSION:**

The attached request was sent to the Mayor requesting the Town's support of the Creating Prosperity Through Preservation Act (CAPP Act) to the Virginia Congressional Delegation. The bill modernizes the Federal Historic Tax Credit.

The CAPP Act positions the credit to be an even greater job creation and economic development engine and makes the 20% historic tax credit easier to use and more accessible. The CAPP Act is explained in the attached information sheets – Prosperity through Preservation.

Mr. Phillips states that Cape Charles would be a huge winner with the passage of the CAPP Act because the credit increases from 20% to 30% for deals less than \$5M. New investors would come into the market for these smaller main street projects.

**RECOMMENDATION:**

Staff requests Council review the attached information and discuss whether the Town should support the Creating American Prosperity through Preservation Act. If deemed appropriate, authorize the Town Manager to contact Mr. Michael Phillips, National Trust Community Investment Corporation, expressing the Town's support for the CAPP Act.

From: Michael Phillips [mailto:michael\_phillips@ntcicfunds.com]  
Sent: Friday, October 26, 2012 5:32 PM  
To: mayor@capecharles.org  
Cc: heather.arcos@capecharles.org  
Subject: Support for the Historic Tax Credit

Good Evening Mayor Sullivan,

I work with National Trust Community Investment Corporation, in DC, a subsidiary for the National Trust for Historic Preservation.

As you know tax reform is on the horizon, and Cape Charles tremendously benefits from the Federal Historic Rehabilitation Tax Credit (HTC). I wanted to share with you a letter we are putting together in support of the Creating Prosperity Through Preservation Act (CAPP Act) to the VA Congressional Delegation. This bill modernizes the Federal Historic Tax Credit and is the mechanism we are using to gather congressional support for the federal historic tax credit as tax reform will be unfolding next year. I have attached the draft sign-on letter and a background piece on the CAPP Act.

Can we add your name to this letter?

The effort just started but we already have the following signed-on, and due to time and possibility of confusion in collecting digital signatures, we will just be adding names to the letter like this:

Edward B. Morgan  
Mayor, Town of Abingdon, Virginia

Molly Joseph Ward  
Mayor, Hampton, VA

David A. Bowers  
Mayor, Roanoke, VA

As you probably know, in the past 10 years these projects would have never been done without the federal historic tax credit:

207 Tazewell Avenue	207 Tazewell Avenue	Cape Charles	VA	7/29/2011	\$206,091.00	Housing
McCrory's 5 & 10 cent	239 Mason Ave	Cape Charles	VA	4/5/2011	\$466,162.00	Commercial
115 Peach Sreet	115 Peach Street	Cape Charles	VA	11/6/2009	\$174,507.00	Housing
Retail Buildings B,C,D	133 Mason Avenue	Cape Charles	VA	3/6/2007	\$214,114.00	Commercial
L.E. Mumford Bank (A-Building)	133 Mason Avenue	Cape Charles	VA	3/6/2007	\$276,749.00	Commercial
The Cape Charles Hotel	235 Mason Avenue	Cape Charles	VA	3/16/2006	\$2,075,792.00	Commercial
652-654 Tazewell Avenue	652-654 Tazewell Ave	Cape Charles	VA	4/8/2002	\$172,446.00	Housing
Mack Building	316-318 Strawberry Str	Cape Charles	VA	2/20/2002	\$280,678.00	Commercial

With the changes in the CAPP Act, because the credit increases from 20% to 30% for deals less than \$5 million, Cape Charles would be a huge winner with this, new investors would come into the market for these smaller main street projects. We hope you will participate in this effort, it is very important that we show support for the Historic Tax Credit as tax reform approaches, please feel free to connect with me by phone or email, would really like to stay in touch.

Thanks  
Mike

-----  
Michael Phillips  
Public Policy Manager  
Historic Tax Credit Campaign  
National Trust Community Investment Corporation  
202-588-6049

Senator Jim Webb  
Senator Mark Warner  
Majority Leader Eric Cantor  
Representative Robert Wittman  
Representative Scott Rigell

Representative Robert C. Scott  
Representative Randy Forbes  
Representative Robert Hurt  
Representative Bob Goodlatte  
Representative James Moran

Representative Morgan Griffith  
Representative Frank Wolf  
Representative Gerald E. Connolly

November XX, 2012

Dear Virginia Congressional Delegation:

At this time of fiscal uncertainty, it is critically important that we support and improve federal tax policies that help revitalize Virginia's economy and create jobs. From our vantage point, as mayors and county commissioners of Virginia cities, towns and counties, the Federal Historic Rehabilitation Tax Credit (HTC) is such a policy. We have witnessed first-hand the positive impact it has had on our local economies.

We are writing to ask that you co-sponsor the Creating American Prosperity through Preservation ("CAPP") Act, H. R. 2479, introduced by Congressman Aaron Schock (R-IL) and Congressman Earl Blumenauer (D-OR) in the House of Representatives, and S. 2074, introduced by Senators Ben Cardin (D-MD) and Olympia Snowe (R-ME) in the Senate.

In support of our request, it is worth noting that the U.S. Conference of Mayors adopted a resolution endorsing the CAPP Act at its annual meeting in Orlando, Florida in June of 2012. The resolution emphasized the importance of the HTC and the general goals of the CAPP Act, proclaiming, "because of the well-documented economic and job benefits to the nation's cities... the United States Conference of Mayors urges Congress to enhance the Federal Historic Tax Credit as outlined in H.R. 2479 & S. 2074."

The CAPP Act modernizes the Historic Tax Credit by:

- Increasing the value of the credit for "Main Street-scale" projects in small towns and rural communities
- Promoting the use of the historic tax credit in low-income and difficult-to-develop-areas
- Promoting energy efficiency in historic properties
- Eliminating federal taxation of state historic tax credit proceeds

According to the National Park Service, over the last 34 years the Historic Rehabilitation Tax Credit has revived 38,000 vacant or underutilized buildings. According to research conducted by Rutgers University, the HTC has created 2.2 million jobs, and attracted nearly \$100 billion in private investment in both rural and urban communities. The study concludes that for every \$1 in historic tax credits issued, it leverages \$5 in economic activity. The Rutgers report also found that the HTC more than pays for itself. The \$19.2 billion in credits allocated since 1978 has been more than offset by an estimated \$24.4 billion in federal tax revenues generated.

Over the last 10 years in Virginia, the HTC has helped finance more than 870 commercial rehabilitation projects which has resulted in more than \$2.2 billion in development investment and the creation of more than 35,000 jobs.

From new retail centers and hotels, to charter schools and affordable housing, the HTC turns dilapidated and forgotten buildings into useful commercial and community assets. The CAPP Act would help transform this already valuable credit into an even more effective redevelopment tool, helping to further revitalize Virginia's cities, towns and rural communities.

We strongly urge you to co-sponsor the CAPP Act.

Sincerely,

# Prosperity through Preservation

*Protect and Enhance the Historic Tax Credit*

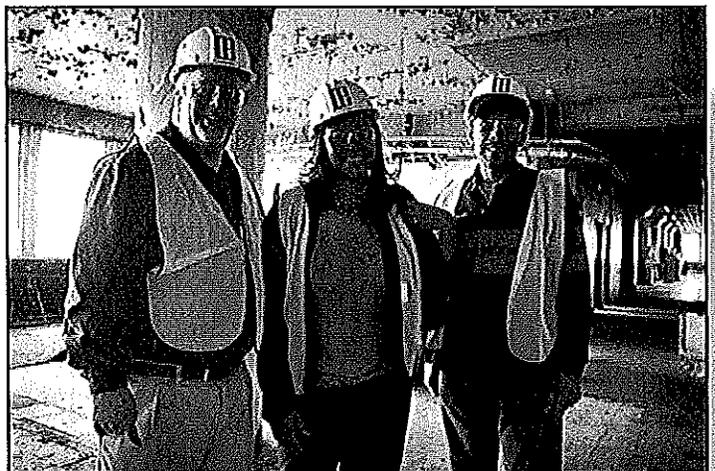
## The Creating American Prosperity Through Preservation (CAPP) Act

Since 1978, federal incentives for historic rehabilitation -- including the federal historic tax credit (HTC) that became effective in 1982 -- have rehabilitated more than 38,000 buildings, created 2.2 million jobs and leveraged nearly \$100 billion in private investment nationwide. By adapting warehouses, schools, factories and other historic resources to meet contemporary needs for housing, arts space, offices, and community centers, the HTC creates skilled jobs, revitalizes communities and drives local economies. ,

The Creating American Prosperity through Preservation (CAPP) Act (H.R. 2479 & S. 2074) positions the credit to be an even greater job creation and economic development engine. The CAPP Act makes the 20 percent historic tax credit easier to use and more accessible.

### The CAPP Act:

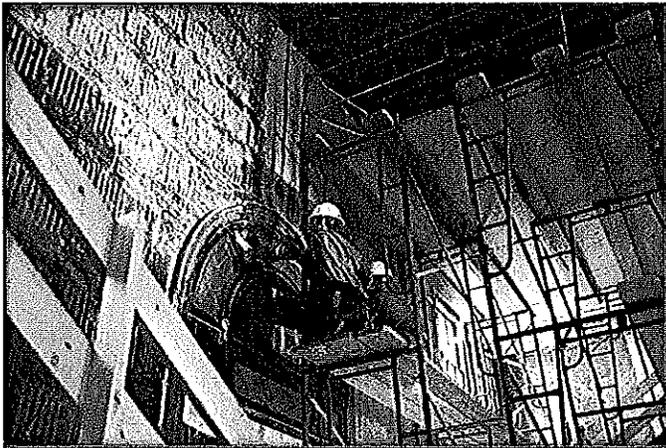
- Drives development and job creation in rural and smaller "Main Street" communities. Smaller-scale building rehabilitation projects are typically overlooked because of the high transaction costs relative to the amount of the tax credit. By increasing the amount of the credit from 20 percent to 30 percent for smaller deals (projects that have qualifying rehabilitation expenditures of \$5 million or less), CAPP provisions would ensure rural and smaller communities are able to attract more private investment through this powerful economic development tool.



# Prosperity through Preservation

*Protect and Enhance the Historic Tax Credit*

- Creates new opportunities by expanding the number of older buildings eligible for rehabilitation. The 10 percent rehabilitation credit is currently only available to buildings built before 1936. The CAPP Act would change the required building age to “fifty years or older,” therefore expanding the credit’s usefulness and the potential for comprehensive economic development that includes post-World War II communities.
- Enhances the impact of the historic tax credit in low-income and difficult-to-develop-areas. Nonprofit organizations typically undertake the most difficult projects



in communities with the greatest need. However, the historic tax credit’s tax-exempt leasing rules make it difficult for nonprofits to access the historic tax credit. CAPP would eliminate barriers to nonprofits’ access to the credit, helping their high-impact projects to move forward.

- Promotes energy-efficiency and cost-savings. The CAPP provisions encourage the use of energy-efficient technology on top of the already “green” act of recycling an existing building in an existing community. CAPP would increase the amount of the credit by 2 percentage points for every project that increases the building’s energy efficiency by 30 percent.
- Improves the efficiency of state historic tax credits. Thirty states have enacted state historic tax credits, which when combined with the federal credit, have a powerful economic impact. However, current federal taxation of state tax credits significantly diminishes their value to a historic rehabilitation project. CAPP would eliminate federal taxation of the state credits, providing more dollars to the project.

For more information about how to ensure passage of the CAPP Act, please visit [www.preservationnation.org/taxcredits](http://www.preservationnation.org/taxcredits).