



# TOWN COUNCIL

## Regular Meeting

September 17, 2015

Cape Charles Civic Center

6:00 PM

1. Call to Order
  - A. Roll Call
  - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Recognition of Visitors / Presentations
  - A. Commendation Award – Earnest and Kathleen Coalter
4. Public Comments (3 minutes per speaker)
5. Consent Agenda
  - A. Approval of Agenda Format
  - B. Approval of Minutes
6. Department Reports
  - \*A. Treasurer's Report
  - B. Planning Commission and Boards
  - C. Other Department Reports
7. Old Business
  - A. None
8. New Business
  - \*A. Constitution Week Proclamation
  - \*B. Cape Charles Community Trail Phase 3 Grant
  - \*C. Proposed Modifications to Town Code
  - \*D. Confirmation of Terms and Authorization for Closing on Sale of Tax Parcels 83A3-19 and 83A3-20 to South Port Investors, LLC, Previously Approved by Town Council Ordinance 20110414
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
  - September 22, 2015 – Mayor's Office Hours, 6:00 PM – 7:00 PM
  - September 26, 2015 – Historic Sears Kit Homes Tour
  - October 1, 2015 – Town Council Work Session, 6:00 PM
  - October 8, 2015 – Town Council Work Session, 6:00 PM (tentative)
  - October 9-11, 2015 – Birding & Wildlife Festival
  - October 12, 2015 – Town Offices closed for Columbus Day
  - October 13, 2015 – Mayor's Office Hours, 2:00 PM – 3:00 PM
  - October 15, 2015 – Town Council Regular Meeting, 6:00 PM
11. Adjournment



**DRAFT**  
**TOWN COUNCIL**  
**Regular Meeting**  
**Civic Center**  
**August 20, 2015**  
**6:00 p.m.**

At approximately 6:00 p.m. Mayor George Proto, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Brown, Godwin, and Councilwoman Natali. Councilman Bennett arrived at 6:10 p.m. Councilman Wendell was not in attendance. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Treasurer Deborah Pocock and Town Clerk Libby Hume. The Department Heads were in attendance as well as three members of the public.

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

**PUBLIC COMMENTS:**

*Karen Gay, 506 Monroe Avenue*

Ms. Gay addressed the Council regarding the Cape Charles by the Bay website and marketing program. (Please see attached.)

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

**CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:**

Councilwoman Natali asked that an update regarding the Cape Charles by the Bay Stakeholder Meeting be added to the agenda under Old Business.

**Motion made by Councilwoman Natali, seconded by Councilman Brown, to add the Cape Charles by the Bay Stakeholder Meeting update to Old Business. The motion was approved by unanimous vote.**

Mayor Proto stated that the Cape Charles by the Bay Stakeholder Meeting update would be heard prior to the Department Reports.

**CONSENT AGENDA – APPROVAL OF MINUTES:**

The Town Council reviewed the minutes of the July 16, 2015 Regular Meeting, the July 16, 2015 Executive Session, the July 30, 2015 Special Meeting, and the August 13, 2015 Work Session.

**Motion made by Vice Mayor Bannon, seconded by Councilman Brown, to approve the minutes from the July 16, 2015 Regular Meeting, the July 16, 2015 Executive Session, the July 30, 2015 Special Meeting, and the August 13, 2015 Work Session as presented. The motion was approved by unanimous vote.**

Councilwoman Natali stated that the stakeholders of the Cape Charles by the Bay website met on August 18<sup>th</sup>. All stakeholders were represented with the exception of the Cape Charles Yacht Center as Mr. Eyre Baldwin had a last minute conflict and was unable to attend. There was open discussion regarding the issue and possible options. All in attendance agreed that time was of the essence since the website and social media sites were getting stale. A memorandum of agreement was being developed for review by the stakeholders.

**DEPARTMENT REPORTS:**

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

Treasurer Deborah Pocock reviewed the Treasurer's report dated July 31, 2015 which showed the Total Cash on Hand of \$1,193,610, the Total Cash Held in Reserve was \$1,464,637 and the Total Cash – All Accounts was \$2,658,248. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the Capital Improvement Project Tracking Report, and the Three Year Revenue Comparison.

**Motion made by Councilman Brown, seconded by Councilman Godwin, to accept the Treasurer's Report as submitted. The motion was approved by unanimous vote.**

**B. *Planning Commission and Boards:***

Town Planner Larry DiRe reported the following regarding the harbor dredging: i) The timeline would be early September through December; and ii) A 20" pipeline would block the pedestrian and golf cart path between Mason Avenue and the Harbor. A change order, which would increase the project cost, would be required to bury the pipe or construction of a ramp over the pipe. The area would most likely be closed within the next two to four weeks.

Mayor Proto commented about a growing concern regarding pedestrians having to cross Bay Avenue with their chairs, coolers, etc. in order to go to the beach and asked that the Planning Commission research the issue to ensure the safety of the beachgoers. Larry DiRe stated that the town could possibly request VDOT to mark crosswalks at the street intersections.

There was some discussion regarding additional signage on Mason Avenue requiring vehicles to yield to pedestrians. Mayor Proto requested this issue be reviewed by the Planning Commission as well.

**C. *Other Departments:***

***Code Enforcement:***

Code Official Jeb Brady stated that he did not have anything to add to his written report. There were no questions or comments from Council.

***Town Harbor:***

Acting Harbor Master Barbara Michaux introduced herself and reported the following: i) Three yacht clubs were booked for the harbor; and ii) Bob Panek was taking the lead regarding the breakwater project.

Mayor Proto noted that the Harbor Report showed that every hotel room and camp site in Northampton County had sold out for the Clam Slam weekend and stated that he would like to know what the normal bookings were for a typical weekend.

***Cape Charles Memorial Library:***

Librarian Ann Rutledge reported the following: i) This was the last week for the summer programs; ii) 1,078 people attended the various programs from June through August; iii) Overall attendance this summer was 5,141. It was the best summer ever; iv) Electrical outlets were installed on the second floor; and v) The water fountain was being installed and should be completed this evening.

Vice Mayor Bannon asked about the computers. Ann Rutledge stated that the computers were working better and no complaints had been received from the users.

*Police Department:*

Police Chief Jim Pruitt reported that Sergeant Chelsea Pfeiffer was accepted into the Virginia FBI Academy in Richmond and would be attending training in October.

Mayor Proto stated that the police and fire departments had been honored at a ceremony for responding to the Cherrystone tornado last year and added that our police department was the first on the scene. Chief Pruitt stated that he took the certificate to Gallery 209 for framing and would like to display it in the Civic Center.

*Public Utilities/Public Works Departments:*

Public Utilities/Public Works Director Dave Fauber stated that he did not have anything to add to his written reports.

Vice Mayor Bannon stated that a member of the Public Works crew was leaving.

Mayor Proto stated that bicycle racks were being installed at the beach and stop signs were being installed at the end of the alleys.

There were no further questions or comments from Council.

*Recreation Department:*

Recreation/Community Events Coordinator Jen Lewis stated that she did not have anything to add to her written report. There were no questions or comments from Council.

**OLD BUSINESS**

*A. Cape Charles Community Trail Phase 2 Update:*

Assistant Town Manager Bob Panek stated that no response had yet been received from VDOT regarding the new bid package. Advertising the invitation for bids was anticipated for September in the Virginian Pilot, Eastern Shore News, on the website, and some other specialty publications. The consultants would also provide the bid package to companies specializing in this type of work. VDOT would have to review the bids received so contract award would probably be in November. An application for additional grant funding for Phase 3 would be presented to Council in October for approval to submit to VDOT by the November 1, 2015 deadline.

Vice Mayor Bannon asked how long the trail project had been going on. Bob Panek stated that the plan was finalized in 2007 and it took about two years to approve.

**NEW BUSINESS:**

*A. Harbor Breakwater Project Update:*

Bob Panek stated Langley & McDonald planned to complete the bid package and provide it to the town for review next week. The invitation for bids would be advertised in September and the contract should be awarded in October. Concrete shapes were being donated by Bayshore Concrete Products from the Skanska yard in Chesapeake which was recently closed. There was some urgency in the timeframe as

their lease was expiring in December. There was some discussion regarding the shapes and issues with some of the shapes used for the previous breakwater section. Bob Panek stated that these were cubes and should not be a problem. Bob Panek went on to state that the bid package would include two bid alternates, one of which would be to add about two feet of height to the other two breakwaters. The town was notified of a possibility of an additional \$80K in funding from the boating infrastructure grant but this had not been finalized as yet.

*B. FY 2016 Virginia Aid to Localities – Fire Programs:*

Brent Manuel stated that each year, the Virginia Fire Programs Fund provided funding passed through the town to the Cape Charles Volunteer Fire Company (CCVFC). \$10K was provided over the past several years and another \$10K was included in this year's budget as a pass-through to the CCVFC. The FY 2016 Fire Programs Fund Disbursement Agreement must be signed in order to receive the Aid to Locality Funding.

**Motion made by Councilman Bennett, seconded by Councilman Brown, to authorize the Town Manager to execute the FY 2016 Fire Programs Fund Disbursement Agreement. The motion was approved by unanimous vote.**

*C. FY 2016 Budget Re-Appropriation – Manhole Rehabilitation Project:*

Deborah Pocock stated that the sewer system manhole rehabilitation project contract of \$41,792 was awarded by Council to Eastern Shore Landscape Management in March 2015 but work did not begin until FY 2016. Town Code required that the funding for a project that overran its projected fiscal year be re-appropriated in the following fiscal year.

**Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to re-appropriate \$41,792 for FY 2016 in order to fulfill the contract and complete the manhole system repairs. The motion was approved by unanimous vote.**

*D. Electronic Summons System Ordinance:*

Brent Manuel stated that this issue was discussed at the August 13<sup>th</sup> work session. Code of Virginia §§ 17.1-275.5 and 17.1-279.1 were revised by the General Assembly and approved by Governor McAuliffe effective July 1, 2015 allowing towns the ability to assess an additional sum not to exceed \$5 as part of costs in each criminal or traffic case in the Northampton County district or circuit courts for a violation of any statute or ordinance which arose within the town for the purpose of funding software, hardware and associated equipment costs for the implementation and maintenance of an electronic summons system. No date had been set mandating use of an electronic summons system but the law permitted localities to collect funds to be held solely to fund the system. An ordinance needed to be adopted in order to impose the additional assessment.

There was much discussion regarding the procedure to collect the funds from the Northampton County Court system and how the town could ensure receipt of the correct amount. Deborah Pocock stated that she would ask for a report to be provided along with the check.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to approve adoption of Ordinance #20150820 to establish the assessment of an additional fee in**

**criminal and traffic cases for the costs associated with an electronic summons system. Mayor Proto moved for adoption of Ordinance #20150820 as noticed and forewent reading of the ordinance. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Natali, yes.**

#### **MAYOR AND COUNCIL COMMENTS**

Councilman Brown and Vice Mayor Bannon did not have any additional comments.

Councilman Bennett stated that Councilman Wendell had not attended many of the meetings recently and asked if he was okay. Mayor Proto responded that Councilman Wendell couldn't attend tonight due to having to take his daughter back to school.

Councilwoman Natali stated that the last Concert in Central Park sponsored by the Citizens for Central Park (CCP) was scheduled for August 30<sup>th</sup> from 6:00 – 8:00 p.m. The Kasey Rae Band would be playing. This band was also in town on July 4<sup>th</sup> this year. The CCP had raised about \$800 in donations for the playground by passing a basket through the concert attendees. This was the last opportunity to raise money for the playground.

Councilman Godwin stated that he was excited about using the iPad for meetings and added that he had learned a lot and he was enjoying it.

Mayor Proto stated that he did not have any additional comments and proceeded to read the announcements.

#### **ANNOUNCEMENTS**

- August 25, 2015 – Mayor's Office Hours, 6:00 PM – 7:00 PM.
- September 3, 2015 – Town Council Work Session, 6:00 PM.
- September 7, 2015 – Town Offices closed for Labor Day.
- September 8, 2015 – Mayor's Office Hours, 2:00 PM – 3:00 PM.
- September 10, 2015 – Town Council Work Session, 6:00 PM.
- September 17, 2015 – Town Council Regular Meeting, 6:00 PM.

**Motion made by Councilwoman Natali, seconded by Councilman Bennett, to adjourn the Town Council Regular Meeting. The motion was approved by unanimous vote.**

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Mayor Proto

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Town Clerk

**August 20, 2015 Town Council Regular Meeting**  
**Public Comments Provided in Writing**

*Karen Gay, 506 Monroe Avenue*

Thanks so much for providing an opportunity for citizens to speak their minds in a public forum. I know all of you must look forward each month to hearing the various opinions of those whom you serve.

I've attended the last several Town Council meetings primarily to hear what will happen to the Cape Charles by the Bay website. In June, I was encouraged to hear that the Town awarded the contract for the website to Cape Charles Wave LLC. In a fair contest they submitted a bid for \$5,300 in contrast to the next closest bid of \$9,790 – a difference of over \$4,000. Naively, I thought that the Town had been able to set aside hard feelings created when the Cape Charles Wave online newspaper voiced opposition to the sale of the former school for \$10. What some people saw as hard-hitting reporting others saw as inflammatory and inaccurate.

After members of the Cape Charles Business Association voice opposition to the contract award, a stop work order was issued. I support and defend the right of members of the Business Association to speak their minds regarding the contract. I appreciate that in this case the Town was responsive to citizen complaints.

As I sat in the Town Council meetings I heard various alternatives on how to maintain the website and respond to social media. To my mind each of these approaches looked as if they would cost more than \$5,300, the cost of the original contract award. The Council agreed that a stakeholder meeting would be necessary to work through the options. As a taxpayer stakeholder I'd like to know the cost of each of the options. If all the alternatives cost more than the original contract bid, who will pay the additional amount? The carries a lot of debt and to say that the Town will pay the overage is like saying that my neighbors and I are paying extra when there was already a perfectly good solution. I suggest that any additional cost over \$5,300 should be absorbed by the members of the Cape Charles Business Association as they object to the originally selected vendor. If this is the case, then I lend my wholehearted support to this effort.

DRAFT



***DRAFT***  
**TOWN COUNCIL**

**Executive Session**

**Civic Center**

**August 20, 2015**

**Immediately Following Regular Meeting**

At approximately 7:00 p.m. Mayor George Proto, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown and Godwin, and Councilwoman Natali. Councilman Wendell was not in attendance. Also in attendance was Town Manager Brent Manuel.

**Motion made by Councilwoman Natali, seconded by Councilman Godwin, 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 1:** Discussion or consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

**Specifically:** Personnel – Police Department

**Motion made by Vice Mayor Brown, seconded by Councilman Godwin, to return to Open Session. The motion was unanimously approved.**

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; Bennett, yes; Brown, yes; Godwin, yes; Natali, yes.

**Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to adjourn the Town Council Executive Session. The motion was unanimously approved.**

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Mayor Proto

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Town Clerk



**DRAFT**  
**TOWN COUNCIL**  
**Work Session**  
Cape Charles Civic Center  
September 3, 2015  
6:00 p.m.

At 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Brown and Godwin and Councilwoman Natali. Councilman Bennett arrived at 6:05 p.m. Councilman Wendell was not in attendance. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Town Planner Larry DiRe and Town Clerk Libby Hume. There were two members of the public in attendance.

Mayor Proto stated that the order of business for the evening would be to review proposed updates to the Town Code.

A. *Town Code Updates:*

i. *§ 66-57 – Transient Occupancy Tax*  
Town Manager Brent Manuel stated that this section of the Town Code was being updated to show the current levy amount of three and seven-tenths percent in the first paragraph and delete the second paragraph which showed the effective date of January 1, 2015. There were no questions or concerns expressed regarding this change.

ii. *§ 42-43 – License Tax on Unlicensed Motor Vehicles*  
Brent Manuel stated that the purpose of this change was to correct the license amount listed in the section for consistency with § 42-21 Local Vehicle License Tax Levied. The amount of the license tax was revised in 2010 but this section had not been updated.

There was much discussion regarding the following: i) How the town would know about the vehicles if they were not registered with Department of Motor Vehicles (DMV) and how the ordinance could be enforced; ii) The vehicle license tax was now included with the annual personal property tax bills and decals were no longer issued, except for golf carts, making it more difficult to enforce; and iii) whether this ordinance was necessary to keep on the books.

iii. *§§ 26-36 and 26-39 – Open Burning*  
Brent Manuel informed Council that from time to time, staff received requests from residents and visitors to have bonfires on the beach. The Town had always advised requesters that open fires were not permitted on the beach or other Town property but there was nothing in the Town Code to prohibit such fires. Council reviewed the proposed language addressing this issue. There were no questions or concerns expressed regarding the changes.

iv. *§§ 42-100, 42-108 through 42-116 – Bicycles*  
Assistant Town Manager Bob Panek stated that he started reviewing the Town Code in preparation of the next phase of the Cape Charles Community Trail project which would connect Central Park, north Peach Street, the western section of Washington Avenue and the boardwalk along Bay Avenue. The Community Trail was intended for use by both pedestrians and non-motorized vehicles, which included bicycles, roller

blades, skate boards, etc., but several sections of the Town Code prohibited bicycles on pedestrian paths and the boardwalk.

There was much discussion regarding the requirement to register bicycles. Bob Panek stated that he had spoken to Chief Jim Pruitt who informed him that registrations were not being required. Councilman Brown stated that while he was on the police force, a database of approximately 200 bicycles was maintained and was useful in identifying lost or found bicycles. The general consensus was to remove the appropriate sections from the Town Code requiring registration of bicycles and making it a voluntary program.

v. *§§ 42-200 through 42-202 – Mopeds*

Bob Panek stated that mopeds were now required by the state to be registered with the DMV, therefore could be deleted from the Town Code. There was much discussion as follows: i) Although registration was required by the state, a valid driver's license was not required to operate a moped; and ii) If mopeds were required to be registered with DMV, a vehicle license tax and personal property tax should also be assessed.

There was also discussion regarding golf carts being driven on the boardwalk by individuals stating they were handicapped. Council asked staff to check to determine whether a golf cart could qualify under the Americans with Disability Act (ADA) as a mobility device.

vi. *§§ 14-2 through 14-19 – In General*

Bob Panek stated that §§ 14-2 and 14-3 pertained to a Harbor Committee consisting of the entire Council plus the Mayor or Town Manager to enforce the rules and regulations of the town harbor. This ordinance was most likely adopted prior to the hiring of a harbor master and was proposed for deletion since the cited duties fell under the purview of the harbor master. Council was in agreement with this deletion.

§ 14-7 established a curfew on the boardwalk and beach from 11:00 p.m. to 5:00 a.m. and was inconsistent with the continued evolution as a resort community and was proposed for deletion. There was much discussion regarding the need for a curfew and the beach or harbor and fines for violation. Bob Panek stated that the ordinance established violation as a class 4 misdemeanor. Council was in agreement with this deletion.

There was much discussion regarding § 14-8 and Council requested that personal watercraft be added to the section.

Council was in agreement with the changes proposed for §§ 14-9 and 14-12 which dealt with the operation of motor vehicles on the beach and boardwalk.

There was some discussion regarding § 14-13 and whether a Segway could be classified as a mobility device under ADA.

§ 14-15 prohibited storing equipment such as nets, crab pots, barrels, etc. at the town harbor which was currently allowed under a fee structure. The section was modified to allow the storage of equipment upon approval of the harbor master.

In § 14-17, the reference to city manager was corrected to town manager.

In § 14-18, Council agreed that the Town Council should have the authority to designate and mark areas for public swimming areas.

In § 14-19, Council agreed that the town manager could prohibit swimming in areas or places which could be determined as unsafe.

B. *Mason Avenue Parking Update*

Town Planner Larry DiRe presented draft language for public informational materials and graphics depicting the additional signage which was ordered for installation along Mason Avenue. There was much discussion regarding the following: i) placement of the signage. Larry DiRe informed Council that if the new signage was installed on existing poles, a new permit application would not have to be submitted to VDOT. Councilman Brown suggested placing a sign on a pedestal in the center of Mason Avenue and asked staff to contact VDOT whether this would be permitted; ii) Council asked staff to contact VDOT regarding painting double yellow lines along Mason Avenue; iii) the issue of the tree canopies hindering the visibility of the signage; iv) methods for public notification included: notices in the water bills, article in the Gazette, posting on the Town's website, letters to owners of property along Mason Avenue, a brochure, a refrigerator magnet for rental properties, a banner at the intersection of Fig Street and Randolph Avenue, and the telephone pole by the post office; and v) timeline to begin enforcement. Councilman Brown suggested that the town manager meet with the police chief to discuss a timeline to begin enforcement.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.**

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Mayor Proto

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Town Clerk

**MUNICIPAL CORPORATION OF CAPE CHARLES  
TREASURER'S REPORT  
August 31, 2015**

**CASH POSITION**

<b><u>Cash on Hand</u></b>	<b><u>7/31/2015</u></b>	<b><u>8/31/2015</u></b>	<b><u>Increase/(Decrease)</u></b>
Shore Bank Checking Account	\$ 246,709	\$ 409,530	\$ 162,821
Shore Bank Money Market Account	\$ 550,497	\$ 400,638	\$ (149,859)
LGIP Account 1 - Unrestricted	\$ 97,470	\$ 97,484	\$ 14
LGIP Account 2 - Unrestricted	\$298,934	\$298,977	\$ 43
<b>Total Cash On Hand</b>	<b>\$ 1,193,610</b>	<b>\$ 1,206,629</b>	<b>\$ 13,019</b>

<b><u>Restricted and Reserved Cash Balances</u></b>	<b><u>7/31/2015</u></b>	<b><u>8/31/2015</u></b>	<b><u>Increase/(Decrease)</u></b>
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,471	\$234,471	0
Shore Bank Checking Account - Police Funds	\$431	\$431	0
LGIP Account 2 - Restricted for USDA Police Vehicle loans	\$10,875	\$10,875	0
PNC Account- 2013 Bond Proceeds - Principal	\$958,993	\$958,993	0
PNC Account- 2013 Bond Proceeds - Interest	\$2,284	\$2,433	149
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,584	\$257,586	3
<b>Total Cash Held in Reserve</b>	<b>\$ 1,464,637</b>	<b>\$ 1,464,790</b>	<b>\$ 152</b>
<b>Total Cash - All Accounts</b>	<b>\$ 2,658,248</b>	<b>\$ 2,671,419</b>	<b>\$ 13,171</b>

**DEBT SERVICE**

<b><u>Next Debt Service Payments:</u></b>	<b><u>Due Date</u></b>	<b><u>Amount</u></b>
2010C General Obligation & Revenue Bond	10/20/2015	\$120,586.73
USDA Loan 5 D	11/6/2015	\$3,392.00

## REVENUE VS. EXPENDITURES

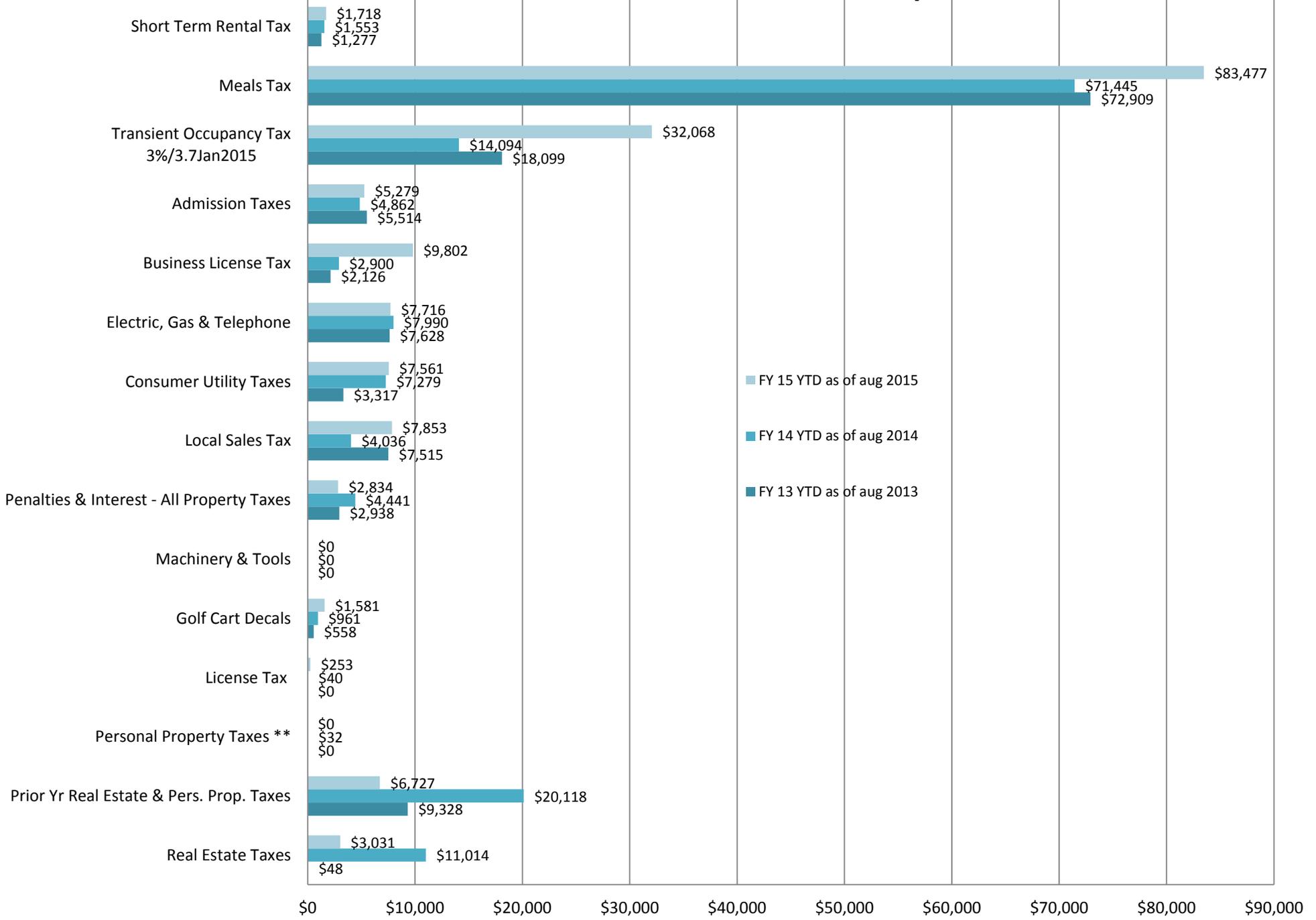
FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY15
<b>GENERAL</b>						
REVENUES	141,144	264,501	238,119	(26,383)	4,158,455	5.73%
EXPENDED	178,021	352,405	511,366	158,961	4,050,514	12.62%
NET	(36,877)	(87,903)	(273,247)	(185,344)	107,941 surplus to harbor	
<b>PUBLIC UTILITIES</b>						
REVENUES	132,803	307,190	340,767	33,577	1,723,011	19.78%
EXPENDED	69,664	245,229	180,511	(64,718)	1,723,011	10.48%
NET	63,139	61,961	160,256	98,295	0	
<b>HARBOR</b>						
REVENUES	130,793	301,229	310,580	9,351	1,965,837	15.80%
EXPENDED	198,578	231,160	310,028	78,869	2,073,778	14.95%
NET	(67,786)	70,069	552	(69,517)	(107,941)	
<b>SANITATION</b>						
REVENUES	14,901	29,674	31,619	1,945	175,300	18.04%
EXPENDED	15,101	13,740	15,258	1,518	175,300	8.70%
NET	(200)	15,934	16,361	427	0	

## FY 2016 Capital Improvement Project Tracking Report

As of:  
8/31/2015

	<u>FY16 Status or Start Date</u>	<u>Percent of Completion</u>	<u>FY16 Budgeted</u>	<u>FY16 QTR 1 Expended</u>	<u>FY16 QTR 2 Expended</u>	<u>FY16 QTR 3 Expended</u>	<u>FY16 QTR 4 Expended</u>	<u>FY16 YTD Expended</u>	<u>(Over)/Under Budget</u>
<b>General Fund</b>									
Enterprise Management System (Finance)	September/October order date	0%	\$ 55,069	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,069
Replacement Police Vehicle	September/October order date	0%	\$ 26,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,000
Police vehicle cameras & software		0%	\$ 10,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,600
Code Enforcement Vehicle	TBDelivered in August	103%	\$ 25,302	\$ 26,125	\$ -	\$ -	\$ -	\$ 26,125	\$ (823)
Public Works Tractor	September/October order date	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Mason St Parking Improvements		46%	\$ 20,000	\$ 9,216	\$ -	\$ -	\$ -	\$ 9,216	\$ 10,784
Sidewalk Repair Program (VDOT grant 50%)		0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Pine St Parking/Waste Mgmt Design		0%	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000
Strawberry Street Plaza Purchase/Improvements		0%	\$ 70,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000
ArtWalk - Wayfinding Signage		0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Central Park Playground Equipment (phase 1)		0%	\$ 30,000	\$ 103	\$ -	\$ -	\$ -	\$ 103	\$ 29,897
Cape Chas Multi-Use Trail Phase 2		0%	\$ 1,570,000	\$ 4,486	\$ -	\$ -	\$ -	\$ 4,486	\$ 1,565,514
Security Cameras for Beach, Park, Civic Center		0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
<b>subtotal</b>			<b>\$ 1,941,971</b>	<b>\$ 39,930</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 39,930</b>	<b>\$ 1,846,972</b>
<b>Water Fund</b>									
Automatic Flush (2 &3 of 5)	Start in August	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Valve Exerciser (shared cost)	Complete	100%	\$ 3,500	\$ 3,400	\$ -	\$ -	\$ -	\$ 3,400.00	\$ 100
<b>subtotal</b>			<b>\$ 3,500</b>	<b>\$ 3,400</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,400</b>	<b>\$ 100</b>
<b>Sewer Fund</b>									
Valve Exerciser (shared cost)	Complete	100%	\$ 3,500	\$ 3,400	\$ -	\$ -	\$ -	\$ 3,400	\$ 100
Plum & Mason Pump Station Engineering		0%	\$ 165,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 165,000
Manhole Rehab (if reappropriated)		0%	\$ 41,792	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 41,792
<b>subtotal</b>			<b>\$ 210,292</b>	<b>\$ 3,400</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,400</b>	<b>\$ 206,892</b>
<b>TOTAL</b>		<b>2%</b>	<b>\$ 2,155,763</b>	<b>\$ 46,730</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 46,730</b>	<b>\$ 2,053,964</b>

# Three Year Revenue Comparison



# Planning Department Report for Town Council

From: Larry DiRe   
To: Town Council  
Date: September 9, 2015  
Subject: Report for Planning Department  
Attachment: None

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## Permits:

The Town did not receive any Applications for Zoning Clearance this month.

## Planning Commission:

1. The Planning Commission met in a regular meeting on Tuesday September 1<sup>st</sup>. The Commissioners discussed the draft language for inclusion in the zoning ordinance defining a bedroom; reviewed the latest version of the draft Accessory Dwelling Units ordinance; reviewed the latest version of the draft Tourism Zone ordinance with amended administration section language provided by the Treasurer; and discussed a zoning ordinance text amendment for brew pubs in the Commercial – 1 district, including amending Article III Section 3.6.B.36 to provide Planning Commission oversight. There was no public comment.

## Historic District Review Board:

1. The Historic District Review Board received no applications in August and did not meet.

## Board of Zoning Appeals:

1. The BZA met on Wednesday September 9<sup>th</sup> regarding an application for variance for 309 Jefferson Avenue. The BZA approved the application.

## Code Enforcement

Month of August FY16

### Building Permits Issued/Permit Fees Collected:

Permits this month: 21	
Permits this year: 39	Total permits last year: 364
Total construction this month: \$120,884	
Total construction this year: \$1,904,999	Total construction last fiscal year: \$6,699,479
Permit fees this month: \$2,057.86	
Total permit fees this fiscal year: \$26,742.79	Total permit fees last fiscal year: \$186,198.10
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: \$0	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$12,350	Total Tap fees last fiscal year: \$111,150
Fire Dept. levy this month: \$170.35	
Total Fire Dept. levies this year: \$1,138.53	Total Fire Dept. levies last fiscal year: \$5,612.52
State levy this month: \$34.09	
Total state levies this year: \$234.42	Total state levies last fiscal year: \$1,122.65
Miscellaneous Revenue: \$300	

### Existing Structures Code Enforcement Cases:

Total Cases: 27	
New this month: 0	
Closed this month: 0	
Rental Inspections: 0	
Rental C.O's Issued: 0	
Rental Inspection fees collected: \$0	
Grass cutting enforcement: 4	
Grass cutting: 4	
Enforcement fees charged this month: \$0	
Enforcement fees charged this year: \$950	Fees charged last fiscal year: \$10,050
Enforcement fees collected: \$0	
<b>Enforcement fees collected this year: \$0</b>	<b>Fees collected last fiscal year: \$1,129.36</b>

### 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 August FY16

**Other items of note:**

1. Completed **81** inspections
2. Conducted 0 zoning clearances
3. Completed 6 courtesy residential inspections
4. Conducted 5 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Cape Charles Lofts has tenants moving in. A temporary C.O. has been issued for units that are being moved in and a permanent C.O. should be issued shortly.
10. Hotel Northampton construction is moving along.
11. Expecting plans for Strawberry Street Station next week.

09/02/15

# Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
083A3-0100-42	PB150065	Building	08/04/2015	114 Fig Street	Tear off/reroof front porch	\$59.65	\$3,150
	PE150033	Electrical	08/20/2015	119 Fig Street	New Electrical for Rehab	\$58.24	\$2,900
	PM150054	Mechanical	08/03/2015	210 Harbor Avenue	1 New Mini Split	\$83.44	\$7,400
	PE150036	Electrical	08/19/2015	4 Heron Court	100 Amp Temp Pole	\$56.00	\$100
	PB150069	Building	08/20/2015	200 Madison Avenue	New 8x16 rear deck	\$78.40	\$6,500
	PF150003	Fire Suppresio	08/26/2015	319 Marina Village Cir	13D System	\$225.94	\$6,060
	PF150004	Fire Suppresio	08/26/2015	321 Marina Village Cir	13D System	\$75.94	\$6,060
	PF150005	Fire Suppresio	08/26/2015	323 Marina Village Cir	13D System	\$75.94	\$6,060
083A3-0100-61	PP150035	Plumbing	08/19/2015	241 Mason Avenue	Plumbing alteration to include new grease t	\$84.00	\$2,500
	PB150068	Building	08/17/2015	653 Monroe Avenue A	Reroof/Repair	\$56.00	\$1,300
083A3-0203-01	PE150034	Electrical	08/11/2015	3 Randolph Avenue #1	Electrical per application	\$56.00	\$900
	PP150034	Plumbing	08/19/2015	11 Randolph Avenue	New onsite water line	\$56.00	\$1,800
	PB150064	Building	08/03/2015	106 Randolph Avenue	2 New Flat Roofs & Slate Repair	\$140.56	\$10,100
	PE150037	Electrical	08/31/2015	307 Randolph Avenue	New Electrical for duplex	\$70.00	\$5,000
083A3-0100-49	PB150067	Building	08/11/2015	339 Randolph Avenue	Framing for 3rd floor living space & finish o	\$78.40	\$6,500
	PB150070	Building	08/27/2015	536 Randolph Avenue	Interior Demo & Accessory Building Demo	\$56.00	\$2,500
83A3-0100-434	PB150066	Building	08/04/2015	629 Randolph Avenue	Tear off/reroof	\$67.20	\$4,500
	PB150063	Building	08/03/2015	221 Tazewell Avenue	Siding Repair	\$56.00	\$1,000
083A3-0100-44	PM150055	Mechanical	08/20/2015	550 Tazewell Avenue	5 New Air to Air Heat Pumps	\$390.88	\$27,400
	PM150053	Mechanical	08/20/2015	645 Tazewell Avenue	Mechanical per application	\$65.27	\$4,154
	PE150035	Electrical	08/19/2015	412 Walbridge Bend	New Electrical for S/F Res	\$168.00	\$15,000

**Total Permits: 21**

**\$2,057.86**

**\$120,884**

PerDateIssued Range from 08/01/2015 to  
08/31/2015

**Town Harbor  
Town Council Report  
August 2015**

**Maintenance/Repairs:**

1. Routine maintenance performed as needed.
2. Water Main to all docks repaired.

**Other Items of Interest:**

1. I have had 8 yacht clubs visit the harbor this month.
2. I would like to thank the Town of Cape Charles for this opportunity to manage the harbor.

**Capital Projects and Harbor improvements:**

1. Offshore Breakwaters – The bid package has been advertised. Bids are due October 6.
2. Dredging – the next phase will probably begin mid to late September.
3. Watermen’s Memorial – Nothing new to report.

**Business YTD:**

<b>Rentals</b>				
	<b>FY 2014/2015</b>		<b>FY 2015/2016</b>	
Monthly	69	\$11,151	4	\$1,027.69
Weekly	36	\$2,299	30	\$2,210.36
Nightly	301	\$19,454	683	\$38,294.00
Hourly	26	\$128	117	\$600.00

<b>Fuel (Gallons)</b>				
	<b>FY 2014/2015</b>		<b>FY 2015/2016</b>	
Diesel	12,475	\$44,340	13,425.351	\$31,021
Transport	0	\$0	0	\$0.00
Regular	4,734	\$16,923	5,541.735	\$14,440.50
Plus (Non Ethanol)	3,681	\$16,959	8,531.243	\$3,246.75
Inter Dept. Accts				

<b>Wharf Fees (Lbs)</b>				
	<b>FY 2014/2015</b>		<b>FY 2015/2016</b>	
Conchs	260	\$2	0	\$0
Crabs	181,035	\$2,012	7,639	\$3,805.50
Fish	62,384	\$34	52,098	\$208.38
Horse Shoe Crabs	10,974	\$27	295.1	\$188.04
Oysters	0	\$0	0	\$0.00

Credit card fees this month: \$1,731.94

Credit card fees YTD: \$3,430.85

Finance charges YTD: \$266.55

Finance charges collected YTD: \$0.00

**Waiting List:**

<b>Length</b>	<b>Annual</b>	<b>Seasonal</b>	<b>Total</b>
20'	1	3	4
24'	1	0	1
30'	8	1	9
36'	4	1	5
45'	9	1	10
50'	1	0	1
60'	1	0	1
Totals	25	6	31

Clubs reserved for the season: 0

Total Clubs reserved FY 2016: 6

# Cape Charles Memorial Library

## Monthly Report

August 2015

1. Below is the monthly attendance for **programs** held at the Library in August:

### **Children's Programs**

Preschool Story time –combined with Toddler ST	
Toddler Storytime -4 (weekly)	45
Chess Club - 3	8
Imagine/Create -1	14
History, Writing, and Minecraft	8
Crafts- 4	15
*Storyteller Lynn Ruelmann	38
*Rootstone Jug Band	58
History, Writing and Minecraft	8
Kiptopeke State Park – Birds & Butterflies	17
Bonnie Mahl-ESS b& WC-Bird calls	11
**Va. Living Museum-Every animal has a Story	40
**Movie Night	46

### **Adult programs**

Summer Author Series-Kirk Mariner	72
-----------------------------------	----

TOTAL 372

(\* Paid for by Virginia Commission for the Art & the Friends of the Library)

(\*\*Paid for by the Friends of the Library)

2. Although the attendance at our programs diminished in August, we continued to have 50 to 80 people a day in the library.

3. The **Library Board** meeting for August was canceled due to lack of quorum.

4. The **Friends of the Library** had a very successful book sale at the Civic Center on August 14, 15, & 16.

5. The **Summer Reading Program** ended on August 22 and we had 249 children to sign up to read books in our and 434 prizes were received by children reading 2 to 5 books. The Brown Dog Ice Cream tokens were extremely popular this year. (A token for a free Brown Dog ice cream cone was one of the prizes offered.)

6. We had 2 groups use the meeting room this month.

7. On August 3 at 7:00 the **Friends of the Cape Charles Memorial Library** held another **Summer Author Series** program at the Civic Center featuring special guest author Kirk Mariner. Mariner is the author of numerous books on the Eastern Shore and he read from his latest book, *Slave and Free on Virginia's Eastern Shore*. We had 72 to attend a great program. Great refreshments were also served!

8. We continued to have problems with our public service computers. Chesapeake Bay Communications was able to get all up and running, except for two. These two will be among the four computers that will be replaced. We were also having trouble with the telephone and this was resolved.

9. For additional information about library programs and library related information check out our **Facebook** page.

CAPE CHARLES MEMORIAL LIBRARY 2015

	January	February	March	April	May	June	July	August	September	October	November	December	YTD
<b>INCOME:</b>													
Copier/Prt	\$57.80	\$48.00	\$63.60	\$67.50	\$56.15	\$78.60	\$87.10	\$81.50	\$0.00	\$0.00	\$0.00	\$0.00	\$540.25
Faxes	\$31.00	\$42.00	\$60.00	\$42.00	\$46.50	\$108.00	\$53.50	\$72.50	\$0.00	\$0.00	\$0.00	\$0.00	\$455.50
<b>TOTAL</b>	<b>\$88.80</b>	<b>\$90.00</b>	<b>\$123.60</b>	<b>\$109.50</b>	<b>\$102.65</b>	<b>\$186.60</b>	<b>\$140.60</b>	<b>\$154.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$995.75</b>
Deposit													
<b>BOOK CIRC-ADLT</b>													
Fiction	484	422	482	501	500	603	660	10	0	0	0	0	3662
Non-fiction	135	117	103	139	154	153	144	2	0	0	0	0	947
DVDs	145	169	117	100	88	223	238	9	0	0	0	0	1089
<b>TOTAL 2015</b>	<b>764</b>	<b>708</b>	<b>702</b>	<b>740</b>	<b>742</b>	<b>979</b>	<b>1042</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5698</b>
Books Circ. 2014	697	700	709	713	728	828	1068	954	821	829	691	838	9576
<b>BOOKS CIRC-JUV</b>													
Fiction	357	327	446	427	415	1058	971	26	0	0	0	0	4027
Non-Fiction	85	70	115	120	96	121	146	0	0	0	0	0	753
DVDs	46	46	39	63	78	179	162	6	0	0	0	0	619
<b>TOTAL 2015</b>	<b>488</b>	<b>443</b>	<b>600</b>	<b>610</b>	<b>589</b>	<b>1358</b>	<b>1279</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5399</b>
Books Circ 2014	443	518	538	474	426	867	1286	1117	791	748	546	502	8256
<b>TOTAL 2015</b>	<b>1252</b>	<b>1151</b>	<b>1302</b>	<b>1350</b>	<b>1331</b>	<b>2337</b>	<b>2321</b>	<b>53</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11097</b>
Total Circ. 2014	1140	1218	1247	1187	1154	1695	2354	2071	1612	1577	1237	1340	17832
<b>ATTENDANCE 2015</b>	<b>901</b>	<b>707</b>	<b>1047</b>	<b>1372</b>	<b>1124</b>	<b>1754</b>	<b>2449</b>	<b>1765</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11119</b>
Attendance 2014	819	912	1019	951	1062	1323	2005	2234	1154	1355	951	1012	14797
<b>PROGRAMS 2015</b>	<b>9</b>	<b>6</b>	<b>50</b>	<b>13</b>	<b>14</b>	<b>19</b>	<b>28</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>157</b>
Programs 2014	9	13	17	16	20	15	26	20	9	15	10	12	182
<b>PROG. ATTEND 2015</b>	<b>82</b>	<b>48</b>	<b>159</b>	<b>115</b>	<b>169</b>	<b>211</b>	<b>650</b>	<b>372</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1806</b>
Prog. Attend 2014	83	156	143	195	189	152	525	500	66	168	91	131	2399
Computer Classes	0	0	0	0	0	0	0	0	0	0	0	0	0
Class Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>INTERNET USE 2015</b>	<b>222</b>	<b>160</b>	<b>196</b>	<b>229</b>	<b>184</b>	<b>279</b>	<b>377</b>	<b>365</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2012</b>
Internet use 2014	237	217	214	283	280	256	293	411	239	273	286	190	3179
<b>LIBRARY CARDS 2015</b>	<b>11</b>	<b>5</b>	<b>16</b>	<b>25</b>	<b>10</b>	<b>32</b>	<b>22</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>137</b>
Library cards 2014	19	14	9	9	13	14	27	25	25	13	11	12	191
<b>Volunteer Hours 2015</b>	<b>32.80</b>	<b>73.50</b>	<b>180.80</b>	<b>164.00</b>	<b>147.00</b>	<b>165.25</b>	<b>36.50</b>	<b>38.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>838.35</b>

# CAPE CHARLES POLICE DEPARTMENT

## MONTHLY STATISTICS

August 2015

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

- Calls for service in Cape Charles: 79
- Calls for service outside of Cape Charles: 21
- Felony arrests: 0
- Misdemeanor Arrests: 5
- D.U.I. Arrests: 0
- Traffic Summons: 4 (see below)
- Traffic Warnings: 40(written& verbal):
- Parking tickets: 8
- Building Checks: 20
- Assisted Northampton County Sheriff's Office: 16
- Assisted Virginia State Police: 3
- Assisted Federal Agencies: 1
- Assisted Fire& Rescue: 9
- Foot Patrol Hours: 70
- Bay Creek patrol hours: 53

The following took place in August:

- Sgt. Chelsea Pfeiffer has been accepted to the Virginia Chapter of the F.B.I. National Academy that will be a one week school held in Richmond, Va.

Traffic summons:

- |                                |                                |
|--------------------------------|--------------------------------|
| 1. Reckless driving 47/25 zone | 3. Speeding 44/25 zone         |
| 2. Expired inspection          | 4. Reckless driving 49/25 zone |

Arrests:

- |                                      |                  |
|--------------------------------------|------------------|
| 1. Assault and battery family member | 4. Petit larceny |
| 2. Petit larceny                     | 5. Petit larceny |
| 3. Petit larceny                     |                  |

# Public Utilities

## Monthly Report August 2015



### Production Summary

- Miss Utility Tickets: 15
- Emergency Call Outs After Hours and Weekends:
  - Number of times called out:
  - Total Man Hours:
- Fire Calls: Man Hours:
- Sludge: Tons
- \*Water: Total Production : 5,408,892 Gallons
  - High: 242,600 gallons on July 4
  - Low: 124,800 gallons on July 30

Average	Raw Water	Finished Water
Hardness	452	113
Iron	8.8	.02
Manganese	.533	.004

All Data in PPM

- \*Waste Water: Average Flow 154,600 gpd
    - Maximum 214,400 gpd on July 4
    - Total for Month 4,792,600 Gallons
    - Nutrients:
      - Phosphorus Average .14 Limit .3 mg/l annual average
      - Nitrogen Average 2.75 Limit 4 mg/l annual average
- (\*Numbers are from previous month)

### Personnel

- Water
  - Scottie Neville Operator Class 3 Water, Operator in Charge
  - Ron Bailey Operator Class 3 Water
  - Patrick Christman Operator Class 3 Water,
  - Freddie Meditz Trainee
  - Gerald Elliott Maintenance
- Waste Water
  - Patrick Christman Operator Class 2 WW, Operator in Charge
  - Freddie Meditz Operator Class 3 WW
  - Dan Dabinett Operator Class 3 WW, Maintenance
  - Billy Powell Maintenance Supervisor

### Completed Projects

- According to our DEQ permit writer, we should be receiving the Ground Water Withdrawal Permit very soon.

## Public Utilities

### In Progress

- Working with GHD on preparing for upgrades to the Plum Street and Pine Street Pump Stations.
- Pipe line from Keck Wells. 90% Engineering submitted to VDH.

### Upcoming Projects

- Install auto-flush on Creekside Lane. A sample recently taken at Heron Point tested at 33 ppb. In recent years the samples at this time of year have run, 97 ppb 2014; 70 ppb 2013; 102 ppb 2012; and 84 ppb 2011. It appears that the auto flush system installed at the end of Heron Point Drive is having a positive effect on the water in that area.
- All equipment is in for Creekside Lane auto flush and it will be installed this month.

### Capital Projects

- Water:
  - Engineering for Keck Wells \$60k
    - Under Task Order No.2, 90% drawings and specifications have been completed and presented to the Town for review. Approved by the Town, they have been submitted to the Department of Health, Office of Drinking Water for review.
    - Up to 3 months or so for permitting agency review
    - 1 month to produce 100% documents once permitting comments are received
    - 1 month final review
    - 2 months bid period
    - 5 months construction
  - Preliminary Engineering for the installation of the chlorination equipment. Under Task Order No.4 a PER was prepared and submitted to the VDH-ODW for review. A response is being prepared for comments received from the ODW. We received some helpful comments from the ODW this month. An estimated \$30k will need to be budgeted for next year to install.
- Waste Water
  - Pump Station Improvements
    - GHD has prepared a PER under Task Order No. 5 for improvements to the Pine Street and Plum Street Pump Stations. We had a kick off meeting in January. The intent is to upgrade the controls and equipment at both stations and to increase capacity at the Plum Street Station.

# PUBLIC WORKS

August 2015

## Dump Fees 0

- Recycled 4 truckloads of bags & leaves
- Recycled 11 truckloads of non-chip able brush

## Staff Report

- Mike Mullner will be leaving us (September 4<sup>th</sup>) for a Florida career. Mike was a great asset & we all wish him well
- Brent Mears-Out flu (Tuesday 11<sup>th</sup> thru Friday 14<sup>th</sup>)
- Willie Lyons-Out on injured shoulder (Monday 17<sup>th</sup> thru Thursday 20<sup>th</sup>)

## Completed Projects

- Monthly meter reads & training of new areas in progress
- Returned 50 cones to VDOT from Clam Slam / Parade event
- Replaced ceiling light over counsel desk area @ Civic Center
- Repaired rear door issues @ Library
- Installed shelf system upstairs rear in Library
- Repaired missing wooden rail & bolted down bench on Fishing Pier
- Crush and run spread @ Shanty parking area
- Replaced Beach Bathroom damaged soap dispensers to 1 piece stainless steel units and replaced 1 damaged sink faucet
- Drinking fountain installed @ Library
- Ford dump LOF, Town Charger LOF & rotate, Police Charger LOF. and rotate, Polaris UTV front axle boots replaced, J.D. gator replaced fuel injection sensor and repaired electrical short, LOF and replaced headlight bulbs in Police Explorer & tire rotate
- Civic Center cabinet door repaired
- Assisted VDOT on street sweeping project (Monday 10<sup>th</sup> thru Friday 20<sup>th</sup>)
- Town P.W. dept. manually cleaned all of Monroe Avenue street gutters
- Vehicle maintenance checked all P.W. fleet and topped of fluids
- Town banners replaced
- Repainted cement bench @ Municipal Building
- Repaired utility damaged emergency light fixture
- Relocated portable stage for Palace Theatre events 2 times
- Harbor/Shanty/Railroad/Golf Cart path - scraped shell road surface (5 times each)
- Mowed 10 Town properties 4 times & weed wacked 3 times

## Events

- Clam Slam (Friday 31<sup>st</sup> thru Sunday 2<sup>nd</sup>)
- Picnic in Park (Sunday 9<sup>th</sup>, 16<sup>th</sup> and 30<sup>th</sup>)
- Central Park Party private (Sunday 30<sup>th</sup>)

## In Progress

- Manual street gutter cleaning
- Fig Street Town Sign replacing underground electric & new dark sky compliant light fixture
- Tennis court 1 new light fixture modification to install
- Town wide street tree & bush trimming
- Mason Avenue new parking lot fencing to be installed
- Vehicle/equipment maintenance (chain saw, safety gear- for hurricane season)
- Alley maintenance
- Safety & on the job training ongoing

**Upcoming Projects**

- Alley tree & bush right of way trimming
- Equipment clean, wax or repaint
- Bay Avenue re-paint no parking @ all beach sidewalk stairs (awaiting striping plan for Bay Avenue)
- Re-paint no parking curbs (yellow) Town wide & handicapped areas (blue) on Mason Avenue
- Re-paint Municipal Building 1<sup>st</sup> floor entrance & down stairs offices
- Bay Avenue Gazebo trim repair
- Build bike racks for all beach entrances
- Install alley stop signs

**Man Hours per Project/Task**

Vehicle Maint.	Equipment Maint.	Building Maint.	Public Debris Areas	Street Cleaning	Beach Maint.	Public Maint.	Public facilities cleaning	Admin. training	Property maint. & repair	Events	Meter Reads
67	35	60	85	105	16	21	22	62	54	23	10



# Town of Cape Charles Recreation Department 2015 Fall Programs

All programs will take place at the Cape Charles Civic Center, 500 Tazewell Ave unless otherwise noted.  
For more information on these programs, please visit [www.capecharles.org](http://www.capecharles.org) or call Jen Lewis at 757-331-4785.

## Arts & Crafts

4:00 PM

Sept 23

Oct 14

Oct 28

Nov 4

Nov 18



## Adult Book Club

5:30 PM

Sept 14 - Heart of Palm

Sept 28 - Heart of Palm

Oct 5 - The Invention of Wings

Oct 19 - The Invention of Wings

Nov 2 - The Girl on the Train

Nov 16 - The Girl on the Train

## Trunk-or-Treat & Pirate Pete

3:30 PM - 5:30 PM

Mason Avenue

Followed by trick-or-treating  
until

8:00 PM

Oct 31



## Flatfooting

6:00 PM - 7:00 PM

Donations appreciated

Sept 8

Oct 13

Nov 10



## Bingo

10:30 AM

50¢ per card

Sept 4

Sept 25

Oct 2

Oct 9

Oct 16

Oct 23

Oct 30

Nov 6

Nov 13

Nov 20

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Constitution Week Proclamation		<b>AGENDA DATE:</b> September 17, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> 2015 Constitution Week Proclamation		<b>ITEM NUMBER:</b> 8A
	<b>ATTACHMENTS:</b> Proclamation 20150917		<b>FOR COUNCIL:</b> Action ( X ) Information ( )
	<b>STAFF CONTACT (s):</b> Libby Hume, Town Clerk	<b>REVIEWED BY:</b> Brent Manuel, Interim Town Manager	

**BACKGROUND:**

Constitution Week is an American observance to commemorate the adoption of the United States Constitution. The observance runs annually from September 17 to September 23. It was officially enacted by Public Law #915 on August 2, 1956 by President Dwight D. Eisenhower from a congressional resolution petitioned by the Daughters of the American Revolution, but it was President George W. Bush who officially declared the inception of Constitution Week in September 2002.

The purpose of the observance week is to:

1. Emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity;
2. Inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and
3. Encourage the study of the historical events which led to the adoption of the Constitution on September 17, 1787.

**DISCUSSION:**

Localities across the United States annually proclaim the week of September 17-23 as Constitution Week and many hold week-long celebrations to mark the anniversary of the signing America's most important document. This year marks the 228<sup>th</sup> anniversary of the actual signing of the Constitution.

**RECOMMENDATION:**

Adopt Proclamation 20150917 Designating September 17 – 23, 2015 as Constitution Week in the Town of Cape Charles, Virginia.

# Town of Cape Charles Proclamation 20150917

## Designating September 17-23, 2015 as “Constitution Week” in the Town of Cape Charles, Virginia

**WHEREAS**, September 17, 2015, marks the two hundred twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

**NOW, THEREFORE** I, George Proto, by virtue of the authority vested in me as Mayor of the Town of Cape Charles, Virginia, do hereby proclaim the week of September 17 through 23, 2015 as

### Constitution Week

in the Town of Cape Charles and call upon all the citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In witness whereof, I have hereunto set my hand and caused the official seal of the Town of Cape Charles to be affixed this 17<sup>th</sup> day of September, 2015.

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Mayor George Proto

ATTEST:

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Town Clerk

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Cape Charles Community Trail, Phase 3		<b>AGENDA DATE:</b> September 17, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Transportation Alternatives Program Grant Application.		<b>ITEM NUMBER:</b> 8B
	<b>ATTACHMENTS:</b> Proposed resolution.		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Bob Panek, Asst. Town Manager	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

Council adopted the Cape Charles Master Trail Plan on September 11, 2007. This multi-use trail is being constructed in phases as funding is available. Eighty percent of the cost is funded by Federal grants under the Transportation Alternatives Program (TAP), administered by the Virginia Department of Transportation (VDOT), and twenty percent by the Town. To date, we have been awarded \$2.3M in grant funding. Of that, about \$1M was utilized for the Master Plan and for design, engineering and construction of Phase 1 in Central Park. About \$1.4M remains available for Phase 2 – North Peach St. and Washington Ave. Due to high construction bids, the Phase 2 project has been restructured and will be re-advertised. North Peach St. and the western portion of Washington Ave. will be included in the base bid. The eastern portion will be a bid alternate and will be awarded only if currently available funding is adequate. The restructured bid package is being reviewed by VDOT and we expect approval to rebid in the near future. This phase should exhaust nearly all the awarded grant funding.

**DISCUSSION:**

Applications for FY 2017 TAP grants are due to VDOT by November 1, 2015. Phase 3 is planned to be South Peach Street and any deferred portion of Phase 2. This would connect the Central Park trail segment to Mason Avenue, one block east of the planned Strawberry Street pedestrian plaza. The current cost estimate is \$1,021.5K; \$817.2 TAP and \$204.3K Town match. This estimate consists of \$797.4K for South Peach Street and \$224.1K for the eastern portion of Washington Avenue. The estimate will be reduced if we receive favorable bids for the restructured Phase 2 procurement. We have prepared the grant application for Phase 3. A resolution is also required demonstrating the governing body's support for the project.

**RECOMMENDATION:**

Consider the attached resolution. If acceptable, staff recommends a roll call vote to adopt the resolution and a motion to authorize the Town Manager to sign and submit the grant application for Phase 3.

**RESOLUTION NO. 20150917**

**VIRGINIA TRANSPORTATION ALTERNATIVES PROGRAM  
PROJECT ENDORSEMENT RESOLUTION  
TOWN OF CAPE CHARLES**

**WHEREAS**, the Town Council of Cape Charles has adopted a Master Plan to construct, illuminate and landscape a Multi-Use Trail to provide the public the ability to walk or otherwise transit safely between the historic district, business district, beach, Central Park and other areas of Town; and

**WHEREAS**, the Multi-Use Trail is a priority of the adopted Comprehensive Plan; and

**WHEREAS**, the Town has completed Phase 1 - Central Park and is about to commence construction of Phase 2 - North Peach Street and Washington Avenue; and

**WHEREAS**, the Town Council desires to complete Phase 3 - South Peach Street and any deferred portion of Phase 2; and

**WHEREAS**, Commonwealth Transportation Board procedures require the Town to adopt a resolution requesting Virginia Department of Transportation Program funding for a Transportation Alternatives Project; now

**THEREFORE, BE IT RESOLVED**, that the Town of Cape Charles requests the Commonwealth Transportation Board establish a project for the completion of the *Cape Charles Multi-Use Trail along Phase 3 – South Peach Street and any deferred portion of Phase 2 - North Peach Street and Washington Avenue*; and

**BE IT FURTHER RESOLVED**, that the Town of Cape Charles hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project in the amount not to exceed \$204,294 in cash and in-kind, and that, if the Town subsequently elects to cancel this project the Town hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

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Adopted by the Town Council of Cape Charles on this 17<sup>th</sup> day of September, 2015.

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Mayor

ATTEST: \_\_\_\_\_  
Clerk of the Council

  <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> Proposed Modifications to Town Code		<b>AGENDA DATE:</b> September 17, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Consider an ordinance revising various sections of the Town Code.		<b>ITEM NUMBER:</b> 8C
	<b>ATTACHMENTS:</b> Proposed ordinance.		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Bob Panek, Asst. Town Manager / Libby Hume, Town Clerk	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

Council reviewed several proposed revisions to the Town Code at the September 3<sup>rd</sup> Work Session. These revisions would address outdated, unnecessary and overly restrictive provisions of law. There was general consensus on the revisions. Council directed additional research related to the personal property/license tax implications for unlicensed motor vehicles and mopeds, as well as the Americans with Disabilities Act (ADA) requirements for power mobility devices on the beach and boardwalk.

**DISCUSSION:**

Sec. 42-43 addresses a license tax on unlicensed motor vehicles. The proposed revision would make the amount consistent with the license tax on licensed vehicles; i.e., \$31.00 per year. Council expressed concern about the ability to enforce the basic requirement. We have confirmed that the Treasurer utilizes the county’s personal property tax records to bill the license tax. Vehicles appear in these records only if they are registered with the Department of Motor Vehicles (DMV). Therefore, the only way to impose a license tax on vehicles without license plates would be to somehow research and confirm the owner. There appears to be only a few of these vehicles in Town and we believe it would not be worth the effort to garner a minimal amount of revenue. The effort would be better made to have the vehicles removed under the inoperative vehicle provisions of the Town Code; i.e., Sections 42-120 through 42-123. Staff recommends that Sec. 42-43 be deleted. That revision is reflected in the proposed ordinance.

Sec. 66-57 addresses the amount of levy for the Transient Occupancy Tax. This section was revised in April 2014 increasing the transient occupancy tax rate to three and seven-tenths percent effective January 1, 2015. The proposed revision would update this section showing the current rate of three and seven tenths percent and deleting the second paragraph with the effective date of the assessment.

Sec. 26-36 and 26-39 address the regulation of open burning on town-owned property as well as safety issues relating to open fires. Language has been added from the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code.

Sec. 42-100 – 42-116 and 42-200 – 42-202 address bicycles and mopeds. Sec. 42-109 requires bicycles and mopeds to be registered with the Town. Council agreed that this section should be deleted, but expressed concern about whether a license tax for mopeds can be collected if not registered with the Town. Since mopeds are now required by the Code of Virginia to be registered with the DMV, they are included in the county’s personal property tax records. Therefore, the Treasurer can bill the license tax for mopeds.

Sec. 14-1 – 14-20 address Beaches and Waterways. Sections 14-2, 14-3, 14-7 and 14-13 are obsolete and are being deleted. Sections 14-9 and 14-12 prohibit motorized vehicles other than wheelchairs on the beach and boardwalk. Council expressed concern about whether other types of motorized devices (scooters, Segways, golf carts, etc.) used for mobility purposes can be allowed at these venues. The ADA requires

that power-driven mobility devices be allowed, unless a particular type of device cannot be accommodated because of legitimate safety requirements. We have revised these sections of the Code to allow these devices, except for golf carts on the boardwalk. A motorized vehicle of that size would be unsafe with pedestrians, bicycles, baby strollers, roller blades, wheel chairs, etc., sharing a pathway constrained to a 10' width. This is reflected in the proposed ordinance.

**RECOMMENDATION:**

Consider the proposed changes. If acceptable, staff recommends a roll call vote to adopt Ordinance #20150917 Revising Various Sections of the Town Code.

**ORDINANCE 20150917**  
**REVISING VARIOUS SECTIONS OF THE TOWN CODE**

**WHEREAS**, certain sections of the Town Code are inconsistent with implementation of the Cape Charles Community Trail; and

**WHEREAS**, certain sections of the Town Code are inconsistent with provisions of the Americans with Disabilities Act; and

**WHEREAS**, certain sections of the Town Code are inconsistent with current harbor management practice; and

**WHEREAS**, certain sections of the Town Code are outdated; and

**WHEREAS**, certain sections of the Town Code contain unnecessary restrictions that may inhibit the enjoyment of residents and visitors; now

**THEREFORE BE IT ORDAINED** by the Town Council of Cape Charles, this 17<sup>th</sup> day of September, 2015, that various sections of the Town Code be revised per the attached.

\*\*\*\*\*

Adopted by the Town Council of Cape Charles on September 17, 2015.

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

**1. Delete Section 42-43. – (License Tax on Unlicensed Motor Vehicles)**

**2. Sec. 66-57. - Amount of levy. (Transient Occupancy Tax)**

There is hereby levied and imposed on each transient a tax equivalent to three **and seven-tenths** percent of the total amount paid for lodging, by or for any such transient, to any hotel, motel, bed and breakfast, campground, and other facilities offering guest rooms rented out for continuous occupancy for 30 consecutive days or less. The revenue collected from the transient occupancy tax shall be allocated for tourism-related initiatives.

**3. Sec. 26-36. - Open burning regulated. (Open Burning)**

(a) No property owner or other person shall cause or permit open burning or the use of a special incineration device:

**(1) On any Town-owned property without prior approval from the Town Manager.**

(2) Within 500 feet of any off-site or outside building or other combustible structure;

(3) Of a diameter of more than four feet in a residential area; or

(4) Utilizing any form of outside accelerant except as a means of starting the burn process.

(b) No property owner or other person shall cause or permit open burning or the use of a special incineration device for disposal of rubber tires, asphaltic materials, crankcase oil, impregnated wood, bulk polyethylene sheeting, or other rubber or petroleum materials. The agricultural practice of in-field row-by-row burning of polyethylene sheeting or other plastic materials by a mechanical burner shall be exempted from this section; however, open burning of bulk polyethylene or plastic sheeting shall be prohibited. Bona fide firefighting instruction at firefighting training schools having permanent facilities shall be exempted from this section.

**(c) When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official or his designee is authorized to order extinguishment of the open burning operation.**

**Sec. 26-39. - Certain open burning permitted.**

(a) Nothing in this article shall be construed to prevent:

(1) Open burning pursuant to a permit issued by the Virginia Department of Environmental Quality;

(2) The destruction of any combustible liquid or gaseous material by burning in a flare stack;

(3) The disposal of debris waste and land-clearing refuse by open burning on the site of clearing operations at least 500 feet away from off-site occupied building provided that prevailing winds are away from any town or built-up area; or

(4) Open burning of forests and fields in accordance with forest management and agricultural practices approved by the State Air Pollution Control Board provided that the burn area is at least 1,000 feet away from any occupied building unless the occupant has granted

prior permission. All burning activities specified in this section shall be attended by a responsible agent of the owner or contractor.

- (b) Nothing in this article shall be construed to prohibit camp fires, ceremonial fires, fires for the outdoor non-commercial preparation of food, and fires for the purpose of warming outdoor workers, provided that these fires be contained so as to not allow the potential spread of fire. The materials specified in applicable sections above shall not be burned and that such fires shall be attended at all times. Notice of open fires specified in section 26-40, notifications required, shall not be required for the fires enumerated in this subsection.

**4. Sec. 42-100. - Where operation permitted. (Bicycles)**

All bicycles shall be operated on the right hand side of the street in single file only and shall not be operated on the sidewalks or pedestrian paths, unless otherwise indicated or directed by the police department. Bicycles may be operated on the Cape Charles Community Trail.

**Sec. 42-108. - Removal of frame number. (previously Sec. 42-116)**

It shall be unlawful and a class 2 misdemeanor for any person to remove, change, alter, or mutilate any bicycle or moped frame number.

**Sec. 42-109. - Penalty for violations of article. (previously Sec. 42-108)**

Unless otherwise specified, any person violating any provision of this article shall, upon conviction thereof, be fined not more than \$25.00.

**Delete Sections 42-109 through 42-115.**

**Delete Sections 42-200 through 42-202.**

**5. Delete Sections 14.2, 14.3, 14.7 and 14.13.**

**Sec. 14-8. - Placing obstructions on beach.**

It shall be unlawful for any person to put, place or set any equipment, such as dugouts, chairs, umbrellas, windbreaks, surfboards, air floats, kayaks, rafts, boats, personal watercraft or similar paraphernalia not actually occupied or engaged, or to build or erect any fence or other obstruction, on any public beach, so as to obstruct, impede or retard the free and unconstrained use and occupancy of such beach by the public.

**Sec. 14-9. - Operating vehicles on beach.**

- (a) It shall be unlawful for any person to operate or drive a vehicle of any kind, including, but not limited to motor vehicles, bicycles, tricycles and similar devices, but not including wheelchairs and other power-driven mobility devices, on the public beaches within the town.
- (b) Town vehicles operated while cleaning or working on the beach, town police and emergency vehicles, and other governmental vehicles operating under proper jurisdiction shall be exempt from the application of this section.

**Sec. 14-12. - Driving motor vehicles on boardwalk.**

- (a) It shall be unlawful for any person to drive or otherwise operate any motor-propelled vehicle, other than a wheelchair or other power-driven mobility devices, upon the boardwalk along the Chesapeake Bay. Golf carts used as mobility devices are prohibited due to safety considerations.
- (b) Town vehicles operating while cleaning or working on the boardwalk, town police and emergency vehicles, and other governmental vehicles operating under proper jurisdiction shall be exempt from the application of this section.

**Sec. 14-15. - Restriction on use of harbor catwalks, walkways, etc.**

No nets, crab pots, baskets, barrels, dredges or any other equipment or commodity shall be stored, piled or stacked on the catwalks or walkways on the perimeter of the harbor or lands surrounding the harbor, except upon approval of the harbormaster.

**Sec. 14-17. - Removal of sand from shores, beaches, etc.**

In order to conserve the beaches and shores in the town and to protect those areas adjacent to the beaches and shores, it shall be unlawful for any person to carry away or remove, or to cause to be carried away or removed, any sand from the shores, beaches or dunes or high land along the shores, beaches or dunes in the town; provided, however, that if it shall satisfactorily appear to the town manager or proper authority that the removal of sand, in any instance, will not be harmful to the conservation and protection of the beaches and shores or property adjacent thereto, a permit for such removal may be granted. Removal under such permit shall not constitute a violation of this section.

**Sec. 14-18. - Designation and marking of swimming areas.**

The town council may designate areas for public swimming or public bathing and to mark such areas with buoys which comply with state and federal laws or with the rules and regulations of the appropriate federal and state agencies and to place the same offshore.

**Sec. 14-19. - Unsafe swimming areas.**

The town manager may prohibit swimming in such areas or places as may be determined to be unsafe. Areas determined to be unsafe shall be designated with appropriate markers.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Confirmation of Terms and Authorization for Closing on Sale of Tax Parcels 83 A3 – 19 and 83 A3 – 20 to South Port Investors, L.L.C., Previously Approved by Town Council Ordinance 20110414		<b>AGENDA DATE:</b> September 17, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Confirmation of Terms and Authorization for Closing		<b>ITEM NUMBER:</b> 8D
	<b>ATTACHMENTS:</b> Proposed resolution 20150917A		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Brent T. Manuel, Town Manager	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

On 14 April 2011, the Town Council approved Ordinance 20110414, which approved the First Amendment to Lease Agreement between the Town and South Port Investors, L.L.C., including certain acquisition rights and the Fourth Amendment to Lease Agreement between the Town and South Port Investors, L.L.C., including certain acquisition rights. Paragraph 8 of the First Amendment to Lease Agreement amending Paragraph 20 of the lease and Paragraph 10 of the Fourth Amendment to Lease Agreement amending Paragraph 21 of the second amendment of the lease detail South Port Investors, L.L.C., right to acquire Parcels 12, 17, 19 and 20. With South Port Investors, L.L.C., notifying the Town of its intent to exercise the right to acquire Parcels 19 and 20, while including an appraisal by a licensed appraiser in the Commonwealth of Virginia, Town staff requested an independent review of said appraisal. Upon completion of the review, at the request of the Town, by an independent licensed appraiser in the Commonwealth of Virginia, the Town review values Parcel 20 at \$155,000.00 higher than that appraisal provided by South Port Investors, L.L.C. South Port Investors, L.L.C., has accepted the higher valuation of the property, subject to a title review, negotiation of utility easements for the Town, and a rapid closing. More specifically, South Port Investors, L.L.C., is acceptable to the following values:

Lot 12	\$261,000
Lot 17	\$172,000
Lot 19	\$382,000
Lot 20	\$245,000

Please be aware that Parcel 14, which South Port Investors, L.L.C., leases from the town, does not carry the same acquisition rights as Parcels 12, 17, 19 and 20, and is not part of this matter.

**DISCUSSION:**

South Port Investors, L.L.C., is acceptable to the Town’s valuation for Parcels 12, 17, 19 and 20, subject to the foregoing conditions. At this time, South Port Investors, L.L.C., wishes to acquire Parcels 19 and 20, at the above values. Furthermore, South Port Investors, L.L.C., intends to acquire the remaining parcels (12 and 17) within five months after closing on Parcels 19 and 20. The attached resolution requests Council authorization for the Mayor or Town Manager to take actions necessary to complete the sale of Parcels 19 and 20, to include negotiating the Town’s utility easements and signing and delivering such deeds, affidavits, agreements and other documents as may be necessary.

**RECOMMENDATION:**

Consider the attached resolution. If acceptable, staff recommends a roll call vote to adopt said resolution.

**RESOLUTION 20150917A**

**RESOLUTION CONFIRMING TERMS AND AUTHORIZATION FOR CLOSING ON SALE OF TAX PARCELS 83A3-19 AND 83A3-20 TO SOUTH PORT INVESTORS, L.L.C., PREVIOUSLY APPROVED BY TOWN COUNCIL ORDINANCE 20110414.**

**WHEREAS**, the Town of Cape Charles, Virginia (the “Town”), pursuant to Ordinance 20110414 adopted on April 14, 2011 (the “Ordinance”), authorized certain amendments to the Parcel 12 Lease and the Parcel 14 Lease, as defined the Ordinance;

**WHEREAS**, the Parcel 14 Lease as amended allows South Port Investors, L.L.C. (“South Port”) to acquire Tax Parcel 83A3-19 (“Parcel 19”) and 83A3-20 (“Parcel 20”) from the Town at a purchase price equal to the Parcels’ appraised values, among other terms set forth therein;

**WHEREAS**, South Port has exercised its acquisition rights with respect to Parcels 19 and 20; and

**WHEREAS**, the Town and South Port have agreed to the values contained in an Appraisal Review dated August 21, 2015 from H. Glenn James, a licensed real estate appraiser with Commercial First Appraisers, LLC, in which Mr. James reviewed an appraisal from Kendall C. Bradley & Associates, Inc. dated May 22, 2015 and confirmed a value of \$382,000.00 for Parcel 19 and recommend a value of \$245,000.00 for Parcel 20.

**BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CAPE CHARLES, VIRGINIA:**

1. **Authorization for Closing.** The Council hereby authorizes the Mayor and the Town Manager, either of whom may act, to take all actions necessary or proper to complete the sale of Parcels 19 and 20 to South Port pursuant to the foregoing terms, including without limitation signing and delivering such deeds, affidavits, agreements, and other documents as may be required in connection therewith.

2. **Headings.** Any headings in this Resolution are solely for convenience of reference and shall not constitute a part of the Resolution nor shall they affect its meaning, construction, or effect.

3. **Effective Date.** This Resolution shall be effective from the date of its adoption. .

Adopted: \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Mayor of the Town of Cape Charles, Virginia

ATTEST:

\_\_\_\_\_  
Clerk of the Town of Cape Charles, Virginia