



TOWN COUNCIL

Work Session

Civic Center

July 9, 2015

6:00 PM

1. Call to Order: Roll Call

2. Order of Business
 - A. Library Board

 - B. Relocation of Dolphin at Cape Charles Beach

 - C. Partial Tax Exemption Request – Gary Williams/BayView Engraving

3. Motion to Adjourn

ORDINANCE NO: 20150716

**AN ORDINANCE ESTABLISHING THE
CAPE CHARLES LIBRARY BOARD**

WHEREAS, the Cape Charles Memorial Library and the Library Board have existed for many years; and

WHEREAS, the Code of Virginia, Section 42.1-33, provides that a town shall have the power to establish a free public library; and

WHEREAS, the Code of Virginia, Section 42.1-35 specifies that management and control of a free public library system shall be vested in a board of not less than five members or trustees appointed by the governing body, of which one member of the board may be a member of the governing body; and

WHEREAS, no enabling ordinance is known to exist establishing the Cape Charles Memorial Library and Library Board; and

WHEREAS, the Town Council of Cape Charles recognizes the importance of continuing to maintain a free public library; now

THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 16th day of July, 2015, that:

1. The Cape Charles Memorial Library is hereby established per Code of Virginia, Section 42.1-33.
2. A Library Board is hereby established per Code of Virginia, Section 42.1-35. The Board will have such powers and responsibilities as specified in that Section. The Board will consist of seven (7) members, one of which shall be a member of Town Council.
3. The Librarian, under the supervision of the Town Manager, shall direct the operation of the library per the policy guidance established by the Library Board.

Adopted by the Town Council of Cape Charles on July 16, 2015.

Mayor George Proto

ATTEST:

Town Clerk

§ 42.1-33. Power of local governments to establish and support libraries.

The governing body of any city, county or town shall have the power to establish a free public library for the use and benefit of its residents. The governing body shall provide sufficient support for the operation of the library by levying a tax therefor, either by special levy or as a fund of the general levy of the city, county or town. The word "support" as used in this chapter shall include but is not limited to, purchase of land for library buildings, purchase or erection of buildings for library purposes, purchase of library books, materials and equipment, compensation of library personnel, and all maintenance expenses for library property and equipment. Funds appropriated or contributed for public library purposes shall constitute a separate fund and shall not be used for any but public library purposes.
1970, c. 606.

§ 42.1-35. Library boards generally.

A. The management and control of a free public library system shall be vested in a board of not less than five members or trustees. They shall be appointed by the governing body, chosen from the citizens at large with reference to their fitness for such office. However, one board member or trustee may be a member or an employee of the local governing body. Initially members shall be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, and the remaining members for terms of four years; thereafter all members shall be appointed for terms of four years. The governing body of any county or city entitled to representation on a library board of a library system of another jurisdiction pursuant to § 42.1-34 shall appoint a member to serve for a term of four years, or until the contract is terminated, whichever is shorter. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A member shall not receive a salary or other compensation for services as a member but necessary expenses actually incurred shall be paid from the library fund. However, the governing body of Fairfax County may pay members of its library board such compensation as it may deem proper. A member of a library board may be removed for misconduct or neglect of duty by the governing body making the appointment. The members shall adopt such bylaws, rules and regulations for their own guidance and for the government of the free public library system as may be expedient. They shall have control of the expenditures of all moneys credited to the library fund. The board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such free public library systems or endowments for same.

B. Notwithstanding the provisions of subsection A relating to the terms of library board members, a local governing body may alter the composition of its library board to create staggered terms of service in which approximately the same number of terms expire annually. To achieve this goal, the local governing body shall appoint in any year in which multiple terms expire members for terms of one, two, three, and four years as appropriate. Thereafter, all members shall be appointed for terms of four years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen.

1970, c. 606; 1974, c. 84; 1985, c. 278; 1998, c. 212.

From: Libby Hume [mailto:clerk@capecharles.org]
Sent: Friday, June 12, 2015 2:50 PM
To: 'Chris Bannon'; 'Frank Wendell'; George Proto; Joan Natali; Sambo Brown; 'Steve Bennett'; 'Thomas Godwin'
Subject: FW: Art in Cape Charles

Good afternoon, everyone!

I received the following email which was addressed to Council.

*Thanks and I hope you have a great weekend!
Libby*

*Libby Hume, CMC
Town Clerk
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
(757) 331-3259 x10
www.capecharles.org*

From: Nancy Vest [mailto:ndvest@gmail.com]
Sent: Friday, June 12, 2015 8:00 AM
To: brent.manuel@capecharles.org; George Proto; Town Council; bob.panek@capecharles.org
Subject: Art in Cape Charles

The Town of Cape Charles has come a long way in the last few years. I so appreciate the time and effort that you and all the Town employees have made to enhance and beautify our town. I know you have many plans for the future and I am grateful for your work.

Congratulations on the acquisition of the King Neptune statue for our waterfront. It should be another focal point for our beach and I look forward to the unveiling. The LOVE sign, the gazebo, and King Neptune will be wonderful landmarks for visitors and I am sure will be the subject of many vacation photographs.

The gazebo is a striking vision as one comes into the beach area of Cape Charles. As I walked beside beach path last weekend it occurred to me that the dolphin statue is often overshadowed and overlooked as it sits beside the gazebo. I began to wonder if the Town had ever considered moving the dolphin to a different location where it could shine?

If the dolphin was moved a block or two north (near one of the other entrances to the beach), it would stand out. There would then be four distinct “landmarks” on the beach path. Beachgoers could tell family or friends how to locate them on the beach by using these landmarks. It would also provide a more cohesive vision for the “Art Walk” plan for Cape Charles. As the Town already owns the dolphin, the only cost involved would be for moving the sculpture and therefore, we could make a noticeable impact with a relatively small expenditure of funds. It seems like this might be an idea worth consideration.

Again, many thanks for considering my thoughts....and for all you do for Cape Charles.

Always,

Nancy Daniel Vest

Brent Manuel, Town Manager
Municipal Corporation of Cape Charles
2 Plum Street
Cape Charles, VA 23310

June 23, 2015

Dear Sir,

Per your request, we are submitting this letter to obtain a rehabilitated structures tax exemption from Cape Charles for our commercial property located at 309 Mason Avenue, Cape Charles, VA 23310 effective for the tax year 2014. As indicated in the attached documents, we followed the appropriate procedure for being granted the exemption through Anne Sayers, Commissioner of the Revenue, Northampton County. The exemption was approved by the county at the completion of the renovations of our building. However we were unaware of the additional requirement to submit a similar application to the town of Cape Charles. We now understand that we misunderstood the procedure and should have also applied separately through the Municipal Corporation of Cape Charles. There was no income from said property previous to the completion of the renovations. The building was completely gutted to include plumbing and electrical at the time of purchase. Please review the enclosed application and documents and give approval for the exemption and prorate the taxes for 2014 for a refund. A summary of the timeline of our application related activities is given below:

DEC, 2011 At time of purchase, advised by Blue Heron realtor and Mr. Bonadeo to check with Northampton County about getting a rehabilitated structures tax exemption for the renovation of 309 Mason commercial property. No mention made about also filing with the Town of Cape Charles.

SEP 11, 2013 E-mail sent by Gary Williams to Anne Sayers requesting information on Tax Exemption for Rehabilitated Structures for commercial property on 309 Mason Avenue.

SEP 11, 2013 Response from Anne Sayers giving details of county procedures referring to obtaining copies of all permits, blue prints, etc. Follow up call to Ms. Sayers by Gary Williams gave recommendation to not submit application until actual renovation was to be initiated due to the 2 year requirement to complete the project after the application is submitted.

OCT 16, 2013 Issued Certificate of Appropriateness from the Municipal Corporation of Cape Charles Historic District Review Board for the renovations and addition on the rear of the shop.

NOV 7, 2013 Issued Town of Cape Charles Building permit No. PB130100 for commercial alteration & addition.

NOV 13, 2013 Application submitted and issued Assessment Prior to Rehabilitation Tax Map Number 083A3-01-00-611C from Northampton Commissioner of the Revenue Anne Sayers. Assessed value set at \$15,500.

JUN 27, 2014 Assessment after Rehabilitation Tax Map Number 083A3-01-00-611C issued by Anne G. Sayers, Commissioner of the Revenue Northampton County. Assessed value of the structure property after rehabilitation was set at \$88,000.00 meeting the qualification requirement of an increase in assessment of at least 60 percent.

NOV 21, 2014 Inquired at Town of Cape Charles about tax exemption for said property and informed by Ms. Pocock , Treasurer, that we should have submitted an application to the Town of Cape Charles in addition to Northampton County. Submitted the application via e-mail to Ms. Pocock as well as a request for a waiver of the requirement to submit prior to the initiation of the building renovation.

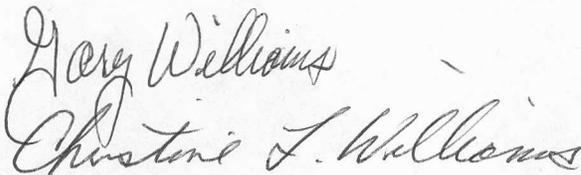
FEB 2, 2015 Informed by Ms. Pocock that she could not approve the waiver request since there was no precedence. We requested to file an appeal. Ms. Pocock replied that she would discuss the issue with the Town Manager and see if we may petition the Council for an exception.

FEB 23, 2015 Instructed by Ms. Pocock to wait until the new Town Manager starts.

MAY 6, 2015 Documentation resent to Mr. DiRe per his request.

MAY 29, 2015 Met with Mr. Manuel and Mr. DiRe and reviewed and discussed issue and request for waiver. Instructed to send this letter along with the past documentation and a summary timeline.

Sincerely,

Handwritten signatures of Gary Williams and Christine J. Williams in cursive ink.

Christine & Gary Williams
8 Minchew Court
Cape Charles, Virginia 23310

e-mail: clwil20@gmail.com
757-695-3829
Cell: 936-499-7782

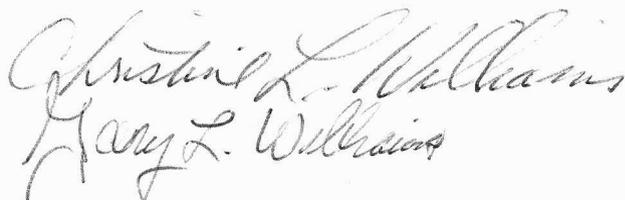
Municipal Corporation of Cape Charles
2 Plum Street
Cape Charles, VA 23310

November 21, 2014

Dear Sir,

We are requesting to obtain a rehabilitated structures tax exemption from Cape Charles for our commercial property located at 309 Mason Avenue, Cape Charles, VA 23310. We followed the appropriate procedure for being granted the exemption through Anne Sayers, Commissioner of the Revenue, Northampton County, with the understanding that the exemption would also cover the town of Cape Charles. We now understand that we misunderstood the procedure and should have also applied separately through the Municipal Corporation of Cape Charles. There was no income from said property previous to the completion of the renovations. The building was completely gutted to include plumbing and electrical at the time of purchase. Please review the enclosed application and documents and give approval for the exemption.

Sincerely,

Handwritten signatures of Christine L. Williams and Gary L. Williams in cursive script.

Christine & Gary Williams
8 Minchew Court
Cape Charles, Virginia 23310

e-mail: clwil20@gmail.com

Cell: 936-499-7782



Municipal Corp. of Cape Charles

APPLICATION FOR PARTIAL TAX EXEMPTION FOR REHABILITATED STRUCTURES

Application Date: 11/21/14 Tax Map Number: 083A3-01-00-611C

Name and Address of Owner: GARY L. WILLIAMS
8 MINSCHWCT., CAPE CHARLES, VA 23310

Address of Subject Property: 309 MASON AVE Date Built: UNK (?)

Description of Structure: GUTTED BRICK BLDG.

Description of Work to be Done: Complete remodel of interior & add bldg ext.

Bldg Permit	Date Applied For	Description of Work/Cost	Date Permit Approved
<u>PB130100</u>	<u>10-15-13</u>		<u>11-7-13</u>

Date rehabilitation work to begin: NOV 2014 Estimated completion date: 4-30-14 (EST)
7-5-14 (ACTUAL)
Estimated Cost of Rehabilitation: \$ 1,140,000.00

IMPORTANT: Do not begin rehabilitation work until you have received written notification from the Commissioner of the Revenue that the County has inspected and photographed the qualifying structure and made an assessment of the buildings value prior to rehabilitation. Determination of qualification for partial tax exemption for rehabilitated structures is not made until the construction is substantially complete. Owner must show proof of age of structure with this initial application. Owner must submit with this application the previous three years income and expense statements. See Code of VA 58.1-3294.

I hereby request partial exemption from real estate taxes for qualifying property to be rehabilitated as provided by Town of Cape Charles' Ordinance.

I understand that a qualifying commercial/industrial structure must be at least twenty (20) years old as of the date of this initial application or fifteen (15) years of age if the structure is located in an area designated as an enterprise zone by the Commonwealth of Virginia and that the reassessed value after rehabilitation must be 60 percent or more than the original assessment. Work must be completed within two (2) years from date of this application. Such exemption shall run with the real estate for a period of ten (10) years.

I certify that the statements contained in this application are true and correct to the best of my knowledge. I acknowledge receiving a copy of the Town of Cape Charles' Ordinance with this application. I certify that I am the owner or have the authority of the owner to make this application.

Date: 11-21-14 Owner's or Agent's Signature: Gary L. Williams

Telephone Day: (757) 695-3829 Fax:

Telephone Evening: (757) 695-3829 E-Mail: gwilliams50@gmail.com

Northampton County

APPLICATION FOR PARTIAL TAX EXEMPTION FOR REHABILITATED STRUCTURES

CIRCLE ONE

RESIDENTIAL

COMMERCIAL/INDUSTRIAL

Application Date _____ Tax Map Number _____

Name & Address of Owner: GARY L. WILLIAMS

8 MINCHEW CT., CAPE CHARLES, VA 23310

Address of Subject Property: 309 MASON AVE., CAPE CHARLES, VA 23310

Description of Structure: 2 GUTTED BRICK BLDG.

Description of Work To Be Done: REMODEL INTERIOR & ADD BLDG. EXTENSION.

Bldg. Permit #	Date Applied For	Cost of Work	Date Permit Approved
<u>083A-T600-003</u>	<u>10-15-13</u>	<u>\$114,000⁰⁰</u>	<u>11-7-13</u>

Date rehabilitation to begin _____ Estimated completion date APRIL 2014

Estimated Cost of Rehabilitation \$114,000⁰⁰

IMPORTANT DO NOT begin rehabilitation work until you have received written notification from the Commissioner of the Revenue that the County has inspected and photographed the qualifying structure and made an assessment, in writing, of the building value prior to rehabilitation. Determination of qualification for partial tax exemption for rehabilitated structure is not made until the construction is complete. Owner must show proof of age of structure with this initial application. Owner must submit with this application the previous three years income and expense statements (commercial/industrial properties)> See Code of Virginia 58.1 - 3294.

I hereby request partial exemption from real estate taxes for qualifying property to be rehabilitated as provided by Northampton County Ordinance.

I understand that a qualifying commercial/industrial must be at least twenty (20) years old as of the date of this initial application or fifteen (15) years of age if the structure is located in a area designated as an enterprise zone by the Commonwealth of Virginia. Residential structures must be at least fifteen (15) years old as of the date of this initial application. The reassess value after rehabilitation must be 60% more than the original assessment. Work must be completed within two (2) years from the date of completion of this application. Such exemption shall run with the real estate for a period of ten (10) years.

I certify that the statements contained in this application are true and correct to the best of my knowledge. I acknowledge receiving a copy of the Northampton County Ordinance with this application. I certify that I am the owner or have the authority of the owner to make this application.

Date: 11/7/13 Owner or Agent Gary L. Williams

Telephone: Day (257) 695-3829 FAX _____

Evening (257) 695-3829 e-mail gwilliams50@gmail.com



Town of Cape Charles

Building

Permit No: PB130100

Building Department

2 Plum Street

Cape Charles, VA 23310

Phone: (757) 331 3259

Fax: (757) 331 4820

309 Mason Avenue

Location

083A-T000-0030

Issued: 11/07/13

Zoning: Sec. No.

PLEASE CALL (757) 331-2176

FOR AN INSPECTION 24 HOURS IN ADVANCE

Gary & Christine Williams

Owner

8 Minchew Court

Cape Charles

VA 23310

Q S, LLC

Contractor

P.O. Box 2020

Ph# (757) 615 0355

Cheriton

VA 23316

Work Description: Commercial Alteration & Addition

Stipulations:

Expiration Date: 05/06/2014

Inspection Requirements

Footer (Prior to concrete)

Foundation Walls

Slab (Prior to pour) Include Electrical & Plumbing

Sheathing (Walls & Roof nailing patterns)

Rough Electrical

Rough Plumbing (includes pressure tests)

Rough Mechanical

Insulation (after framing approval)

Framing (after elec & plumb & mech approval)

Final (All categories)

Mechanic's Lien Agent:

Building Official

I agree this permit is only for the work described, and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire, and become null and void if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 days at any time after work has commenced; and, that I am responsible for assuring all required inspections are requested in conformance with the applicable code.

I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his authorized agent. I agree to conform to all applicable laws of the State of Virginia and Cape Charles. All information on the permit application is accurate to the best of my knowledge.

Payment of permit fee constitutes acceptance of the above terms.

NORTHAMPTON COUNTY
CHANGE OF ASSESSMENT NOTICE
FOR TAX YEAR 2013

WILLIAMS, GARY L & CHRISTINE L

8 MINCHEW CT

CAPE CHARLES

VA 23310-2355

District/Town CAPE CHARLES

Map Number: 083A3 - 01 - 00 - 611C

Parcel Record: 11396

Permit Number:

THIS IS NOT A BILL

DUE TO THE REASON OR REASONS CHECKED BELOW. YOUR REAL ESTATE IN NORTHAMPTON COUNTY HAS BEEN REASSESSED
AS PRESCRIBED BY LAW, CODE OF VIRGINIA 58.1-3281

- CONSTRUCTION OF NEW BUILDING
 IMPROVEMENT OR ADDITION TO EXISTING BUILDING
 SUB-DIVISION OF LAND
 REZONING
 DESTRUCTION OR REMOVAL OF IMPROVEMENTS

OTHER

	PREVIOUS ASSESSMENT	NEW ASSESSMENT
LAND	33,000	33,000
IMPROVEMENTS	35,700	88,100
TOTAL ASSESSMENT	68,700	121,100

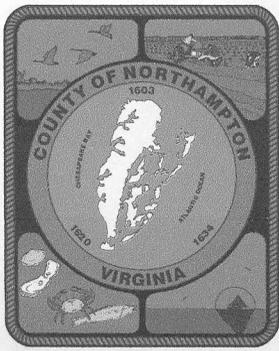
ALL REQUESTS FOR REDUCTION IN THE ASSESSMENT MUST CONTEND THAT THE REAL ESATE IS ASSESSED IN EXCESS OF FAIR MARKE' VALUE, OR IS NOT ASSESSED UNIFORMLY WITH OTHER SIMILAR REAL ESTATE WITHIN THE COUNTY.

IF YOU HAVE ANY QUESTIONS REGARDING THE NEW ASSESSMENT, PLEASE CALL 757-678-0446 OR VIST MY OFFICE ON OR BEFORE 10/09/2014

ANNE G. SAYERS, MCOR
COMMISSIONER OF REVENUE
PO BOX 65
EASTVILLE VA 23347

ASAYERS@CO.NORTHAMPTON.VA.US

PURSUANT TO SECTION 58.1 3330 OF THE CODE OF VIRGINIA AS AMENDED, ANY PERSON, FIRM OR CORPORATION, WHO RECEIVED TAX BILLS ON BEHALF OF THE OWNERS OF REAL PROPERTY, SHALL TRANSMIT THIS NOTICE TO THE OWNERS, IF THAT ADDRESS BE KNOWN, IMMEDIATELY.



ANNE G. SAYERS
COMMISSIONER OF THE REVENUE
NORTHAMPTON COUNTY

P O BOX 65
EASTVILLE VA 23347
757 678-0446
asayers@co.northampton.va.us

To: Gary L & Christine L Williams

From: Anne G. Sayers, MCOR *maps*

Subject: Assessment after rehabilitation
Tax Map Number 083A3-01-00-611C

Date: June 27, 2014

In accordance with Northampton County's Ordinance "Real Estate Tax Exemption for Rehabilitated Structure", the assessed value of the qualified structure on the above subject property after rehabilitation has been set at \$88,000.00. NOTE: Cost of construction does not necessarily equal the increase in market value. The base assessed value prior to the rehabilitation was set at \$15,500.00. This represents an increase in assessed value which exceeds the 60 percent requirement. This meets (x), does not meet (), the qualification requirement of and increase in assessment of at least 60 percent.

You have five (5) working days from the date of this notice to challenge the assessment.

By requesting the Commissioner of the Revenue's Office of Real Estate Assessment to reconsider the after rehabilitation valuation. Any assessment not so challenged shall be deemed to be correct. Any reconsideration of the assessment shall be deemed final.