



TOWN COUNCIL

Work Session

Town Hall

August 26, 2010

6:00 PM

1. Call to Order: Roll Call
2. Order of Business
 - A. Peddler's License Review (§38-36 of the Cape Charles Town Code)
 - B. Boundary Adjustment Update
3. Motion to Adjourn

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Peddler's License		AGENDA DATE: August 26, 2010
	SUBJECT/PROPOSAL/REQUEST: Review of §38-36 re: Peddler's License		ITEM NUMBER: 2A
	ATTACHMENTS: §38-36 of Cape Charles Town Code, Ordinances from various cities and towns, Tax Table for Cities, Counties and Towns in Virginia, §62-11 of Cape Charles Town Code		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Heather Arcos / Tom Bonadeo	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Each year, the Town receives inquiries from individuals interested in selling items at the beach and in the Commercial District. Currently, the Town assesses a \$500 annual license tax on peddlers and itinerant merchants.

DISCUSSION:

Several issues need to be reviewed by Council:

- Cost. Many municipalities in Virginia charge different amounts depending on the goods or services being sold / offered.
- Expansion of the Town ordinance to include guidance for the types of vendors to be permitted in certain areas of Town.
- Restrictions on locations and time limitations for vendors in certain areas of Town.
- Limitation of the number of similar vendors to be permitted in certain areas of Town.

Attached are the following for your review:

- § 38-36 of the Cape Charles Town Code
- § 62-11 of the Cape Charles Town Code
- Ordinances from:
 - City of Hampton
 - Kilmarnock
- Tax Tables on Peddlers and Itinerant Merchants

RECOMMENDATION:

Review the information provided and discuss possible modifications to fee(s), restrictions and/or limitations to be added to the Town ordinance.

Section 38-36

Retailers

Suggested modifications

Sec. 38-36 Retailers

- (a) The license tax imposed on a person engaged in retail sales is \$30.00 or \$0.20 per \$100 of gross receipts, whichever is higher, except that the license tax ~~on~~ for peddlers and itinerant merchants shall be ~~\$500.00~~.
- (b) For purposes of this section, "retail sale" means the sale of goods, wares and merchandise for any purpose other than resale; and "retail merchant" means any person who sells to others at retail and not for resale.
- (c) Any person who carries from place to place any goods, wares, food or merchandise and offers to sell or actually sells them and any person who does not keep regular business hours at the same place ~~and who, other than at that regular place of business, personally or through agents offers for sale or sells and, at the time of such offering for sale, delivers goods, wares and merchandise~~ is a "peddler", for the purpose of this section.

Sec. 38-36 Retailers (cont.)

(d) Food/Retail Carts/Open Trailers – Food or retail sales from a person, cart or trailer that is not enclosed and not self propelled. Persons, carts or trailers shall be moved daily and only allowed in the public right of way or public property as specified by the Town Manager and in accordance with Section 62-11. A Dept. of Health Certification is required for food sales and no generators are allowed. The license tax is \$75.

(e) Food/Retail Trailers (Enclosed) – Food or retail sales from a trailer that is enclosed and may have a generator or electrical service connection. The trailer must be moved daily and only allowed in the public right of way as specified by the Town Manager and in accordance with Section 62-11. A Dept. of Health Certification is required for food sales. The license tax is \$500.

(f) Bona-fide producers of goods or food and catchers of seafood are required to obtain a license from the Town at no cost. As defined in Section 58.1-3719 of the Code of Virginia, Bona-fide producers are: i) A distributor or vendor of seafood who catches seafood and sells only the seafood caught by him; ii) A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by him; iii) A farmers' cooperative association.

Sect. 38-36 (cont.)

(g) Food/Retail Vehicles – Food or Retail sales from a vehicle including ice cream, candy and other goods. The vehicle may be a golf cart, car, truck, bicycle or other mobile vehicle. Sales from a vehicle are subject to Section 62-11 and may also be subject to locations as allowed by the Town Manager and approved by the Chief of Police.

Sect. 38-36 (cont.)

(d) (h) As used in this section, the term "Itinerant Merchant" means any person who engages in, does or transacts any temporary or transient business within the town and who, for the purposes of carrying on such business, occupies any private property location for a period of less than one year. The license tax is \$75.

City of Hampton, VA

State law reference—Taxation of peddlers and itinerant merchants, Code of Virginia, § 58.1-3717.

Sec. 18.1-130. - Definition; application generally.

- (a) *Peddler.* For purposes of this section, any person who shall carry from place to place any goods, wares or merchandise and offer to sell or barter the same, or actually sell or barter the same in this city shall be deemed to be a peddler. All persons who do not keep a regular place of business, whether it be a house or a vacant lot or elsewhere, with regular business hours, and at the same place who shall offer for sale goods, wares and merchandise in this city shall be deemed peddlers under this division. All persons who keep a regular place of business open at all times with regular business hours at the same place in the city, who shall, elsewhere than at such regular place of business, personally or through their agents, in an isolated transaction, offer for sale or sell and, at the time of such offering for sale, deliver goods, wares or merchandise shall request permission, in writing, from the commissioner of the revenue to include those receipts with the gross receipts reported on their regular business license, without procuring a peddler's license.
- (b) *Itinerant merchant.* For purposes of this section, any person who engages in, does, or transacts any temporary or transient business and who, for the purpose of carrying on such business, occupies any location for a period of less than one (1) year shall be deemed to be an itinerant merchant.
- (c) *Show and sale.* For purposes of this section, the term "show and sale" means a show, consisting of a group of persons or merchants, to stimulate the sale of specific classes of goods, wares, and merchandise. Any person or entity who promotes, sponsors or conducts a show and sale within the city shall obtain an itinerant merchant's license, provided no single show and sale at the same location shall continue for a period exceeding seven (7) days. A license issued to a sponsor under this subsection shall be in lieu of individual itinerant merchant's licenses otherwise required for each merchant participating in the show and sale. Each person who obtains such license shall be required to report to the commissioner of the revenue and provide a list of participants prior to each event.

State law reference—Peddlers and itinerant merchants, Code of Virginia, §§ 58.1-3717, 58.1-3718, and 58.1-3719.

Sec. 18.1-131. - Tax; limitations.

- (a) Every peddler or itinerant merchant, as defined in section 18.1-130, shall pay a license tax in conformity with the following schedule:
 - (1) Itinerant merchants, including those who promote, sponsor or conduct a "show and sale" and peddlers of goods, wares or merchandise, except those set forth in subsections (2) through (8) below, five hundred dollars (\$500.00).
 - (2) Peddlers of meat, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature not grown or produced by the peddler, seventy-five dollars (\$75.00).
 - (3) Peddlers of family supplies of a perishable nature, which are not grown or produced by the peddler, and groceries generally, including such articles as customarily sold in grocery stores, one hundred fifty dollars (\$150.00).
 - (4) Peddlers of Christmas trees, ice, wood, coal, oil, kerosene, coke or charcoal not grown or produced by the peddler, twenty-five dollars (\$25.00).
 - (5) Peddlers of candies and confections, seventy-five dollars (\$75.00).
 - (6) Peddlers of bottled soft drinks, hot dogs and wrapped sandwiches, one hundred dollars (\$100.00).
 - (7) Peddlers, and their employees or agents, selling subscriptions for books, magazines and the like, and who do not carry from place to place their goods, wares or merchandise, fifty dollars (\$50.00).
 - (8) Dealers in precious metals shall be taxed at the license tax rate set forth in this chapter for a retail or wholesale merchant, whichever is applicable.
- (b) This division shall not apply to those who sell or offer for sale, in person or by their employees, ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable

nature or farm products grown or produced by them and not purchased by them for sale. A dairyman who uses, upon the streets of the city, one (1) or more vehicles may sell and deliver from his vehicles milk, butter, cream and eggs, without procuring a peddler's license.

- (c) No license tax set out in this section shall be prorated.
- (d) All peddlers must comply with the provisions set forth in this section for a peddler's tag.

Sec. 18.1-132. - Peddlers at wholesale.

- (a) Any person, firm or corporation, who or which sells or offers to sell goods, wares or merchandise to licensed dealers, other than at a definite place of business operated by the seller, and at the time of such sale or exposure for sale delivers, or offers to deliver, the goods, wares or merchandise to the buyer shall be deemed a peddler at wholesale. For purposes of this section, any delivery made on the day of sale shall be construed as a delivery at the time of sale.
- (b) The license tax imposed on a peddler at wholesale shall be at the same rate imposed by this chapter on a wholesale merchant selling similar goods, wares or merchandise at one (1) definite place of business.
- (c) When such articles are peddled along with the articles specified in other sections of this division, and the license tax imposed by this division is paid, such person shall not be required to pay in addition thereto the license taxes imposed by other sections.
- (d) Nothing in this section shall be construed as imposing a license tax in any case where the city is prohibited by the state law from imposing a license tax on peddlers.
- (e) No license tax set out in this section shall be prorated.

Sec. 18.1-133. - Exemption for certain peddlers, itinerant merchants and peddlers at wholesale.

- (a) Any license tax imposed on peddlers or itinerant merchants or on peddlers at wholesale in this division shall not apply to:
 - (1) A licensed wholesale dealer who sells and, at the time of such sale, delivers merchandise to retail merchants;
 - (2) A distributor or vendor of motor fuels and petroleum products;
 - (3) A distributor or vendor of seafood who catches seafood and sells only the seafood caught by him;
 - (4) A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by him;
 - (5) A farmers' cooperative association;
 - (6) A manufacturer who is subject to Virginia tax on intangible personal property who peddles at wholesale, only the goods, wares, or merchandise manufactured by him at a plant, whose intangible personal property is taxed by this commonwealth.
 - (7) A charitable nonprofit organization conducting a show and sale, except to the extent the receipts from these peddling activities are from an unrelated trade or business and the income is taxable under Internal Revenue Code section 511 et seq. The commissioner of the revenue shall determine the exemption and is authorized to request and obtain all necessary information to ascertain a proper application.
- (b) The commissioner of the revenue shall require each bona fide producer or grower of market produce, fruit or fresh meat, who wishes to peddle the same in the city, to file with him a certificate in which shall be given the name and address of the applicant, the location of the land from which his fruit, vegetables or other perishables are to be produced, whether the applicant is the owner thereof, or renter, and in the latter case, the name of the landlord or owner and the time from which his lease is to run. Such certificate shall state that the applicant intends to use the sign issued to him pursuant to this section himself personally, or by agent, for the sale of his own produce only, and will not permit the same to be used by any third party, or for the sale of any produce, except his own. Upon receipt of such certificate, the commissioner of the revenue shall furnish to such bona fide grower or producer a sign, of a size and design to be selected by the commissioner, suitable to be displayed on his wagon or truck and on which shall be printed "City Grower No. _____, _____" with the license year inserted.

- (c) Each bona fide catcher, producer or grower of seafood, who wishes to peddle the same in the city, shall apply to the commissioner of the revenue for a license exemption under this section. The commissioner shall issue to such applicant a tag, of a size and design selected by the commissioner, suitable to be displayed on the peddler's wagon, cart or truck, on which shall be printed "Seafood Peddler No. _____, _____," with the license year inserted.
- (d) Any tag or sign issued under this section shall be affixed and displayed, by the owner, on the left-hand side of his cart, wagon, truck or other vehicle, on the outside thereof, and in a conspicuous place, so that the same may be readily seen at all times by anyone authorized to inspect the same. A charge of one dollar (\$1.00) shall be made for each sign issued under this subsection.
- (e) It shall be unlawful for any person to make any false statement in the certificate referred to in subsections (b) and (c) above or to permit the grower's sign issued to be used in the sale of any produce, except produce grown by him on the land described in the certificate. Any such violation shall be punishable as a Class 4 misdemeanor.

Sec. 18.1-134. - License tags.

- (a) The commissioner of the revenue shall issue to each applicant for a peddler's license a license tag, of a size and design to be selected by the commissioner, suitable to be displayed on the vehicle to be used by the peddler in the prosecution of such business. On each tag so issued, there shall be printed the classification of the peddler, the tag number and the license year for which the license is issued.
- (b) No license tag issued under this section shall be transferable.

Sec. 18.1-135. - Other requirements.

- (a) Every itinerant merchant operating in the city shall file with the license application an affidavit from the owner of the building, structure or other property to be used by such applicant, showing for what period of time the property to be used by such applicant has been hired or leased by such applicant. No itinerant merchant license shall be issued, unless such affidavit is attached to the application; provided, however, that the commissioner of the revenue may, in lieu of the foregoing affidavit, issue a regular merchant's or a regular license issued to an auctioneer under section 18.1-43 to any applicant upon the giving of a bond or security in such amount as will equal the specific tax required by this section for a period of one (1) year from the date of the application for such license. Such bond or security shall provide that such amount shall be paid to the city in the event and at any time during any such year that the commissioner of the revenue shall receive sufficient evidence showing that it was the applicant's intention to engage in or transact a temporary or transient business in the city.
- (b) No person shall be exempt from the payment of the license tax imposed by section 18.1-131 by reason of associating temporarily with any local merchant, dealer, trader or auctioneer or by reason of conducting such temporary or transient business in connection with, or as a part of, the business in the name of any local merchant, dealer, trader or auctioneer.
- (c) The provisions of this section shall not apply to the sale, at auction, of any automobile, mechanics' tools, used farm implements, livestock, poultry (dressed or undressed), seafood, vegetables, fruits, melons, berries, flowers or leaf tobacco; or to the sale of used household furniture and used household effects, when being sold at the residence of the housekeeper desiring to dispose of the same; or to sales made to dealers by commercial travelers or selling agents or regularly established merchants or manufacturers selling to the trade by sample for future delivery from their established place of business; or to the sale of products raised upon lands leased or owned by the seller; or to the sale of vegetables, fruits or other farm products; or to hawkers on the streets; or to the sale of any goods by an assignee, trustee, executor, fiduciary, officer in bankruptcy or other officer appointed by any court of this state or of the United States; or to peddlers licensed under this chapter.
- (d) Licenses for which the tax is designated in this section shall not be transferable.

Kilmarnock, VA

ARTICLE II. PEDDLERS, SOLICITORS, ITINERANT VENDORS*

*State law references: Authority to regulate peddlers not otherwise licensed by the state, fee, Code of Virginia, § 15.2-913; authority to regulate or prohibit peddling, Code of Virginia, § 15.2-1114.

DIVISION 3. ITINERANT VENDORS

Sec. 14-75. Definitions.

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

Itinerant merchant means a person who shall engage in, do or transact any temporary or transient business in this town in the sale of goods, wares and merchandise, and who for the purpose of carrying on such business shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, boat or public room or any part thereof, including rooms in hotels, lodgingshouses, or houses of private entertainment, or in any street, alley or other public place in this town, for a period of less than one year, for the exhibition of or sale of such goods, wares or merchandise.

Peddler means a person who shall carry from place to place any goods, wares or merchandise and offer to sell or barter such goods, wares or merchandise or actually sell or barter such goods, wares or merchandise in this town. All persons who do not keep a regular place of business, whether it be a house or vacant lot or elsewhere, open at all times in regular business hours and at the same place, who shall offer for sale goods, wares and merchandise, shall be deemed peddlers under this division. All persons who keep a regular place of business, open at all times in regular business hours at the same place, who shall, elsewhere than at such regular place of business, personally or through their agents, go from place to place offering for sale or sell and, at the time of such offering for sale, deliver goods, wares and merchandise shall also be deemed peddlers.

Sec. 14-76. Violation, penalty.

Every person who shall engage in, do or transact any temporary or transient business in this town and every itinerant merchant who shall engage in, do or transact any temporary or transient business in this town in the sale of goods, wares or merchandise without a license and every peddler who shall carry from place to place any goods, wares or merchandise and offer to sell or barter the same or actually sell or barter the same without a license shall be guilty of a class 4 misdemeanor and on conviction thereof shall be fined as provided in section 1-14.

Sec. 14-77. Exceptions.

This division shall not apply to the sale or offer for sale of ice, wood, charcoal, meats, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by the seller and not purchased for sale. A dairyman may sell and deliver milk, butter, cream and eggs without procuring a peddler's license.

Sec. 14-78. License fee.

(a) There is imposed upon every itinerant merchant selling new furniture, bedding, televisions, radios, space heaters or other appliances, audio, video or other electronic equipment, computer equipment or hardware, rugs, clothing or footwear, watches or jewelry, tools or hardware, automotive parts or equipment, paintings or art objects, stuffed animals or toys a fee of \$500.00 per year immediately upon engaging in such activity.

(b) There is imposed upon every itinerant merchant selling merchandise or wares, other than that enumerated in subsection (a) of this section, a fee of \$50.00 per year immediately upon engaging in such activity.

(c) There is imposed upon every peddler a fee of \$20.00 per year immediately upon engaging in such activity.

State law references: Fee for door-to-door vendors, Code of Virginia, § 15.2-913.

Sec. 14-79. Display of licenses.

All itinerant merchants and peddlers shall at all times while doing business in this town prominently display any license required under this division.

Table 14.4 Taxes and Fees on Peddlers and Itinerant Merchants, 2009 (continued)

Locality	Annual Amount (Unless Otherwise Stated)		
	Retail Peddlers	Retail Itinerant Merchants	Wholesale Peddlers & Itinerant Merchants
Towns (Note: Towns that answered "not applicable" for all items in this table excluded. For a listing of town respondents and respondents, see Appendix B.)			
Abingdon	\$50 per day	\$50 per day	\$50 per day
Alberta	\$50	\$0.20/\$100 gross receipts	\$0.05/\$100 gross receipts
Altavista	\$250	\$50 perishable	\$50 perishable
Amherst	\$200/month, max. \$500	\$250 non-perishable	\$250 non-perishable
Appomattox	\$50 perishables	\$200/month, max. \$500	\$200/month, max. \$500
Ashland	\$500	\$500	\$500
Berryville	\$250 per six months	\$250 per six months	\$250 per six months
Big Stone Gap	\$100	\$100	N/A
Blacksburg	\$100/day; no charge if in authorized event	None if selling self-produced farm or nursery product	N/A
Blackstone	\$30	\$500	\$500
	\$500 with surety bond for \$5,000	\$500 with surety bond for \$5,000	itinerant: \$50 with surety bond for \$5,000; wholesale: \$0.50 per \$100 gross receipts
Bluefield	\$500	\$500	\$500
Boones Mill	\$50	\$50	N/A
Bowling Green	\$50	\$50	\$50
Boydton	\$100	\$100	\$50
Bridgewater	\$200	\$200	\$100
Broadway	\$500	\$200	\$200
Brookneal	\$50	N/A	N/A
Buchanan	\$500	\$500	\$50
Chase City	\$500	N/A	\$500
	\$500 first year, renewal at \$0.14 per \$100 gross receipts	\$500 first year, renewal at \$0.14 per \$100 gross receipts	\$500 first year, renewal at \$0.14 per \$100 gross receipts
Chatham	\$50	\$500	\$500
Chilhowie	\$500 per day	\$500 per day	N/A
Chincoteague	\$500	\$500	\$500 per day
Christiansburg	\$300	\$500	\$100 per truck, \$500 on foot
			\$500
Claremont	\$30 with gross receipts of \$1,000 to \$20,000	N/A	\$500 for itinerant
			N/A
Clarksville	\$500	\$500	\$500
Clifton Forge	\$285	\$285	\$285
Clintwood	\$500	\$500	N/A
Coeburn	\$30	\$30	\$30
Colonial Beach	\$200 per month	\$200 per month	N/A
Courtland	\$500	\$500	\$500
Crews	\$500	\$500	\$500
Culpeper	\$500	\$500	\$500
Damascus	\$250	\$250	N/A
Dayton	\$200	\$200	\$250
Dillwyn	\$500	\$500	N/A
Dublin	\$250	\$500	N/A
Dumfries	\$50	\$250	\$250
Edinburg	\$100	N/A	N/A
Farmville	\$100 plus \$10 filing fee	\$100	\$100
Floyd	\$500	\$100 plus \$10 filing fee	\$100 plus \$10 filing fee
Front Royal	\$50 perishable	\$500	\$500
	\$500 non-perishable	\$50 perishable	\$50 perishable
	\$100 per season	\$500 non-perishable	\$500 non-perishable
	(Christmas trees, fireworks)	\$100 per season	\$100 per season
Glade Spring	\$500	(Christmas trees, fireworks)	(Christmas trees, fireworks)
Gordonsville	\$30 + \$10 background check	\$500	\$500
Gretna	\$25 bimonthly	\$50	\$50
Grottoes	\$500	\$250	\$250
		N/A	N/A

N/A Not applicable.

Table 14.4 Taxes and Fees on Peddlers and Itinerant Merchants, 2009 (continued)

Locality	Annual Amount (Unless Otherwise Stated)		
	Retail Peddlers	Retail Itinerant Merchants	Wholesale Peddlers & Itinerant Merchants
Towns (continued)			
Grundy	\$10	\$10	\$10
Halifax	\$300 per application	\$300 per application	\$300 per application
Hallwood	\$30	\$30	\$30
Hamilton	\$500	\$500	\$500
Haymarket	\$500	\$500	\$0.05/100
Haysi	\$500	\$500	\$500
Herndon	\$12.50 per week, not to exceed \$500 per year	\$12.50 per week, not to exceed \$500 per year	\$0.05 per \$100 of purchases
Hillsville	\$25 per day, not to exceed \$500 per year	\$25 per day, not to exceed \$500 per year	\$25 per day, not to exceed \$500 per year
Hurt	\$50	\$50 perishable; \$250 non-perishable	N/A
Independence	\$200; \$50 perishables \$25 ice, wood, coal	\$200	\$200
Iron Gate	\$150	\$150	\$150
Ivor	\$20	\$20	\$20
Kenbridge	\$300/year or \$40/day	\$300/year or \$40/day	N/A
Keysville	\$50	\$50	\$50
Kilmarnock	\$50	\$50-\$500	N/A
La Crosse	\$100	\$100	\$100
Lawrenceville	\$50 plus \$30 fee	\$50 plus \$30 fee	\$50 plus \$30 fee
Lebanon	\$500	\$500	\$500
Leesburg	\$250	\$250	N/A
Louisa	\$200	\$200	\$200
Luray	\$500	\$500	\$500
Marion	\$500	\$500	\$500
McKenney	\$225	\$225	\$100
Middleburg	\$500	\$500	\$500
Mineral	\$0.14/\$100	\$0.14/\$100	\$0.14/\$100
Montross	\$500	\$500	\$500
Narrows	\$200	\$200	\$25 for \$1,000 in sales plus 0.15/\$100 for excess \$100-\$500
New Market	\$100	\$500	\$100-\$500
Occoquan	\$500	\$500	\$0.05/\$100 of gross receipts
Onancock	\$25	\$25	\$25
Onley	\$30	\$30	\$30
Orange	N/A	\$100	\$100
Pamplin	\$2.50 per month	\$2.50 per month	\$2.50 per month
Pearisburg	\$200	\$200	\$200
Pennington Gap	\$0.15/\$100	\$0.15/\$100	\$0.15/\$100
Pound	\$30 minimum	\$30 minimum	N/A
Pulaski	\$30	\$500	\$500
Purcellville	\$500	\$500	\$500
Remington	N/A	N/A	\$250
Rich Creek	\$500	\$500	N/A
Richlands	\$250	\$500	\$0.05 per \$100 of purchases
Rocky Mount	\$50 perishable \$500 non-perishable	\$50 perishable \$500 non-perishable	N/A
Round Hill	\$505	\$505	\$505
Rural Retreat	\$250-\$500	\$250-\$500	\$250-\$500
Saint Paul	\$30 min. or \$0.17/\$100	\$30 min. or \$0.17/\$100	N/A
Saltville	N/A	\$500	N/A
Scottsville	N/A	\$50/week; \$150/month; \$500/year	N/A
Smithfield	\$50 per day or \$500 \$50 for Christmas greens/trees	\$50 per day or \$500	\$30 min. or \$0.05/\$100 of purchases
South Boston	\$100 per day or \$500	\$100 per day or \$500	\$100 per day or \$500
South Hill	\$500	\$500	\$500

N/A Not applicable.

Table 14.4 Taxes and Fees on Peddlers and Itinerant Merchants, 2009 (continued)

Locality	Annual Amount (Unless Otherwise Stated)		
	Retail Peddlers	Retail Itinerant Merchants	Wholesale Peddlers & Itinerant Merchants
Towns (continued)			
Grundy	\$10	\$10	\$10
Halifax	\$300 per application	\$300 per application	\$300 per application
Hallwood	\$30	\$30	\$30
Hamilton	\$500	\$500	\$500
Haymarket	\$500	\$500	\$0.05/100
Haysi	\$500	\$500	\$500
Herndon	\$12.50 per week, not to exceed \$500 per year	\$12.50 per week, not to exceed \$500 per year	\$0.05 per \$100 of purchases
Hillsville	\$25 per day, not to exceed \$500 per year	\$25 per day, not to exceed \$500 per year	\$25 per day, not to exceed \$500 per year
Hurt	\$50	\$50 perishable; \$250 non-perishable	N/A
Independence	\$200; \$50 perishables \$25 ice, wood, coal	\$200	\$200
Iron Gate	\$150	\$150	\$150
Ivor	\$20	\$20	\$20
Kenbridge	\$300/year or \$40/day	\$300/year or \$40/day	N/A
Keysville	\$50	\$50	\$50
Kilmarnock	\$50	\$50-\$500	N/A
La Crosse	\$100	\$100	\$100
Lawrenceville	\$50 plus \$30 fee	\$50 plus \$30 fee	\$50 plus \$30 fee
Lebanon	\$500	\$500	\$500
Leesburg	\$250	\$250	N/A
Louisa	\$200	\$200	\$200
Luray	\$500	\$500	\$500
Marion	\$500	\$500	\$500
McKenney	\$225	\$225	\$100
Middleburg	\$500	\$500	\$500
Mineral	\$0.14/\$100	\$0.14/\$100	\$0.14/\$100
Montross	\$500	\$500	\$500
Narrows	\$200	\$200	\$25 for \$1,000 in sales plus 0.15/\$100 for excess \$100-\$500
New Market	\$100	\$500	\$100-\$500
Occoquan	\$500	\$500	\$0.05/\$100 of gross receipts
Onancock	\$25	\$25	\$25
Onley	\$30	\$30	\$30
Orange	N/A	\$100	\$100
Pamplin	\$2.50 per month	\$2.50 per month	\$2.50 per month
Pearisburg	\$200	\$200	\$200
Pennington Gap	\$0.15/\$100	\$0.15/\$100	\$0.15/\$100
Pound	\$30 minimum	\$30 minimum	N/A
Pulaski	\$30	\$500	\$500
Purcellville	\$500	\$500	\$500
Remington	N/A	N/A	\$250
Rich Creek	\$500	\$500	N/A
Richlands	\$250	\$500	\$0.05 per \$100 of purchases
Rocky Mount	\$50 perishable \$500 non-perishable	\$50 perishable \$500 non-perishable	N/A
Round Hill	\$505	\$505	\$505
Rural Retreat	\$250-\$500	\$250-\$500	\$250-\$500
Saint Paul	\$30 min. or \$0.17/\$100	\$30 min. or \$0.17/\$100	N/A
Saltville	N/A	\$500	N/A
Scottsville	N/A	\$50/week; \$150/month; \$500/year	N/A
Smithfield	\$50 per day or \$500 \$50 for Christmas greens/trees	\$50 per day or \$500	\$30 min. or \$0.05/\$100 of purchases
South Boston	\$100 per day or \$500	\$100 per day or \$500	\$100 per day or \$500
South Hill	\$500	\$500	\$500

N/A Not applicable.

Table 14.4 Taxes and Fees on Peddlers and Itinerant Merchants, 2009 (continued)

Locality	Annual Amount (Unless Otherwise Stated)		
	Retail Peddlers	Retail Itinerant Merchants	Wholesale Peddlers & Itinerant Merchants
Towns (continued)			
Stanley	\$25 per day	\$25 per day	N/A
Stephens City	\$50 min. or \$0.15/\$100 of gross receipts	\$50 min. or \$0.15/\$100 of gross receipts	\$50 min. or \$0.15/\$100 of gross receipts
Strasburg	\$75	N/A	N/A
Stuart	\$300	\$300	N/A
Surry	\$150	\$150	N/A
Tappahannock	\$500	\$500	\$0.05/\$100 gross receipts
Timberville	\$50	\$50	\$50
Victoria	\$100.50	\$100.50	\$100.50
Vienna	\$25	\$25	\$25
Vinton	\$250 per month	\$500 per month	\$50 per month
Wakefield	\$250	N/A	N/A
Warrenton	\$250	\$500	N/A
Waverly	\$85	\$100	\$100
West Point	\$30 minimum, \$0.60/\$100 gross receipts	\$30 minimum, \$0.60/\$100 gross receipts	N/A
Windsor	\$50/day	\$50/day	\$50/day
Wise	\$150	\$150	\$30
Woodstock	\$250 per year plus \$5 per day, not to exceed \$500 per year for non-perishables; \$50 per year for perishables	\$250 per year plus \$5 per day, not to exceed \$500 per year for non-perishables; \$50 per year for perishables	\$250 per year plus \$5 per day, not to exceed \$500 per year for non-perishables; \$50 per year for perishables
Wytheville	\$250-\$500	\$250-\$500	\$250-\$500
N/A Not applicable.			

Table 14.4 Taxes and Fees on Peddlers and Itinerant Merchants, 2009 (continued)

Locality	Annual Amount (Unless Otherwise Stated)		
	Retail Peddlers	Retail Itinerant Merchants	Wholesale Peddlers & Itinerant Merchants
Towns (continued)			
Stanley	\$25 per day	\$25 per day	N/A
Stephens City	\$50 min. or \$0.15/\$100 of gross receipts	\$50 min. or \$0.15/\$100 of gross receipts	\$50 min. or \$0.15/\$100 of gross receipts
Strasburg	\$75	N/A	N/A
Stuart	\$300	\$300	N/A
Surry	\$150	\$150	N/A
Tappahannock	\$500	\$500	\$0.05/\$100 gross receipts
Timberville	\$50	\$50	\$50
Victoria	\$100.50	\$100.50	\$100.50
Vienna	\$25	\$25	\$25
Vinton	\$250 per month	\$500 per month	\$50 per month
Wakefield	\$250	N/A	N/A
Warrenton	\$250	\$500	N/A
Waverly	\$35	\$100	\$100
West Point	\$30 minimum, \$0.60/\$100 gross receipts	\$30 minimum, \$0.60/\$100 gross receipts	N/A
Windsor	\$50/day	\$50/day	\$50/day
Wise	\$150	\$150	\$30
Woodstock	\$250 per year plus \$5 per day, not to exceed \$500 per year for non-perishables; \$50 per year for perishables	\$250 per year plus \$5 per day, not to exceed \$500 per year for non-perishables; \$50 per year for perishables	\$250 per year plus \$5 per day, not to exceed \$500 per year for non-perishables; \$50 per year for perishables
Wytheville	\$250-\$500	\$250-\$500	\$250-\$500
N/A Not applicable.			

Sec. 62-11. Limitations on use of streets for sales from vehicles.

(a) It shall be unlawful for any huckster, hawker or vendor of flowers or articles of food to permit the vehicle from which he sells such flowers or articles of food to remain standing on the streets in any one block longer than 15 minutes, unless the place in which the vehicle is standing is more than 150 feet from the nearest store or place of business of any licensed person who sells flowers or the same articles of food as those sold by the huckster, hawker or vendor.

(b) It shall be unlawful for any huckster, hawker or vendor to park his vehicle on a street for longer than 15 minutes within 50 feet of any street intersection, and only at places outside of the prohibited zones after he has secured the written consent of the owner of the property abutting on such space.

(c) It shall be unlawful to park any vehicle from which any merchandise is sold upon any street in a business district.

(Ord. No. 6, § 5, 7-10-73; Ord. of 6-8-93)



TOWN OF
CAPE CHARLES

AGENDA TITLE: Boundary Adjustment Committee Update		AGENDA DATE: August 26, 2010
SUBJECT/PROPOSAL/REQUEST: Boundary Adjustment Committee Update		ITEM NUMBER: 2B
ATTACHMENTS: Minutes from July 26, 2010 and August 10, 2010 meetings of the Cape Charles Representatives to the Boundary Adjustment Committee, Minutes of the August 3, 2010 Joint Meeting of the Cape Charles and County Planning Commissions		FOR COUNCIL: Action () Information (X)
STAFF CONTACT (s): Heather Arcos / Tom Bonadeo	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

On January 11, 2010, a joint meeting was held with the Cheriton Town Council to discuss the issue of boundary adjustments. At that meeting, the Councils agreed to create a sub-committee to work on the details of the boundary adjustment issue before approaching the County. The sub-committee members were Cape Charles Councilmen Burdiss and Veber, Tom Bonadeo, Cheriton Vice-Mayor Spencer, Councilman LeMond and Beverly Harper. Since that time, Councilman Sullivan was named to replace Councilman Burdiss whose term expired June 30, 2010.

A meeting of the Cape Charles representatives was held on July 26, 2010 to provide Councilman Sullivan with background of previous discussions of the committee. Another meeting was held on August 10, 2010 with District 2 Supervisor Sam Long to obtain his input regarding this issue.

Supervisor Sam Long expressed a desire to attend the next Boundary Adjustment Committee meeting. We are trying to schedule a meeting for the first week of September, if possible, since Ms. Norma Spencer, a Cheriton representative, is out of town until August 31, 2010.

On August 3, 2010, the Cape Charles Planning Commission met with the County Planning Commission to discuss the Town Edge Zone.

DISCUSSION:

With the new Council, staff would like to obtain input from the Council regarding their thoughts on continuing to pursue a possible boundary adjustment.

- A) Joint Boundary Adjustment request with Cheriton.
- B) Boundary Adjustment request for Cape Charles only.
- C) Dual Planning / Town Edge Zone for Route 184 and Route 13 Corridors.

RECOMMENDATION:

Staff recommends discussion and direction for staff and the Boundary Adjustment Committee.

Boundary Adjustment Committee
Cape Charles Representatives
July 26, 2010
5:00 PM
Cape Charles Town Hall

ATTENDEES:

Tom Bonadeo, Cape Charles Town Planner
Mike Sullivan, Cape Charles Councilman
Larry Veber, Cape Charles Councilman

Other Attendees:

Libby Hume, Cape Charles Town Clerk
0 Members of the Public

The purpose of the meeting was to provide background information to new Councilman Mike Sullivan who was appointed to replace outgoing Councilman John Burdiss on the Cape Charles-Cheriton Boundary Adjustment Committee (BAC).

Tom Bonadeo distributed copies of the following handouts from the previous BAC meetings:

- Memorandum of Agreement Between the Municipal Corporation of Cape Charles and the Municipal Corporation of Cheriton
- Northampton County's Policy re: Boundary Adjustments dated July 23, 2008
- Map of the area
- Letter from the County Planning Commission requesting a joint meeting with the Cape Charles Planning Commission re: Town Edge Land Uses

Tom Bonadeo asked the two Councilmen why the Town was pursuing a boundary adjustment.

- Councilman Veber stated that the Town needed to gain control of the corridor along Route 184 (Stone Road) in regards to zoning, the types of businesses allowed, entrance into the Town (trees and landscaping) and signage.

Tom Bonadeo asked the Councilmen their thoughts regarding Route 13.

- Councilman Veber again stated that the Town needed to gain some control of the zoning and planning along the Route 13 corridor. With the hotel planned for a parcel of land along Route 13, he was concerned of businesses being allowed in this corridor that could have a negative impact on the businesses in Town.
- The initial reason the BAC was started was to work together with Cheriton regarding these issues.
- If Cape Charles could incorporate the property to Route 13, the Town police officers could patrol the highway.

Tom Bonadeo asked the Councilmen their thoughts regarding the agricultural land between Cape Charles and Route 13.

- Councilman Veber stated that there was a natural geographic boundary and he would like to see the area incorporated as part of the Town.
- Tom Bonadeo asked how the Town would be able to justify the need for that many acres of agricultural land within the Town limits.

Tom Bonadeo referred to the County's *Policy for Consideration of Alteration of Town Boundaries by Means of Boundary Adjustment or Annexation* which requires that the Town be able to provide adequate capital improvements and services within a reasonable time. The Town already provides police and fire department service, but probably would not be able to provide water and sewer services at this time. Could the Town state that sewer services would be provided through the Public Service Authority?

Tom Bonadeo informed the Councilmen that in August, the Cape Charles Planning Commission would be meeting with the County Planning Commission to discuss the Town Edge Zone as outlined in the County's Comprehensive Plan. Tom Bonadeo explained that the Town Edge is a zone in which the towns have some involvement in control over the planning and zoning in this area. The goal of the Cape Charles Planning Commission and the Town is to work toward a "dual" planning zone with the Town having equal rights in zoning decisions. This could be the first step in the boundary adjustment process.

Councilman Veber stated that increasing tax revenue for the Town was not a reason for wanting to pursue a boundary adjustment and that his main reason was for the Town to gain control of the planning and zoning in the proposed area.

Councilman Sullivan added that as long as the Town could sit with the County and have input regarding zoning and the types of businesses permitted in the Town Edge area, a boundary adjustment may not be needed at this time. The County would have to be willing to talk to the Town and firmly agree in writing that the Town has a stake in the planning.

Tom Bonadeo added that the Annexation Agreement, which was court-ordered, dictates that the Town have input in the Town Edge area, but the County has not involved the Town to date.

There was some discussion regarding the land included in the Agriculture/Forest District (AFD), the owners of which have agreed not to develop the land for ten (10) years and whether the land zoned as AFD could be grandfathered to retain their designation and benefits if the properties were incorporated into the Town. Tom Bonadeo stated that he would research this issue.

Councilman Veber stated that he felt that now was the time for the Town to move forward in pursuing a boundary adjustment.

Tom Bonadeo stated that discussions with the County needed to begin but the Town needed to figure out what we want before approaching the County. Tom Bonadeo asked Councilmen Veber and Sullivan to review the information distributed earlier in the meeting and to provide their input. Per this evening's discussion, it seems the two (2) most important issues are having control over the planning / zoning along Routes 184 (Stone Road) and Route 13. The Town needs to build a case if we feel there is a real value in this boundary adjustment. Currently, the Town cannot justify why it needs the additional land especially the large portion of agricultural land.

Councilman Veber stated that he felt that Tom Bonadeo had a lot of knowledge regarding this issue and he would follow Tom's recommendation but felt that the Town needed to talk to Supervisor Sam Long and recommended inviting Mr. Long to meet with the group. Libby Hume will email Mr. Long to get several available dates from him and try to schedule a meeting within the next couple of weeks.

Boundary Adjustment Committee
Cape Charles Representatives
with Supervisor Sam Long, Jr.
August 10, 2010
5:00 PM
Cape Charles Town Hall

ATTENDEES:

Tom Bonadeo, Cape Charles Town Planner
Mike Sullivan, Cape Charles Councilman
Larry Veber, Cape Charles Councilman
Heather Arcos, Town Manager
District 2 Supervisor Sam Long

Other Attendees:

Libby Hume, Cape Charles Town Clerk

The purpose of the meeting was to provide information to Supervisor Sam Long regarding the Town's reasoning in regards to a possible boundary adjustment and to hear Supervisor Long's and the County's positions regarding this issue.

Tom Bonadeo explained that the Town has been working with representatives from the Cheriton Town Council on a Boundary Adjustment Sub-Committee (BAC) and a Memorandum of Agreement had been signed by both towns to work together regarding pursuit of a boundary adjustment. The Town felt that the County needed to be involved in future discussions regarding boundary adjustments.

Supervisor Long stated that his opinion regarding a boundary adjustment had not changed but that he was one member and one vote on the Board of Supervisors. Supervisor Long continued to state that he was in support of a boundary adjustment to help the Towns of Cheriton and/or Cape Charles to bring more businesses to the Towns and to create a business-friendly zone and/or Enterprise Zone. Previously, the County has not been in favor of boundary adjustments but perhaps with the new Board, they may be open to discussion. As a Board, Supervisor Long stated that he believed that two members would be skeptical, two members would need more justification and two members, himself included, would be in favor of boundary adjustments for Cheriton and Cape Charles but the towns needed to propose the boundary adjustment area and get the citizens' participation and agreement. Supervisor Long stated that the Town of Eastville was currently applying for a boundary adjustment but that he could not provide any details. Supervisor Long added that it would be good for Cape Charles and Cheriton to work together but that the towns might want to wait to see how Eastville's request was handled before moving forward. The County was under pressure with the hospital situation but has 4 ½ years to work on the issue.

Supervisor Long continued by stating that he felt that a boundary adjustment for Cape Charles was moving in the right direction and that the creeks were natural boundaries for Cape Charles and should be taken into consideration. Supervisor Long asked about Cape Charles' feelings regarding businesses on Route 13 and along Stone Road.

Tom Bonadeo responded that Cape Charles was interested in controlled business development along Route 13. The right type of business could enhance the Town by bringing business into Town, but the wrong type of business could be detrimental. The Town lost four retail businesses with the opening of Food Lion.

Supervisor Long stated that he thought that Cheriton was also looking at gateway businesses along Route 13 to draw people off the highway and into the town. There has been some discussion in the County regarding un-incorporating some towns and having them turn in their charters. Cheriton was currently in "survival" mode so they may opt to do things differently than Cape Charles. Supervisor Long added that he hoped that Cape Charles and Cheriton continued to meet regarding the issue and expressed an interest in attending the next meeting. The BAC was scheduled to meet on the fourth Mondays of each month, which conflicted with the Board of Supervisors Work Session. Supervisor Long stated that he would be able to meet on Tuesday, August 24th. An email would be sent to Cheriton members, Norma Spencer and Larry Lemond, to get their availability on that date.

Supervisor Long thanked Cape Charles for their support and stated that he was interested in what was best for the area in regards to growth and job creation.

Tom Bonadeo asked about the County's regulations regarding boundary adjustments and whether it was still in place. Supervisor Long stated that it was the policy of the Board which detailed the minimum requirement information for submittal of a boundary adjustment request. The Board could work around some of the requirements and others could be changed easily if needed.

Councilman Veber added that several of the requirements would be impossible for Cape Charles to meet, especially the requirement of 70% of the buildable lots having to be developed.

Tom Bonadeo stated that Cape Charles' reason for pursuing a boundary adjustment would not be due to being out of space and needing more land but that the Town wanted to have control over the area coming into Town. Cape Charles was surrounded by water on three sides and the only Town Edge area was along the Stone Road and Route 13 corridors. The Annexation Agreement stated that one-mile north and south of Stone Road along Route 13 was important for both towns.

Supervisor Long agreed and added that Cheriton lost a lot of revenue when the bank moved out of the town and onto Route 13 and they needed to do something or risk losing their charter.

There was some discussion regarding the hospital relocation to Accomack County and the alternative of having an urgent care center on the southern part of the Eastern Shore.

Supervisor Long stated that the County was approached by a company wanting to move into Northampton County to produce photovoltaic panels. Tom Bonadeo informed Supervisor Long that there was already a facility in Town set up to do this and that the photovoltaic panels on the roof of this building supplied the energy to run the lights within the building. Tom Bonadeo pointed out on the map the various commercially zoned areas in the Town.

Councilman Veber asked Tom Bonadeo to write a summary of everything he just explained to provide to Supervisor Long along with a copy of the excerpts from the Annexation Agreement.

Supervisor Long stated that the towns needed to send a message that regarding business opportunities and they welcomed new businesses and added that his goal was to have Cape Charles and Cheriton, the towns in District 2, in a position to take advantage of the opportunities when the economy turns.

Tom Bonadeo informed the attendees that currently there were six or seven new houses under construction in Town.

Councilman Veber stated that he had attended several meetings of the Board of Supervisors and heard Supervisor Tankard state that Cape Charles wanted a boundary adjustment in order to increase revenue. Councilman Veber went on stating that this was not true but that Cape Charles wanted control of development in this area that was in the best interest of the Town.

Supervisor Long responded that he felt that the Town and area around the Town would be better managed by the people who lived here.

Tom Bonadeo stated that the Annexation Agreement showed that the same issues that were being discussed now were also issues 20 years ago.

Heather Arcos stated that the Cheriton representatives to the BAC would be contacted regarding the next BAC meeting being changed to Tuesday, August 24th, beginning at 5:00 PM.



DRAFT
PLANNING COMMISSION
Regular Meeting & Joint Meeting
with Northampton County Planning Commission
Town Hall
August 3, 2010

At 6:00 p.m. in the Town Hall, Chairwoman Joan Natali, having established a quorum, called to order the Regular Meeting of the Planning Commission. In addition to Chairwoman Natali, present were Commissioners Malcolm Hayward, Ben Lewis, Dennis McCoy and Michael Strub as well as Town Planner Tom Bonadeo and Town Clerk Libby Hume. Commissioner Roger Munz was not in attendance. Also in attendance was former Commissioner Bruce Evans. There were no other members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

PUBLIC COMMENTS

There were no comments from the public nor any written comments submitted prior to the meeting.

CONSENT AGENDA

Hearing no objections, Joan Natali stated that the agenda was approved by unanimous consent.

The Commissioners reviewed the minutes for the July 6, 2010 Regular Meeting. Malcolm Hayward and Ben Lewis stated that they would abstain from the vote since they were not in attendance at the July 6th meeting.

Hearing no objections, Joan Natali stated that the minutes for the July 6, 2010 Regular Meeting was approved by unanimous consent.

Joan Natali stated that the purpose of this meeting was to provide background information to the Commissioners regarding past discussions on the Town Edge Zone and the County's Comprehensive Plan. The meeting would then be recessed so the Commissioners can travel to the former Northampton Middle School and reconvened at 7:00 PM with the County Planning Commission.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

Town Edge Zoning and the County Comprehensive Plan

Town Planner Tom Bonadeo gave a quick history of the issue regarding the Town Edge and distributed excerpts from the 1991 Annexation Agreement between the Town of Cape Charles and Northampton County regarding the Bay Creek property, formerly Brown & Root. Tom Bonadeo read items #8 and #14. Item #8 addressed the corridor between the Town of Cape Charles and Route 13 and the area adjacent to Route 13 and Route 184 (Stone Road) stating that both the County and the Town would receive comments regarding matters relative to both jurisdictions and give due consideration to the comments and other input made by the other. Item #14 addressed the creation of a special zoning district along Stone Road into the Town and along Route 13 within one mile of each

direction of the intersection of Route 13 and Stone Road. Tom Bonadeo added that it was interesting that these issues, which were of concern twenty years ago, were still under discussion.

Tom Bonadeo went on to review the letter from the County Planning Commission inviting the Cape Charles Planning Commission to discuss the Town Edge Zone, which covers the area from Bay Creek to Route 13 and the south side of Stone Road. Tom Bonadeo added that initially, Cape Charles wanted to include the north side of Stone Road as part of the Town Edge, which is mostly farm land, in order to have the ability to provide input to the County in the event the land was ever developed. The joint meeting later this evening would give the Commissioners the opportunity to discuss the Town's intent regarding this area.

Tom Bonadeo informed the Commissioners that the Cape Charles representatives on the Cape Charles-Cheriton Boundary Adjustment Committee would be meeting with District 2 Supervisor Sam Long next week to discuss the County's stand regarding boundary adjustments.

Motion made by Dennis McCoy, seconded by Mike Strub and unanimously approved to recess the Regular Meeting of the Planning Commission until 7:00 p.m. at the former Northampton Middle School.

At 7:00 p.m. in Conference Room #2 at the former Northampton Middle School, Chairman David Fauber, having established a quorum, called to order the Northampton County Planning Commission meeting. County Commissioners in attendance were Marshall Cox, Roberta Kellam, Robert Meyers and Mike Ward. Sandra Benson, Director of Planning & Zoning, Peter Stith, Long Range Planner, and Kay Downing, Assistant Zoning Administrator, were also in attendance.

Joan Natali reconvened the recessed meeting of the Cape Charles Planning Commission.

Chairman David Fauber welcomed the Cape Charles Planning Commission and asked everyone around the table to introduce themselves.

David Fauber explained that the County Commissioners were meeting with the incorporated Towns in the County to discuss the Town Edge Zone as defined in the County Comprehensive Plan. David Fauber went on to state that the Town of Cape Charles seemed to be more concerned with the portion of land along Route 184 into Town.

Tom Bonadeo explained that the Cape Charles Planning Commission had updated the Comprehensive Plan in 2009 and concentrated on Routes 184 and 642 (Old Cape Charles Road) and added that this meeting was a historic meeting with both the Town and County Planning Commissions meeting to discuss this issue.

David Fauber and several other County Commissioners stated that they had not seen the updated Cape Charles Comprehensive Plan. Joan Natali informed the attendees that the Comprehensive Plan was available on the Town's website and contained a section regarding the Town Edge Zone.

Planning & Zoning Director Sandra Benson explained that the County's Comprehensive Plan was adopted in July 2006. A Steering Committee was formed who met with representatives from all the towns to discuss the Town Edge. The Steering Committee considered all the comments that were received and the Town Edge was designated as the County's primary growth area, but development in these areas would not begin until services could be offered. Sandra Benson continued by stating that the County had the impression that Cape Charles already had ideas of what they wanted to see in this area and the goal now was to determine how the County and Cape Charles could move forward and work together in the planning process.

Tom Bonadeo stated that Cape Charles would like to include the north side of Route 184 as part of the Town Edge Zone, even though the majority of the area was currently agricultural. This land could be sold in the future and rezoned. Water surrounds the majority of the Town and this land was the only "edge" shared with the County and was also the entrance to the historic district. Tom Bonadeo went on to state that the Town was also concerned with Cheriton's Town Edge and would like to see additional engagement with Cheriton regarding the Route 13 corridor. Tom Bonadeo distributed an excerpt from the 1991 Annexation Agreement and read items #8 and #14, which covered this area and added that when the Food Lion was built on Route 13, the Town of Cape Charles lost four retail businesses. Tom Bonadeo went on to state that it would be relatively easy to add Town Edge language to the Town's Zoning Ordinance and it would be appropriate to have language referring to the Town Edge Zone in both the Town and County Zoning Ordinances.

David Fauber clarified that once the Town Edge Zone has been established and the Towns' input received, the land still belongs to the County.

Joan Natali added that even though the County would own the land, the Town would like to have input on any development in this area.

Sandra Benson stated that the Annexation Agreement was not discussed by the Steering Committee or Planning Commission when developing the 2006 Comprehensive Plan.

Robert Meyers stated that after reading the language in the Annexation Agreement, it would seem that the Food Lion complex should not have been permitted. There was further discussion regarding this issue and the determination of a type of mechanism that could be put in place to engage Cape Charles in the County process to prohibit more business being taken from within the Town. Both the County and the Town needed to work together to ensure a procedure was put in place.

The discussion moved to the land on the north side of Route 184 and that the Steering Committee felt that this land should be zoned agricultural. Mike Ward asked why Cape Charles agreed to this if they wanted it included in the Town Edge and whether a follow-up meeting was scheduled after the Steering Committee made their determination regarding this area to discuss the issues with Cape Charles. Sandra Benson responded that a follow-up meeting was not held at the time.

Joan Natali added that the Town was not given an opportunity to provide input and that the Town wanted this area included in the Town Edge to protect the view shed coming into Town.

Sandra Benson stated that during this current process, the County needed to review the zoning and certain areas would probably be rezoned. Roberta Kellam suggested that it may be possible to have a Town Edge Zone and a Town Edge-Agricultural Zone.

Tom Bonadeo stated that the first objective of the Town is protection of the corridor and work could be done on the corridor overlay without affecting the zoning.

Mike Ward asked if Cape Charles considered the approval of the hotel on Route 13 inconsistent with #14 of the Annexation Agreement. Tom Bonadeo responded affirmatively due to the fact that the Town was not informed or given an opportunity to be involved in the decision and future business permitted in this surrounding area could affect the Town. The Town was not given an opportunity to participate in the discussions except to go to the public hearing. The Town was not notified of the request regarding the hotel since it was not an adjacent land owner.

Robert Meyers stated that the County could remedy this situation in the future by notifying towns of any application regarding the Town Edge area.

Tom Bonadeo added that the Town hoped that it would be able to discuss a rezoning application before it was taken to a public forum. There was some discussion regarding notifications to the towns at the time an application was received. David Fauber stated that if the towns had to meet first and be given the opportunity to provide their input, the entire process would be delayed.

Tom Bonadeo stated that Cape Charles was interested in participating in the process as early as possible. Marshall Cox suggested that the Town could attend the public hearing to express their concerns and the County could table the issue to the next meeting if needed.

Sandra Benson stated that in moving forward, the notification issue could easily be addressed. This was a work in progress and it would be appropriate to talk about the planning process for an area in the Town Edge Zone.

Tom Bonadeo stated that both the County and Town Planning Commissions hold their meetings on the same night. If the Town could be notified at the same time that notification was sent to County Commissioners, the Cape Charles Planning Commission could review the information at their meeting and provide input to the County prior to the public hearing.

Robert Meyers agreed that the Town forwards their agenda and information to the County regularly and suggested that the County could do the same and provide the information to the towns on a regular basis. David Fauber agreed that this process could be adopted for all towns in the County. Robert Meyers suggested that a formal notification procedure to the towns be put in place to ensure it continues in the future and does not stop with the turnover in the Planning Commission and County staff. There was some discussion as to what needed to be done to put this procedure in place.

Sandra Benson stated that the Board of Supervisors could be asked and it could be emphasized in the Comprehensive Plan stressing cooperation between the County and the towns.

Bruce Evans agreed and stated that this could be reviewed by the Town Council as well and added that he felt that this meeting was indeed a historic meeting.

David Fauber stated that the County Planning Commission would review the corridor overlay and asked Sandra Benson and Tom Bonadeo to review dates for future joint meetings. David Fauber added that he felt that this was a positive meeting and the future could be bright if the County and towns could work together.

Motion made by Malcolm Hayward, seconded by Dennis McCoy and unanimously approved to adjourn the Regular Meeting of the Cape Charles Planning Commission.

Chairwoman Joan Natali

Town Clerk