



TOWN COUNCIL

Regular Meeting

August 18, 2016

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. Proclamation for Former Mayor Alice Brown
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. Town Council Representative to Library Board
 - *B. Zoning Map Amendment Application – Parcel 83A3-11-2
 - *C. Conditional Use Permit Application – Parcel 83A3-11-2
8. New Business
 - *A. Re-appointment to Building Code Board of Appeals
 - *B. Planning Commission Representative to the Harbor Area Review Board
 - *C. FY 2017 Budget Re-appropriation
 - *D. VML/VACo Refinancing
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - August 20, 2016 – Concert in Central Park – Dharma Initiative, 7:00 PM
 - August 23, 2016 – Mayor's Office Hours, 6:00 PM – 7:00 PM
 - September 4, 2016 – Concert in Central Park – Delmarvalous Dolls, 7:00 PM
 - September 5, 2016 – Town offices closed in observance of Labor Day
 - September 8, 2016 – Town Council Work Session, 6:00 PM
 - September 10, 2016 – Concert in Central Park – Kasey Rae Band, 7:00 PM
 - September 13, 2016 – Mayor's Office Hours, 2:00 PM – 3:00 PM
 - September 15, 2016 – Town Council Regular Meeting, 6:00 PM
 - September 27, 2016 – Mayor's Office Hours, 6:00 PM – 7:00 PM
11. Adjourn at 8:00 P.M.

PROCLAMATION 20160818
IN MEMORY OF ALICE BRINKLEY BROWN

WHEREAS, on behalf of our community, we wish to record our deep sorrow over the passing of Ms. Alice Brinkley Brown on August 1, 2016; and

WHEREAS, Alice Brown's life was dedicated to the best interests of the community. She began her teaching career in 1948 at the Eastville School and taught at various schools in the Town of Cape Charles and Northampton County. She worked through integration and retired in 1987; and

WHEREAS, she was fundamental in forming Camp Chataqua, a social club with the purpose of helping the youth on the Eastern Shore succeed in life; and

WHEREAS, she began her public service on the Cape Charles Planning Commission in 1976 before her election to the Town Council in 1980. She served on the Town Council until 1992 when she was elected Mayor and became the Town's first female and first African-American Mayor. She remained Mayor until 1996; and

WHEREAS, during her tenure on the Town Council and as Mayor, she strived to make Cape Charles a better place to live. She was involved with the development of the Sustainable Technologies Eco-industrial Park and the annexation agreement with Brown and Root, the establishment of the Town park, improvement of the harbor, implementation of a transportation system to aide people in commuting up and down the shore; and

WHEREAS, the Town of Cape Charles is deeply indebted to Alice Brown for giving her service with such devotion, earning the respect, admiration and friendship of all the citizens of our community through her professional leadership and dedication;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Cape Charles, I, George Proto, in recognition of Alice Brown's many contributions to our community and its citizens, hereby express the Town's deep appreciation for her service to our community and extend to her family our sincere sympathy upon her passing.

Adopted by the Town Council of Cape Charles on this 18th day of August, 2016.

Mayor George Proto

ATTEST:

Town Clerk



DRAFT
PLANNING COMMISSION/TOWN COUNCIL
Joint Public Hearing
Civic Center
July 18, 2016
6:00 p.m.

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing with the Town Council and Regular Meeting of the Planning Commission. In addition to Chairman McCoy, present were Vice Chairman Michael Strub, and Commissioners Andy Buchholz, Dan Burke, Sandra Salopek and Bill Stramm. Commissioner Joan Natali was not in attendance. Also in attendance were Town Planner Larry DiRe and Town Clerk Libby Hume. There were seven members of the public in attendance.

Vice Mayor Bannon, having established a quorum, called to order the Public Hearing with the Planning Commission. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Brown and Buchholz. Mayor Proto and Councilwomen Natali and Sullivan were not in attendance.

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

PUBLIC COMMENTS:

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

Motion made by Councilman Brown, seconded by Councilman Bennett, to adjourn the Town Council Public Hearing. The motion was approved by unanimous vote.

Motion made by Bill Stramm, seconded by Dan Burke, to close the Planning Commission Public Hearing. The motion was approved by unanimous vote.

Chairman Dennis McCoy

Vice Mayor Bannon

Town Clerk



**DRAFT
TOWN COUNCIL
Regular Meeting
Civic Center
July 21, 2016
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 Councilmen Bannon, Bennett, Brown and Buchholz. Councilwomen Natali and Sullivan were not in attendance. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Treasurer Deborah Pocock, Planner Larry DiRe, and Town Clerk Libby Hume. The majority of the Department Heads were in attendance as well as 13 members of the public.

Mayor Proto called for a moment of silence followed by the recitation of the Pledge of Allegiance.

ELECTION OF VICE MAYOR

Councilman Bennett nominated Councilman Bannon, seconded by Councilman Brown, to serve as vice mayor. There were no other nominations.

Motion made by Councilman Brown, seconded by Councilman Bennett, to close the nominations. The motion was approved by unanimous vote.

Mayor Proto asked for a vote regarding the nomination of Councilman Bannon for vice mayor. Councilman Bannon was elected as vice mayor by unanimous vote.

PUBLIC COMMENTS:

Liz Jones, 6 Tazewell Avenue

Ms. Jones spoke as president of the Randy Custis Park asking for Town Council support of the park and went on to introduce Mr. Roger Eitelman, the executive director of Randy Custis Park.

Roger Eitelman, Randy Custis Memorial Fund

Mr. Eitelman began by thanking Chief Pruitt and the officers for all their hard work then proceeded to distribute handouts to the Council. Mr. Eitelman went on to state that he was approaching all the towns requesting financial contributions of \$5K per year for two years to assist with operating expenses. He gave some history on the founding of the Randy Custis Memorial Fund which was a 501C3 organization. The organization was volunteer run until he was hired as the executive director a year ago. The park began in 1998 with one baseball field and was now a 31 acre complex with outdoor and indoor facilities. The park offered little league, soccer and volleyball and provided positive experiences for the youth. The Board of Directors for the park created a strategic plan for improvements to the park, including lighting for the girls' softball field. (Please see attached.)

Wayne Creed, 548 Monroe Avenue

Mr. Creed thanked the Town Council and Town for their continued support of the arts and assistance over the past week for Experimental Film Virginia. Mr. Creed went on to talk about the Randy Custis Park adding that he felt it was one of the most important things for children on the shore. His children played baseball and soccer and he coached soccer. The park was now robust and growing and a great training facility. Mr. Creed concluded by asking the Town to support the Randy Custis Park and the children.

Town Clerk Libby Hume read a letter submitted by Ms. Kathleen Coalter of 245 Mason Avenue. (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:

Mayor Proto stated that a representative from VML/VACo would be giving a short presentation regarding refinancing options and requested Item 8J be moved to the beginning of New Business. After some discussion, it was suggested that Item 8J be discussed when the representative arrived.

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

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the June 16, 2016 Regular Meeting and the June 23, 2016 Executive Session.

Councilman Bennett stated that he had provided comments to the Clerk regarding some minor changes to the language in the minutes from the June 16, 2016 Regular Meeting.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to approve the minutes from the June 16, 2016 Regular Meeting as amended and the June 23, 2016 Executive Session as presented. The motion was approved by unanimous vote.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Treasurer Deborah Pocock reviewed the Treasurer's report dated June 30, 2016 which showed the Total Cash on Hand of \$2,398,281, the Total Cash Held in Reserve was \$1,358,251 and the Total Cash – All Accounts was \$3,756,532. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the FY 2016 Capital Improvement Project Tracking Report, the YTD 2016 Real Estate, Personal Property, Machinery and Tools Tax & 2016 License Tax Collections, the YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections and the Three Year Revenue Comparison.

Motion made by Councilman Brown, seconded by Vice Mayor Bannon, 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 that the Planning Commission met on July 18, 2016 and reviewed a request for a zoning map amendment and conditional use permit application. The Commission recommended scheduling a joint public hearing with the Town Council on August 15, 2016 at 6:00 p.m. This was an agenda item for later in the meeting.

C. *Other Departments:*

Code Enforcement:

Code Official Jeb Brady stated that he did not have anything to add to his written report.

Councilman Bennett asked why the permit fees for FY 2016 were less than FY 2015 when the amount of construction in the Town increased significantly. Jeb Brady responded that the reduction was due to The Town Council approval to defer fees for one major project.

Town Harbor:

Town Manager Brent Manuel stated that Harbor Master Charlie Farlow was on vacation.

Councilman Buchholz stated that he did not understand the reported numbers. There was some discussion regarding the numbers and Brent Manuel stated that he would have Charlie Farlow review the numbers and provide an explanation at the next meeting.

Cape Charles Memorial Library:

Librarian Ann Rutledge stated that she did not have anything to add to her written report. There were no questions from Council.

Police Department:

Chief Jim Pruitt reported that he would be making an offer to the potential new police officer and was hoping to have him start soon since the next police academy session would start on July 29, 2016.

Mayor Proto added that the Chief and his officers had a tough job and everyone appreciated their service.

Public Utilities/Public Works Departments:

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

There were some questions from Council and discussion as follows: i) The manhole project was complete but the wastewater plant's production was still exceeding water production; ii) There had been some vandalism in Central Park. The Public Works crew were aware of the damages and repairs were on their task list; iii) There were a number of areas needing street repairs. Work on piping was planned on Bayshore Road and after that repair was completed, the asphalt contractor would be contacted to repair five patches. The work should be completed within three weeks; iv) The lights on the fishing pier were being repaired; and v) The Central Park and beach bathrooms were being cleaned daily.

Recreation Department:

Brent Manuel stated that Recreation Coordinator Jen Lewis was on vacation.

Mayor Proto stated that the July 4th celebrations went well. There was some discussion regarding the mishap with the fireworks where an ember lit the fuse on the finale which went off prematurely. Jeb Brady added that a new location needed to be determined for future years.

OLD BUSINESS

A. *Cape Charles Community Trail Project Update*

Assistant Town Manager Bob Panek stated that in September 2015, the Town requested another \$817.2K for Phase 3, South Peach Street, and any funding shortfall to complete Phase 2 of the Cape Charles Community Trail. The Town received notification that the full request was approved with funding becoming available October 1, 2016 to start the design and engineering process for Phase 3. The total awarded to the Town was approximately \$3.4M. Phase 2 was currently under construction and was anticipated to be completed in late fall.

There was some discussion regarding the delay on Peach Street. Councilman Buchholz noted that the tenant at 609 Peach Street was handicapped and needed special accommodations. Dave Fauber responded that he had approached the individual notifying him that the Town would make any needed accommodations for him.

Councilman Bennett stated that Phase 3 covered South Peach Street and asked whether there was any opportunity to shift the plans to other areas and suggested a work session to further discuss future phases. Bob Panek stated that a new resolution would need to be adopted and presented to the Commonwealth Transportation Board for approval.

NEW BUSINESS:

A. *Town Council Representative to Planning Commission*

Brent Manuel stated that Article Two of the Town of Cape Charles Planning Commission By-Laws stated that "This Planning Commission shall consist of seven members. One member shall be a representative of the Town Council. The remaining six members shall be referred to as appointed members." Currently, Councilwoman Natali served as the Council representative to

the Planning Commission. Councilman Buchholz also served on the Commission, as an appointed member until his recent election to Council. Brent Manuel added that the Code of Virginia allowed for only one Council person on a Planning Commission.

There was some discussion regarding this issue. Several of the Council members heard that Councilwoman Natali was willing to give up her seat on the Commission. Councilman Buchholz expressed his desire to remain on the Planning Commission.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to appoint Councilman Buchholz as the Council representative to the Planning Commission. The motion was approved by unanimous vote.

B. *Town Council Representative to Library Board*

Brent Manuel stated that former Councilman Godwin served as the Town Council representative to the Library Board. With the expiration of his term on June 30, 2016, a new Council representative needed to be named.

Mayor Proto asked if anyone was willing to serve on the Library Board. There were no volunteers. There was some discussion regarding nominating Councilwoman Sullivan in absentia.

Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to table the appointment of a Council representative to the Library Board until the August meeting. The motion was approved by unanimous vote.

C. *Board and Commission Appointments*

Brent Manuel stated that the Town currently had a vacancy on the Wetlands & Coastal Dunes Board. With the recent election of Councilman Buchholz, the Council had two members on the Planning Commission. Earlier, the Council appointed Councilman Buchholz as the Council representative to the Commission and Councilwoman Natali must step down leaving a vacant position.

On June 23, 2016, the Town Council interviewed candidates expressing their interest in serving on the Town's boards and commission and recommended Mr. William Prickett for the Wetlands & Coastal Dunes Board and Mr. Keith Kostek for the Planning Commission.

Mayor Proto called for separate votes for each appointment.

Motion made by Councilman Brown, seconded by Councilman Bennett, to appoint William Prickett to the Wetlands & Coastal Dunes Board. The motion was approved by unanimous vote.

Motion made by Councilman Buchholz, seconded by Councilman Bennett, to appoint Keith Kostek to the Planning Commission. The motion was approved by unanimous vote.

D. *Re-appointment of Library Board Member*

Mayor Proto stated that the Library Board met monthly and consisted of seven members each serving four-year terms. Sue Panek served on the Library Board and her term would expire on August 8, 2016. Ms. Panek expressed her interest in continuing her service on the Library Board for another term.

Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to re-appoint Sue Panek to the Library Board for another four-year term. The motion was approved by unanimous vote.

E. *Harbor Breakwater and Jetty*

Bob Panek stated that earlier this year, Council submitted a request to the Virginia Port Authority (VPA) to carryover \$194K of an existing Aid to Local Ports grant and a new \$500K

grant for building the fourth breakwater and design/engineering for rehabilitation of the jetty. The VPA approved the Town's carryover request but only \$50K of new funding for a total of \$244K. Bob Panek continued to review three options for moving forward as follows: i) Continue with the full scope which would require the Town to fund the additional \$450K for a total of \$681K; ii) Build the fourth breakwater and defer the design/engineering for the jetty rehabilitation. The funding split would be \$244K VPA and \$506K Town; and iii) Design, engineer and build the jetty rehabilitation and defer the fourth breakwater. The cost was estimated at about \$260K-\$300K. The funding split would be \$225K VPA and \$75K Town.

There was much discussion regarding the options. Bob Panek stated that there was a possibility of additional funding assistance from the Virginia Department of Health Boating Infrastructure Grant for about \$80K-\$100K, but it would not be enough to fund the entire project. Brent Manuel added that the Town would re-apply to the VPA next year.

Motion made by Councilman Bennett, seconded by Councilman Brown, to proceed with Option 3. The motion was unanimously approved.

F. Conditional Use Permit – 530 Randolph Avenue

Larry DiRe stated that an application was received for a conditional use permit to operate a bed and breakfast with a swimming pool at 530 Randolph Avenue. A joint public hearing with the Planning Commission was held on July 18, 2016 with no public comments received. The Planning Commission reviewed the application at their regular meeting following the public hearing and recommended Council approval of the conditional use permit application as presented.

Motion made by Councilman Brown, seconded by Councilman Bennett, to approve the conditional use permit application for a bed and breakfast with swimming pool at 530 Randolph Avenue as presented. The motion was approved by unanimous vote.

G. Harbor Development Certificate – Lot 19

Larry DiRe stated that the Harbor Area Review Board (HARB) met on July 18, 2016 and reviewed the revised Harbor Development Certificate application for lot 19 to construct a permanent block and brick veneer foundation for the Harvey building. The HARB recommended Council approval of the Harbor Development Certificate for lot 19 as presented.

Motion made by Vice Mayor Bannon, seconded by Councilman Buchholz, to approve the application for Harbor Development Certificate for lot 19 as presented. The motion was approved by unanimous vote.

H. Zoning Map Amendment Application – Parcel 83A3-11-2 – Set Public Hearing

Larry DiRe stated that an application was received from the current owner and contract purchaser to amend the zoning map for parcel 83A3-11-2 from Harbor District to Industrial M-2. The contract purchaser was also applying for a conditional use permit to operate a marine port facility, boatyard, bulk storage and transfer facility if the zoning map amendment were to be approved. A public hearing was required for both the zoning map amendment and the conditional use permit application. The Planning Commission reviewed the applications and recommended a joint public hearing with the Council on August 15, 2016 to hear comments for both the rezoning and conditional use permit applications.

There was some discussion regarding the proposed project. Councilman Bennett stated that there was potential for a significant improvement for the Town. The property in question was between South Port's property and Bayshore Concrete. The proposed uses would bring jobs and revenue to the Town. It would be an incredible potential use for a currently derelict property.

Motion made by Councilman Bennett, seconded by Councilman Brown, to schedule a joint public hearing with the Planning Commission to hear comments regarding the zoning map

amendment request and conditional use permit application on August 15, 2016. The motion was approved by unanimous vote.

I. *Budget Re-appropriation*

Deborah Pocock stated that the FY 2016 budgeted Public Works tractor purchase was pending on June 30, 2016 and in order to complete the transaction in FY 2017, Council must vote to re-appropriate funds from the fund balance. The tractor that was considered in FY 2016 had since been classified as undersized for the proposed use. An upgraded model would better accommodate the Town's beach sweeper as well as a larger one, if purchased in the future to clean the recently expanded beach. \$35K was budgeted in FY 2016 but an additional \$14,897.92 was needed for the upgraded model for a total of \$49,897.92. An additional upgrade for a closed-cab tractor, which would protect the crew and equipment from inclement weather, would cost \$57,620.89.

There was some discussion regarding the preference of the closed cab. Deborah Pocock added that the Town did well in FY 2016 and the surplus was more than enough to cover the cost of the closed-cab tractor.

Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to re-appropriate \$57,620.89 to purchase the closed-cab tractor for Public Works. The motion was approved by unanimous vote.

J. *Review of Refinancing Options*

Deborah Pocock introduced Mr. Steve Mulroy from VML/VACo Finance who gave an overview of their history and services. Mr. Mulroy continued to review a presentation regarding the Town's opportunity to refinance the Series 2006 Bonds and 2013 bank loan at a lower fixed rate saving the Town thousands of dollars annually.

A resolution must be adopted by Council in order to proceed with the intent to coordinate with VML/VACo Finance for the loan application, etc.

Mayor Proto read Resolution 20160721 - Resolution of the Town Council of the Town of Cape Charles, Virginia, Authorizing to Proceed with Application to, and Coordination with, VML/VACo Finance for the Issuance by the Town of Certain Indebtedness, and the Notice of its Official Intent Therewith.

Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to adopt Resolution 20160721. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; and Buchholz, yes.

MAYOR AND COUNCIL COMMENTS

Councilman Brown welcomed Councilman Buchholz to the Council.

Vice Mayor Bannon commented on Ms. Kathleen Coalter's letter regarding staff picking up sand in the street with shovels and asked if the Town had a vacuum or street sweeper. Dave Fauber responded that the Town had brooms and sweepers and a broom attachment for the front end loader had been ordered. He instructed the Public Works crew to get started around the corners where the mud and debris was deeper and where it was difficult for pedestrians to walk along the sidewalk. VDOT should also be in Town soon with their street sweeper.

Councilman Buchholz stated that if grass was planted and fencing installed after the third phase of the US Army Corps of Engineers dredge project, it should help with the blowing of sand.

Vice Mayor Bannon continued to state that currently the merchants on Strawberry Street were not getting the flow of customers as those on Mason Avenue. It was brought up in the past to close a section of Strawberry Street to traffic and make a pedestrian mall with planters, etc., making it more inviting for customers to go to the various shops on the street. Vice Mayor Bannon concluded his comments by announcing the Bed & Breakfast Art Rocks the Inns on August 14, 2016.

Councilman Bennett stated the following: i) That he was in favor of a Strawberry Street Pedestrian Plaza as described by Vice Mayor Bannon, but the Town Council spent \$70K to purchase property across the street; and ii) He knew the Clerk and another person recently attended a Virginia Main Street Workshop in Staunton. Funding was in place in the FY 2017 budget and now was the time to move forward with the Main Street initiative. He challenged the Town Manager to put a detailed plan in place, including the steps and a timeline, to be presented to the Council next month.

Councilman Buchholz stated that he was glad to be on the Council and would do what he could to help make the Town more attractive for businesses. He hoped to bring some discussion that he had had with others to the table.

Mayor Proto commented as follows: i) He was glad that Councilman Buchholz was here; ii) Ron West gave him a summary from the Coast Guard regarding the Cape Charles anchorage and read an excerpt from the handout. The Coast Guard was interested in scheduling a public meeting in Cape Charles regarding the anchorage. There was some discussion regarding the ships anchoring offshore and the impact on the Cape Charles sunsets. (Please see attached.)

Mayor Proto proceeded to read the Announcements.

ANNOUNCEMENTS:

- July 23, 2016 – Concert in Central Park – J and the Band, 7:00 p.m.
- July 26, 2016 – Mayor’s Office Hours, 6:00 p.m. – 7:00 p.m.
- July 30, 2016 – Concert in Central Park – Gayheart, Freeman & Lacy, 7:00 p.m.
- August 4, 2016 – Town Council Work Session, 6:00 p.m.
- August 9, 2016 – Mayor’s Office Hours, 2:00 p.m. – 3:00 p.m.
- August 13, 2016 – Concert in Central Park – Khedive Notables Dance Band, 7:00 p.m.
- August 18, 2016 – Town Council Regular Meeting, 6:00 p.m.
- August 20, 2016 – Concert in Central Park – Dharma Initiative, 7:00 p.m.
- August 23, 2016 – Mayor’s Office Hours, 6:00 p.m. – 7:00 p.m.
- Thursdays from 5:30 p.m. – 6:30 p.m. – New Roots Youth Garden Market. Stop by and support the young gardeners and entrepreneurs.

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

Town Clerk

Mayor Proto

**Comments submitted in writing
July 21, 2016 Town Council Regular Meeting**

Roger Eitelman, Randy Custis Memorial Fund



The Randy Custis Memorial Fund

(757) 442-4121
support@custisfarms.com
P.O. Box 237
Nassawadox, VA 23413

**Randy Custis Memorial Fund
A Community Asset**

History

In most areas of the United States, the local Little League organization has developed a single or multiple baseball and softball field complex. That has not occurred in the southern Virginia Eastern Shore because the area has a small population and low household income. Northampton County today is the sixth poorest county in Virginia. In 1988, Phil and Barbara Custis formed the Randy Custis Memorial Fund (RCMF), which became a 501-c-3 not for profit entity with the mission of creating, maintaining and improving a childrens sports complex. They started their all volunteer effort with one baseball field on rented land.

Progress to Date

Today the Randy Custis Memorial Park (the Park), is located in Nassawadox, Virginia and offers the following at its 31 acre complex:

- | | |
|------------------------------------|----------------------------|
| 1- Tee-ball field | 3- Outdoor batting cages |
| 1-Machine pitch field | 2- Indoor batting cages |
| 1-Softball field | 2- Beach volleyball courts |
| 2-Baseball fields (one is lighted) | 1- Football field |
| 5-Soccer fields | 1- Childrens playground |
| | 1- Concession stand |

The land and all assets are owned and there is no debt associated with the Park, the Randy Custis Memorial Fund, Shore Little League, or Shore Soccer League.

Selected Measures of Success

- Shore Little League- 254 participating athletes in 2016
- Shore Soccer League- 262 participating athletes in 2015
- Shore Volleyball League- 60 participating athletes in 2016

(1)

Selected Measures of Success- Cont'd-

The 13-16 year old softball team are the District 8 champions and the State Little League champions. They start competing against the other Southeast State Champions tomorrow.

10 year old Suzanna Long of Cheriton and Henry Smith of Northampton County –south of Cape Charles, won the Pitch, Hit and Run Competition at the Randy Custis Memorial Park in May, 2016. They each then recorded a “Top Performance” at the “Sectional Championships” at Harbor Park in Norfolk. On June 12, 2016, they competed in the “National Team Championships” at Nationals Stadium in Washington D.C. where their team finished third.

The local travel ball (baseball) team has begun using the Park as its practice facility.

Pop Warner is set to use the football field in 2016 as a practice field.

158 non-athlete children played on the playground from April- June 2015 in the hours surrounding the Shore Little League game schedule. Other children play on the playground routinely year round.

Six area high school seniors who graduated in June 2016, and played sports at the Park as children, have signed college athletic letters of intent. They are:

Derek BJORLO	Kennedy Webb
Jake Guy	Taylor Webb
Sydney Parks	Dante Weatherly

The Future

The organization’s strategic plan suggests the following projects in the near future:

- Light the softball field;
- Turn and light the second baseball field;
- Expand the batting cage building to add pitching cages;
- Add a walking trail around the Park’s perimeter;
- Add tennis courts;
- Add a fitness center;
- Add an indoor soccer complex.

(2)

To date a variety of fund raising projects have funded the Park as it exists today. The cost of future projects requires grant funding due to dramatically increasing costs in recent years. As an example- the cost of lighting the boys baseball field in 2011 was about \$75,000. Today that same project applied to the softball field exceeds \$105,000. The other projects envisioned by the strategic plan require significantly more funding.

The Challenge

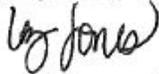
The Board gave significant consideration about how to move forward. An executive director was hired in 2015. One major responsibility for this position is to gain the needed grant funding that will fulfill the vision created in the Strategic plan. During 2015 the first grant was achieved in the amount of \$20,000 towards lighting the softball field. Inquiries for other grants to complete the funding have been pursued, but winning grants takes considerable time and effort.

The Randy Custis Memorial Fund respectfully is requesting that several local governments help support operations for a limited time to create the opportunity to gain funding that will achieve the strategic plan. Exmore, Cheriton and Nassawadox have given generously.

The Town of Cape Charles is asked to fund at least \$5,000 in 2016 and again in 2017 to help the Randy Custis Memorial Fund successfully develop the Park to optimally serve the citizens of Northampton and Accomack Counties.

The Board and staff of the Randy Custis Memorial Fund appreciates The Town of Cape Charles's consideration of this request.

Respectfully submitted

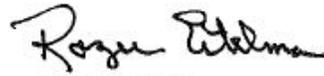


Elizabeth Martin Jones

Member

Board of Directors

Randy Custis Memorial Fund



Roger Eitelman

Executive Director

Randy Custis Memorial Fund

(3)

Kathleen Coalter, 245 Mason Avenue

To the Mayor, the Town Manager, and the Town Council of Cape Charles:

As I walk the sidewalks of Cape Charles, I am always amazed by the natural beauty that surrounds us and the friendly folks that inhabit our little town. I see many shops, some quite new, operated by merchants who want to see our town grow and succeed. We have great potential to really "wow" the people who come here for vacation and who often decide to make Cape Charles their home or second home!

Sadly, I also must address some issues that are not huge but could make a positive difference. I live on the fourth floor of the Wilson's building so I have a "bird's eye" view of what is below and beyond in addition to my walks. I look over into the parking lot next to Patrick Hand's condos and can see three dumpsters right in the heart of town. These are an eyesore and are often used as public restrooms of which we are in dire need. The store owners should not have to shoulder this responsibility.

Over the winter, we experienced a great amount of blowing sand. It was very difficult for the crews to keep up with this large amount of sand. The sand has remained on the sidewalk on the northwest end of Mason and also on the pier where many of the townspeople and tourists walk. Clean up was deferred until the week before Memorial Day Weekend and was next to impossible to complete. The flower beds were rapidly being

weeded during the holiday weekend and I feel this should have begun sooner. The Harbor Boardwalk flower/drainage beds were filled with weeds and dead plants. It is not a pretty sight to the boaters who come to our beautiful harbor. The beds are still not complete. I have had the boaters ask me where the laundry is since they are usually found in the Bathhouses, only to be told that we have one in town to which they replied the machines were not working. If we are going to promote this Harbor, it needs to be full service and with provisions also.

The gutters on our streets are filled with weeds, mud, and standing water. The crews are trying to clean these, but using a shovel is tedious and time consuming in these hot summer months. I do appreciate their efforts! A vehicle has been parked on Strawberry Street for months without being moved and gutters cannot be cleaned there. It has been brought to the attention of some town officials and yet it is still parked in the same place. Also, Strawberry Street has a high pedestrian volume, I have found the sidewalks to be dangerous. Only yesterday, I noticed a metal spike of about 1 1/2 inches sticking up from the sidewalk! The west side of the street is multi-level and not marked and it is very easy for someone who is window shopping to trip and fall. The sidewalk on the East side of the street has a large opening over an exposed drain pipe than could easily catch a foot! I do not know who is responsible for the repairs as I have been told that both VDOT and Cape Charles are responsible. Before an injury occurs, we need to get these things repaired.

As I walk, I usually carry a trash bag. I am amazed at the amount of litter and cigarette butts that are thrown on the sidewalks and flower beds. Trash cans are all along Mason Avenue and the Pier and would only take a few steps more to dispose of one's trash! This saddens me. This leads me to the Cape Charles town sign on 13 and the Stone Road stating that we have a Public Beach! It used to mention our free pier also. Is this what we should be touting? Given that we have no lifeguards and the amount of trash left behind, I'm not sure if this should be the focus. The many picnic tables that have been placed in the hot sand may be put to better use elsewhere. I have watched so many people walk right past the "Stay off the dunes" signs and walk right up an on the dunes! Most beaches have fines for this.

I am not blaming or wanting to be a complainer, I just wish that maybe the council and others could walk through this beautiful little town we have to see what I am seeing. I KNOW that we can do better! It takes a little bit of effort and if we each do our part, it will get done! I am a proud citizen of this gem on the Eastern Shore of Virginia!

Thank you.

Sincerely,
Kathleen Coalter

Excerpt from U.S. Coast Guard Information regarding the Cape Charles Anchorage

The Coast Guard is considering amending the regulations for Hampton Roads, VA and adjacent waters anchorages by establishing a new anchorage, near Cape Charles, VA on the Lower Chesapeake Bay. This advance notice of proposed rulemaking (ANPRM) provides information relevant to, and solicits public comment on the possible creation of a Federal anchorage west of Cape Charles, VA on the Chesapeake Bay. Port of Virginia infrastructure improvement and growth in commercial vessel traffic entering the port, including large and deep-draft vessels have prompted this solicitation for comments on a potential proposed rulemaking. If the Coast Guard proceeds with a proposed rulemaking, the intended effect would be to ensure that the Hampton Roads Anchorage Grounds continue to safely support current and future maritime commerce and commercial vessel anchoring needs. We invite your comments on this ANPRM.



DRAFT
TOWN COUNCIL
Executive Session
Town Hall
August 2, 2016
6:00 p.m.

At approximately 6:00 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 Buchholz, and Councilwomen Natali and Sullivan. Also in attendance were Town Manager Brent Manuel, Treasurer Deborah Pocock and Mr. John Conrad from The Conrad Firm.

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

Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Specifically: Update on pending litigation case

Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Unsolicited proposal to purchase Town-owned properties

Paragraph 1: Discussion, 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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals.

Specifically: Evaluation of Public Utilities and Public Works Department Performance

Motion made by Councilman Bennett, seconded by Councilman Brown, 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; Buchholz, yes; Natali, yes; Sullivan, yes.

Motion made by Councilman Brown, seconded by Councilwoman Natali, to adjourn the Town Council Executive Session. The motion was unanimously approved.

Mayor Proto

Town Clerk



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
August 2, 2016
6:00 p.m.

At 7:47 p.m., Mayor George Proto, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett and Buchholz, and Councilwomen Natali and Sullivan. Councilman Brown was not in attendance. Also present were Town Manager Brent Manuel, Town Clerk Libby Hume and Planner Larry DiRe. There were no members of the public in attendance.

A. *Randy Custis Park Request*

The request presented by Mr. Roger Eitelman, Executive Director of the Randy Custis Memorial Fund, at the July 21, 2016 Town Council Regular Meeting was reviewed. After much discussion, Council agreed that the Fiscal Year (FY) 2017 budget had already been adopted and there was no funding assistance allocated for the non-profit organizations in Cape Charles. Therefore, Council was in agreement that no funding was available in FY 2017, but if the Randy Custis Memorial Fund submitted a request, along with copies of their financials, in the spring of 2017, their request would be considered during the FY 2018 budget deliberations.

B. *Board of Zoning Appeals Parking Recommendation*

Councilman Bennett stated that funds had been allocated in the FY 2017 budget for improvements to the gravel parking area, which was leased from the railroad, and staff needed to submit a plan to move forward.

Planner Larry DiRe suggested Council designation of the gravel parking lot for property owners looking for parking relief so they would not have to apply for variances of the parking standards.

Town Manager Brent Manuel added that at his previous locality, the Council offered an off-street parking reduction program which gave authority to the Council regarding whether or not to reduce the off-street parking requirements on a case by case basis. It was a good program for the applicants since they did not have to go through the Board of Zoning Appeals process.

After much discussion, it was agreed that the improvements for the gravel parking lot, to include lighting, would be expedited and staff would review the zoning ordinance language and provided proposed revisions for review at a future meeting.

C. *Clarification of June 2016 Harbor Report*

Brent Manuel explained that Harbor Master Charlie Farlow was not able to attend the evening's meeting and suggested that this item be moved to the August regular meeting.

D. *Town Council Work Session Priorities*

There was much discussion regarding the list of pending work session topics. Councilwoman Natali suggested additional topics as follows: i) Effective July 2013, municipalities were given the authorization to take over blighted property to get them fixed up. At the July Council meeting, Mr. Ed DeAngelis brought up the property next door to him that was in need of repair; ii) The Town needed to think about possibly using eminent

domain to acquire the dirt road which was on the Tavi property to allow ingress/egress to the harbor; iii) The Town used to charge a fee to research and respond to inquiries regarding outstanding taxes, utility bills, etc. on properties changing ownership. The Town needed to think about reinstating this fee. There was some discussion and Mayor Proto stated that if this was an issue of policy, the current policy needed to be changed to start charging for this service; iv) The possibility of placing a time limit for parking on Mason and Bay Avenues needed to be considered. There was some discussion regarding enforcement and the necessity to install meters to regulate the parking on the streets. Automated parking lot systems were available and used by some localities; and v) Possible parking decals for non-residents to pay to park on the beach and side streets. There was discussion regarding the signage at Route 13 advertising “public beach” and “free fishing pier.”

Brent Manuel asked Council to email any additional work session topics to staff.

Mayor Proto tasked staff with prioritizing the list.

E. *Town Council Retreat/Strategic Planning Topics*

There was some discussion regarding a Town Council Strategic Planning Retreat. Mayor Proto asked the Council to submit potential topics to staff by the end of August. The Strategic Planning Retreat would be scheduled for a Saturday, possibly in September.

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

Mayor Proto

Town Clerk

**MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
July 31, 2016**

CASH POSITION

<u>Cash on Hand</u>	<u>6/30/2016</u>	<u>7/31/2016</u>	<u>Increase/(Decrease)</u>
Shore Bank Checking Account	\$ 922,918	\$ 702,100	\$ (220,818)
Shore Bank Money Market Account	\$ 1,077,695	\$ 1,078,123	\$ 428
LGIP Account 1 - Unrestricted	\$ 97,773	\$ 97,814	\$ 42
LGIP Account 2 - Unrestricted	\$ 299,895	\$ 300,027	\$ 132
Total Cash On Hand	\$ 2,398,281	\$ 2,178,065	\$ (220,216)

<u>Restricted and Reserved Cash Balances</u>	<u>6/30/2016</u>	<u>7/31/2016</u>	<u>Increase/(Decrease)</u>
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,589	\$234,589	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	\$848,917	\$848,917	0
PNC Account- 2013 Bond Proceeds - Interest	\$5,693	\$6,095	403
Shore Bank Checking Account - E-Summons Revenue Reserved	\$165	\$165	0
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,582	\$257,584	1
Total Cash Held in Reserve	\$ 1,358,251	\$ 1,358,655	\$ 404
Total Cash - All Accounts	\$ 3,756,532	\$ 3,536,720	\$ (219,812)

DEBT SERVICE

<u>Next Debt Service Payments:</u>	<u>Due Date</u>	<u>Amount</u>
2010C General Obligation & Revenue Bond	10/5/2016	\$128,791

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY15</u>
GENERAL						
REVENUES	84,246	39,263	84,246	44,983	3,782,198	2.23%
EXPENDED	279,961	305,985	279,961	(26,024)	3,723,535	7.52%
NET	(195,715)	(266,722)	(195,715)	71,007	58,663.00 surplus to harbor	
PUBLIC UTILITIES						
REVENUES	135,279	207,977	135,279	(72,697)	2,302,286	5.88%
EXPENDED	107,110	78,240	107,110	28,871	2,302,286	4.65%
NET	28,169	129,737	28,169	(101,568)	0	
HARBOR						
REVENUES	83,950	179,787	83,950	(95,837)	1,713,689	4.90%
EXPENDED	82,070	112,223	82,070	(30,153)	1,772,351	4.63%
NET	1,880	67,564	1,880	(65,684)	(58,662.00)	
SANITATION						
REVENUES	16,094	16,718	16,094	(625)	175,300	9.18%
EXPENDED	1,641	157	1,641	1,484	175,300	0.94%
NET	14,453	16,561	14,453	(2,109)	0	

FY 2017 Capital Improvement Project Tracking Report

As of:
7/31/2016

	<u>FY17 Status or Start Date</u>	<u>Percent of Completion</u>	<u>FY17 Budgeted</u>	<u>FY17 QTR 1 Expended</u>	<u>FY17 QTR 2 Expended</u>	<u>FY17 QTR 3 Expended</u>	<u>FY17 QTR 4 Expended</u>	<u>FY17 YTD Expended</u>	<u>(Over)/Under Budget</u>
<u>General Fund</u>									
Enterprise Management System (Finance)	budget reappropriation request	0%	\$ 36,069	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,069
Replacement Police Vehicle	In progress	0%	\$ 27,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 27,000
Police vehicle cameras & software	In progress	0%	\$ 10,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,600
Public Works Tractor	re-appropriated, in progress	0%	\$ 57,621	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 57,621
Mason Ave & Harbor Area Parking Improvements	Pending	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Sidewalk Repair Program (VDOT grant 50%)	application phase	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Strawberry Street Plaza Purchase/Improvements	Pending	0%	\$ 70,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000
Cape Chas Multi-Use Trail Phase 2	In progress	4%	\$ 1,256,000	\$ 52,558	\$ -	\$ -	\$ -	\$ 52,558	\$ 1,203,442
<i>subtotal</i>			\$ 1,517,290	\$ 52,558	\$ -	\$ -	\$ -	\$ 52,558	\$ 1,464,732
<u>Water Fund</u>									
Utility Truck Body (shared)	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Walk Behind Leg Stacker	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Keck Well Connection (Grant dependent)	Application	0%	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000
<i>subtotal</i>			\$ 530,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 530,000
<u>Sewer Fund</u>									
Utility Truck Body (shared)	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Pump Station Improvements	pending	0%	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000
<i>subtotal</i>			\$ 215,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 215,000
<u>Harbor Fund</u>									
Jetty Improvements (Breakwater #4 deferred)	pending	0%	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300,000
Harbormaster Boat	pending	0%	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,000
<i>subtotal</i>			\$ 312,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 312,000
TOTAL		2%	\$ 2,574,290	\$ 52,558	\$ -	\$ -	\$ -	\$ 52,558	\$ 2,521,732

MUNICIPAL CORPORATION OF CAPE CHARLES
July 31, 2016

YTD 2016 Real Estate Tax Collections

Total Land Value	\$	149,909,100	
Total Improvement Value	\$	197,322,878	
Additional Assessments	\$	-	
Total Real Estate Value	\$	347,231,978	
7/31/2016			
Total Budgeted	\$	1,098,777	
Total Bills Mailed	\$	-	
Total Adjustments	\$	-	
Total Collected YTD	\$	<u>3,227</u>	0%
Amount Due	\$	(3,227.17)	

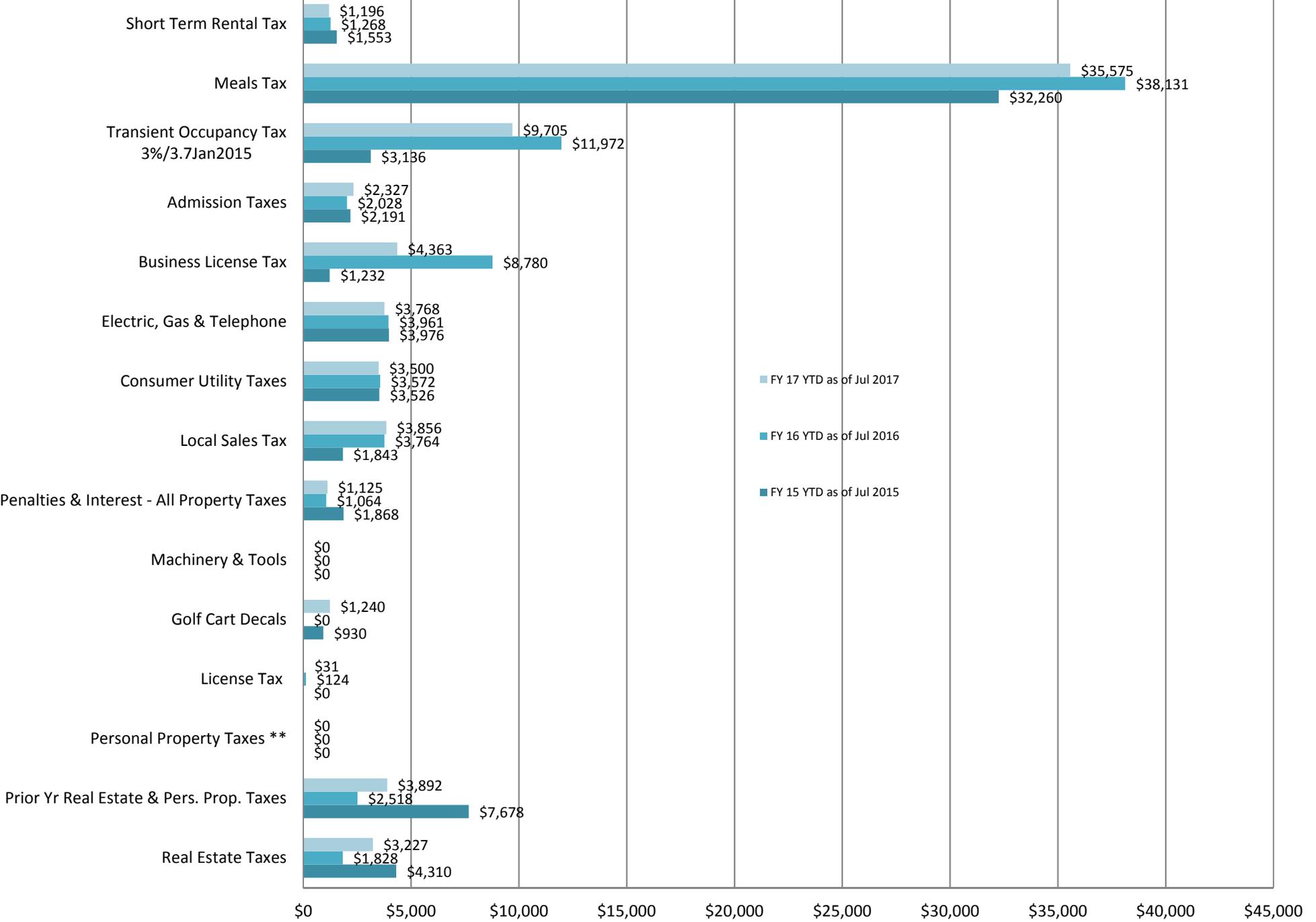
**YTD 2016 Personal Property Tax, Machinery and Tools Tax,
 & 2016 License Tax Collections**

Total Personal Property Value	\$	-	
7/31/2016			
Total Budgeted	\$	163,000	
Total Bills Mailed	\$	-	
Total Adjustments	\$	-	
Total Collected YTD	\$	<u>31</u>	0%
Amount Due	\$	(31)	

**FY 2016 YTD Prior Year Real Estate Tax, Personal Property Tax,
 Interest and Penalty Collections**

7/31/2016			
Total Budgeted	\$	80,000	
Total Collected	\$	<u>5,017</u>	6%
Amount Anticipated/(Over)	\$	74,983	

Three Year Revenue Comparison



Planning Department Report for Town Council

From: Larry DiRe 
To: Town Council
Date: August 5, 2016
Subject: Report for Planning Department
Attachment: None

Permits:

Four Applications for Zoning Clearance were approved this month.

Planning Commission:

1. The Planning Commission regular monthly meeting is scheduled for Monday August 15th. That is also the date for joint Planning Commission\Town Council public hearings for a zoning map amendment, and conditional use permit application for a variety of industrial uses on a parcel proposed to be rezoned as Industrial M-2 District. The Commission will consider the following agenda items: make recommendation to Town Council on application for zoning map amendment to rezone a parcel from Harbor District to Industrial M-2 District; make recommendation to Town Council on application for conditional use permit for a variety of industrial uses on a parcel proposed to be rezoned as Industrial M-2 District; review the planning department 2016 annual report data for the first six months; select a representative to the Harbor Area Review Board; draft text amendment for limited commercial activity in the Open Space District.

Historic District Review Board:

1. The Historic District Review Board received two applications for Certificate of Appropriateness at their August 16th regular monthly meeting. One application is for new construction of an addition behind a commercial property in the Commercial – 1 District; the other for new single-family home construction. The Board continued studying exterior paint color palettes for use in the historic district.

Harbor Area Review Board:

1. The Harbor Area Review Board had no business and did not meet.

Board of Zoning Appeals:

1. The Board of Zoning Appeals had no business and did not meet.

Wetlands and Coastal Dunes Board:

1. The Wetlands and Coastal Dunes Board continued the July 27th meeting on an application for installation of riprap at a residential lot pending an additional report from the Virginia Institute of Marine Science (VIMS).

Code Enforcement

Month of July FY17

Building Permits Issued/Permit Fees Collected:

Permits this month: 18
Permits this year: 18
Total construction this month: \$160,290
Total construction this year: \$160,290
Permit fees this month: \$1,630.70
Total permit fees this fiscal year: \$1,630.70
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: \$0
Fire Dept. levy this month: \$136.67
Total Fire Dept. levies this year: \$136.67
State levy this month: \$27.33
Total state levies this year: \$27.33
Miscellaneous Revenue: \$0

Total permits last year: 355
Total construction last fiscal year: \$10,729,370
Total permit fees last fiscal year: \$201,281.12
Total Tap fees last fiscal year: \$98,800
Total Fire Dept. levies last fiscal year: \$8,264.18
Total state levies last fiscal year: \$1,606.58

Existing Structures Code Enforcement Cases:

Total Cases: 27
New this month: 0
Closed this month: 0
Rental Inspections: 6
Rental C.O's Issued: 2
Rental Inspection fees collected: \$150.00
Grass cutting enforcement: 5
Grass cutting: 6
Enforcement fees charged this month: \$900
Enforcement fees charged this year: \$900
Enforcement fees collected: \$0
Enforcement fees collected this year: \$0

Fees charged last fiscal year: \$2,450
Fees collected last fiscal year: \$0

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 July FY17

Other items of note:

1. Completed **35** inspections
2. Conducted 0 zoning clearances
3. Completed 4 courtesy residential inspections
4. Conducted 6 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. Completed 0 commercial plan review
9. Issued 1 Public Utilities Shallow Well permits
10. Staff has had discussion with lot owners regarding regulations for building new homes throughout the historic district.
11. Staff has met with new potential business owners regarding code regulations prior to starting their renovation projects.
12. Staff met with potential buyers of property on south side of Mason Avenue regarding fixing up the existing building.
13. Staff has reviewed plans for Strawberry Street Station fire suppression system.

08/03/16

Permit/Construction Fee Report

Map Number	Permit#	Type	Date	Address	Work description	Permit Fee	Value
	PE160035	Electrical	07/12/2016	103 Creekside Lane	Generator Installation	\$173.60	\$16,000
	PB160054	Building	07/15/2016	5 English Court	Deck Addition on rear of residence	\$280.00	\$35,000
	PG160024	Gas	07/13/2016	4 Heron Court	Run Gas Line to Home	\$56.00	\$200
	PB160060	Building	07/13/2016	4 Heron Court	Bury 330 Gallon Tank	\$56.00	\$250
	PU160007	PU Shallow W	07/25/2016	4 Heron Court	Install a Shallow Well as per application	\$100.00	\$3,900
	PE160034	Electrical	07/07/2016	220 Jefferson Avenue	Upgrading electrical service from 60 to 200	\$56.00	\$800
	PB160056	Building	07/06/2016	625 Jefferson Avenue	Alterations/repairs per application	\$56.00	\$1,450
083A1-0100-14	PB160061	Building	07/18/2016	545 Madison Avenue	Tear off/reroof portion of roof	\$56.00	\$1,000
	PF160005	Fire Suppresio	07/26/2016	900 Marina Village Cir	AERIAL FIREWORKS DISPLAY ON AUGUS	\$112.00	\$5,000
083A3-0100-25	PE160037	Electrical	07/15/2016	603 Monroe Avenue	Upgrading to 320 Amp Service	\$56.00	\$1,500
	PES16000	Erosion & Sed	07/12/2016	500 Peach Street	Land Disturbance 5.4 Acres	\$0.00	\$45,000
	PB160059	Building	07/11/2016	416 Plum Street	Addition of 18'x 10' deck to back of home	\$62.16	\$3,600
	PB160062	Building	07/28/2016	530 Randolph Avenue	IN GROUND SWIMMING POOL	\$78.40	\$6,500
	PB160058	Building	07/11/2016	545 Randolph Avenue	Tear off and reshingle main roof	\$65.74	\$4,240
083A3-0100-54	PE160036	Electrical	07/12/2016	630 Randolph Avenue	200 Amp service system upgrade	\$56.00	\$850
083A3-0100-54	PE160039	Electrical	07/28/2016	630 Randolph Avenue	New electrical for renovation	\$56.00	\$2,000
	PB160057	Building	07/07/2016	526 Tazewell Avenue	Renovation of interior of S/F residence per	\$224.00	\$25,000
	PE160038	Electrical	07/22/2016	526 Tazewell Avenue	Rewiring existing electrical service	\$86.80	\$8,000
Total Permits: 18						\$1,630.70	\$160,290

PerDateIssued Range from 07/01/2016 to
07/31/2016

**Cape Charles Memorial Library
Monthly Report, July 2016**

• **Youth Programs**

Preschool Storytime (4 programs)	44
Toddler Storytime (4 programs)	53
Chess Club (3 programs)	22
Nature Conservancy	18
Hoopoe	20
Paws for Reading	4
Virginia Living Museum	50
Kiptopeak State Park	18
Lego Build	17
Imagine Create	0
Crafts after Storytime (4 programs)	77
Comic Artist Bentley Boyd	8
3 rd Stuffed Animal Sleepover	13
Friends Author Event-Jennifer Milius	14
Adult program-Last Hunt Club	14
Adult programs (provided by the Friends)	
Friends Author Event- Daniele Lanzarotta	14
Friends Lunch & Learn-	101
<i>Portrait of a Town</i> -Pat Parsons	
Shore Worth Savin-Nan Bennett	
Ferries to Fixed Crossings-Jeff Holland	
1930's Ladies View of Old Homes- Virginia Savage	
Nature Conservancy-Margaret van Clief	
<i>Total</i>	487

• **Meetings**

- Staff attended Friends of the Library meeting, 7/6
- Staff attended ESPL Trustee meeting at the Accomack Library, 7/11
- Staff attended Library Board meeting 7/13
- Staff attended special ESPL Trustee meet, 7/21
- Staff attended Board of Supervisors meeting 7/25

• **Marketing & Communication**

- The Friends of the Library purchased a flat wall mount television for the lobby to show flyers of upcoming programs and pictures from past programs.

• **Outreach**

- Staff attended the Friends of the Library Author program with Jennifer Milus. 7/6
- Staff attended the Friends of the Library Author Program with Daniele Lanzarotta.7/11

• **Technology**

- We have had problems with our printer not being connected to some of the computers in the Computer Lab. Also an issue with our Card Catalog Computer and Drive Vaccine. One of the computers in the Lab, # 10 is no longer working and needs to be replaced.

- Staff has put in a request for 4 new computers. Three will be for the Computer Lab completing the replacement of the old computer for the computer lab. The fourth computer will be for the circulation desk, replacing an older computer.

- **Adult Programs**

- Presented The Last Hunt Club, a film produced by the Barrier Island Center. Fourteen people attended. 7/19

- **Friends of the Library Adult Programs**

- Friends of the Library presented Pat Parsons, author, on Saturday at 12:00. 7/2
- Friends presented Lunch & Learn, Shore Worth Savin: Virginia's Eastern Shore. 7/9
- Friends presented author Daniele Lanzarotta, speaking on "Building Memorable Characters and Rights Management: from Script to Movies and TV Shows. 14 people attended. 7/11
- Presented Lunch & Learn from Ferries to Fixed Crossings. 7/16
- Presented Lunch & Learn, The 1930's Ladies View of Old Shore Homes. 7/23

Friends of the Library Children's Programs

- Presented children's author Jennifer Milieus, author of Einstein & Moo with 14. 7/6

Youth Services

- Lego Build was held on Wednesday with 17 participants. 7/6
- Kiptopeak State Park presented a program for children at 11:00 on Tuesday called "Fun with Geocaching". 18 attended. 7/12
- Paws for Reading were held on Saturday from 10:45 to 12:00. 4 attended. 7/16
- Margaret Van Clief from the Nature Conservancy presented a program, 14 people attended. 7/19
- Imagine/Create-upcycling crafts 7/20
- Quick Craft for preschoolers was held on 7/7, 7/14, 7/21, /7/28
- Presented Silent Comedy with Hoopee the Mime, 20 people attended. 7/20
- Presented Bently Boyd talking about Chester Comix. 8 attended. 7/26
- 3rd Stuffed Animal Sleepover. 7/28
- We have had 226 children to sign up for the Summer Reading Challenge.

- **Volunteers**

- 231 volunteer hours for this month.

- **Upcoming Events**

- Lego Build 8/2
- NASA 8/3
- The Eastern Shore Public Library Trustee meeting will be held at 1:00 on 8/ 8.
- Children's Author Anna Burger, 7:00. 8/9
- The Friends of the Library and the Library Board will hold a combined monthly meeting. 8/10
- Paws for Reading held every third Saturday of the month from 10:45 to 12:00.
- Following Storytime, Summer Quick Craft for preschoolers.8/4, 8/11, 8/18
- Image/Create-Upcycling Crafts (best suited for ages 6 and up) 8/16
- Kiptopeake State Park-Nature on the Shore. 8/16
- ES Soil & Water Conservation program. 8/17
- Virginia Living Museum-Our Animal Neighbors. 7/27
- 8/27-last day to collect rewards and ice cream at Brown Dog.

	CAPE CHARLES MEMORIAL LIBRARY 2016															
	January	February	March	April	May	June	July	August	September	October	November	December	YTD			
INCOME:																
Copier/Prt	\$96.15	\$149.75	\$102.10	\$80.80	\$76.35	\$103.00	\$77.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$685.70			
Faxes	\$48.50	\$72.00	\$39.00	\$33.00	\$52.00	\$27.50	\$60.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$332.00			
TOTAL	\$144.65	\$221.75	\$141.10	\$113.80	\$128.35	\$130.50	\$137.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,017.70			
Deposit																
BOOK CIRC-ADLT																
Fiction	503	536	500	470	479	601	588	0	0	0	0	0	3677			
Non-fiction	184	136	142	126	135	173	150	0	0	0	0	0	1046			
DVDs	196	204	152	115	121	194	214	0	0	0	0	0	1196			
TOTAL 2016	883	876	794	711	735	968	952	0	0	0	0	0	5919			
Books Circ. 2015	764	708	702	740	742	979	1042	962	782	711	666	792	9590			
BOOKS CIRC-JUV																
Fiction	327	349	517	502	419	696	904	0	0	0	0	0	3714			
Non-Fiction	3	62	143	85	94	128	189	0	0	0	0	0	704			
DVDs	60	50	65	60	69	123	162	0	0	0	0	0	589			
TOTAL 2016	390	461	725	647	582	947	1255	0	0	0	0	0	5007			
Books Circ 2015	488	443	600	610	589	1358	1279	773	507	707	373	523	8250			
TOTAL 2016	1273	1337	1519	1358	1317	1915	2207	0	0	0	0	0	10926			
Total Circ. 2015	1252	1151	1302	1350	1331	2337	2321	1735	1289	1418	1039	1315	17840			
ATTENDANCE 2016	879	896	1193	1056	1047	1536	1939	0	0	0	0	0	8546			
Attendance 2015	901	707	1047	1372	1124	1754	2449	1765	1079	1171	886	931	15186			
PROGRAMS 2016	13	14	17	17	16	24	30	0	0	0	0	0	131			
Programs 2015	9	6	50	13	14	19	28	18	9	18	10	18	212			
PROG. ATTEND 2016	163	228	250	226	200	297	487	0	0	0	0	0	1851			
Prog. Attend 2015	82	48	159	115	169	211	650	372	109	172	200	334	2621			
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			
INTERNET USE 2016	196	224	253	218	195	275	189	0	0	0	0	0	1550			
Internet use 2015	222	160	196	229	184	279	377	365	308	284	211	155	2970			
LIBRARY CARDS 2016	9	16	12	22	11	26	18	0	0	0	0	0	114			
Library cards 2015	11	5	16	25	10	32	22	16	21	23	10	7	198			
Volunteer Hours 2016	298.00	264.00	364.75	349.50	171.75	366.00	217.50	0.00	0.00	0.00	0.00	0.00	2031.5			
Volunteer hours 2015	32.8	73.5	180.8	164	147	165.25	36.5	38.5	120.5	262.25	128.75	258.00	1607.85			

CAPE CHARLES POLICE DEPARTMENT

MONTHLY STATISTICS

July 2015

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

- Calls for service in Cape Charles: 81
- Calls for service outside of Cape Charles: 8
- Felony arrests: 3
- Misdemeanor Arrests: 8
- D.U.I. Arrests: 1
- Traffic Summons: 7 (see below)
- Traffic Warnings: 29 (written& verbal):
- Parking tickets: 0
- Building Checks: 19
- Assisted Northampton County Sheriff's Office: 8
- Assisted Virginia State Police: 0
- Assisted Federal Agencies: 0
- Assisted Fire& Rescue: 14
- Foot Patrol Hours: 79.5
- Bay creek patrol hours: 35.5

The following took place in July:

Traffic Summons

1. Follow to close
2. Consuming alcohol while driving
3. Driving while suspended
4. Speeding 42/25 zone
5. Cross double solid lines
6. Speeding 42/25 zone
7. Speeding 42/25 zone

ARRESTS

1. Commit sexual battery
2. Purchase alcohol for person under 21
3. Contribute to delinquency of minor
4. Unlawful wounding
5. Driving while suspended 3rd offense
6. Elude police
7. Reckless driving (endanger life)
8. Obstruction of justice
9. Possession of marijuana
10. Unauthorized use of motor vehicle
11. Intentionally damage property over \$1000
12. D.U.I.

Public Utilities

Monthly Report July 2016



Production Summary

- Miss Utility Tickets: 22
- Emergency Call Outs After Hours and Weekends:
Number of times called out:
Total Man Hours:
- Fire Calls: Man Hours:
- Sludge: Tons
- *Water: Total Production : 4,628,536 Gallons
High: 271,700 On June 27
Low: 96,400 On June 5

Average	Raw Water	Finished Water
Hardness	397.9	104.2
Iron	8.00	.019
Manganese	.484	.011

All Data in PPM

- *Waste Water: Average Flow 171,000 gpd
Maximum 440,000gpd
Total for Month 5,130,000 Gallons
Nutrients:
Phosphorus Average .12 Limit .3 mg/l annual average
YTD .066
Nitrogen Average 1.71 Limit 4 mg/l annual average
YTD .87

(*Numbers are from previous month)

Personnel

- Water
 - Scottie Neville Operator Class 3 Water, Operator in Charge
 - Patrick Christman Operator Class 3 Water,
 - Freddie Meditz Trainee
 - Water plant operator, Ron Bailey has taken a job in Fruitland, MD. Best of luck to him
 - Gerald Elliott Maintenance
- Waste Water
 - Patrick Christman Operator Class 2 WW, Operator in Charge
 - Freddie Meditz Operator Class 3 WW
 - Dan Dabinett Operator Class 2 WW, Maintenance
 - Billy Powell Maintenance Supervisor

PUBLIC WORKS
July 2016



Dump Fees - None

- Recycled truckloads of bags & leaves
- Recycled truckloads of brush

Staff Report

Completed Projects

- Tree and shrub trimming in alleys
- Repairs to sprinkler system in Central Park
- Repaired shower valves at Beach Bathrooms
- Purchased additional rigid liners for town trashcans
- Repaired paving bricks in Central Park

In Progress

- All--Vehicle/equipment maintenance
- Alley maintenance

Upcoming Projects

- Change over Mason Street lights to LED

Man Hours per Project/Task

Vehicle Maint.	Equipmt. Maint.	Building Maint.	Public Debris Areas	Street Cleaning	Beach Maint.	Public Maint.	Public facilities cleaning	Admin. training	Property maint. & repair Playground	Events/M.reads
This information not Available										

Recreation Department August 2016 Council Report

The Queen of the Bay Fishing Tournament took place July 27-30. Staff will report final numbers once they are received.

Summer programming will be wrapping up the end of August. The outdoor activities continue to be a huge success. If numbers are low staff is really good about strolling the beach and encouraging beach goers to participate.

Staff will be working on Fall programming to include Halloween. Business participation was great last year and we hope to build on that. The best decorated window contest really helped to get everyone involved.

Staff received great response from vendors following the fourth of July. Thank you emails encouraging comments and concerns were sent. This will help to improve on the event next year.

The Town Wide Yard sales continue in the Cape Charles Public Parking area. Weather has had a big impact on the sales but overall it has been well received by the citizens.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Town Council Representative to Library Board		AGENDA DATE: August 18, 2016
	SUBJECT/PROPOSAL/REQUEST: Appointment of Town Council Representative to the Library Board		ITEM NUMBER: 7A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

Town Council representatives serve on a number of the Town's Boards and the Planning Commission.

The Library Board oversees the Cape Charles Memorial Library and consists of seven members, including the Town Council representative, and meets on a monthly basis. The members serve four-year terms.

DISCUSSION:

Former Councilman Godwin was the Town Council representative to the Library Board until the expiration of his term on June 30, 2016. Another representative from Council needs to be appointed to serve on the Library Board.

This item was reviewed at the July 21, 2016 Town Council Regular Meeting but the appointment of the Council representative was postponed to the August meeting due to the absence of two Council members.

RECOMMENDATION:

Staff requests discussion and the appointment of a representative from Council to serve on the Library Board.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Zoning Map Amendment Application – Parcel 83A3-11-2		AGENDA DATE: August 18, 2016
	SUBJECT/PROPOSAL/REQUEST: Application for zoning map amendment - Parcel # 83A3-11-2		ITEM NUMBER: 7B
	ATTACHMENTS: application; letters; preliminary site plan; area map.		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Larry DiRe	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

Application was received from the current owner and the contract purchaser to amend the zoning map for parcel 83A3-11-2 from the current Harbor District designation to the proposed Industrial M - 2 District. A Joint Public Hearing with the Planning Commission was scheduled as required in Article II Section 2.7.2.C of the Zoning Ordinance.

ITEM SPECIFICS:

The application for zoning map amendment for the above cited parcel comes from the expressed desire of the owner and contract purchaser to have the lot used for industrial purposes. Currently the lot stands vacant and is designated as Harbor District. According to Article II Section 2.7.1 zoning map amendments are allowed for “public necessity, convenience, general welfare, or good planning practice” purposes. This parcel is contiguous to an Industrial M-2 District lot to the immediate west, and a General Business\Light Industrial District lot to the immediate south. Currently the Virginia Department of Transportation is improving an adjacent state roadway (Route 642).

Staff finds the application meets the Article II Section 2.7.1 standards, specifically the “good planning practices” clause. The current Harbor District designation has been underperforming particularly for parcels on the south side of the harbor. That District has experienced some modest development along the Mason Avenue mixed-use area. In recent years several large-scale developments have been proposed for the District, with no development occurring. Indeed, the location of a large industrial facility (Bayshore Concrete Products) as the western most border parcel, and the municipal wastewater treatment plant as the eastern-most parcel within the Harbor District may be zoning uses that are not practical use good neighbors for the type of development expected when the Harbor District was created. Among the land uses proposed for this parcel and adjoining area in the August 4, 2006 Harbor Area Conceptual Master Plan are residential mixed use and working waterfront (page 18). It should be noted that the 2006 document was the product of a comprehensive public input and planning process within the context of pre-2007 Recession economic development goals, and anticipated availability of capital investment.

In addition, the Town’s 2009 Comprehensive Plan cites the Industrial (GB, M-1) and STIP Districts land use summaries (page 19) as “do not detract from residential desirability” and “encourage the revitalization of the local industrial economy and historic Port of Cape Charles.” Since 2009 the STIP District designation has been removed. The Industrial M-2 District designation was created to accommodate those land uses. The Industrial M-2 District Statement of Intent section (Article III Section 3.13.A.1-5) language is virtually identical to the 2009 Comprehensive Plan STIP description language (Section III.3.3, page 17). Since both Town planning and zoning documents speak directly to the desired goals of revitalizing industry, and the historic Port of Cape Charles, and advancing the traditional settlement patterns of the Eastern Shore’s towns and employment centers the opportunity to advance those goals on a parcel appropriately geographically situated should be pursued as a “good planning practice.”

In conclusion, since Cape Charles organizes land uses according to the principles of Euclidean Zoning, the location of similar uses adjacent, or proximate, to each other conforms to overall “good planning practices.”

RECOMMENDATION:

Staff recommends that Pursuant to Article II Section 2.7 of the Zoning Ordinance the Town Council approve this application for zoning map amendment as presented.

MUNICIPAL CORPORATION OF CAPE CHARLES, VIRGINIA
Application for Zoning Map Amendment

Zoning Map Amendment Number: _____ Date: JULY 8, 2016

Map Reference: _____ Tax Map Sheet: O83A3-22 SEC 083A3 OA-00-2
Parcel: LOT 2
Deed Book: 298 PAGE 595; PLAT BOOK 26 PAGE 9

To the Governing Body of the Town of Cape Charles, Virginia

1. I/We CHERRYSTONE I LLC owner(s) contract owner(s)
2. of PO BOX 395, EASTVILLE, VA 23347 (Mailing Address)
(757) 331-3100 (Telephone) _____ (Fax)
3. do hereby petition you to amend the Zoning Map of the Town of Cape Charles, Virginia, by reclassifying and rezoning from the HARBOR District to the INDUSTRIAL (M2) District the property described as follows and shown on the attached plat and outlined in red attached hereto, which is made a part of the application.
4. 1267 BAYSHORE ROAD (Address of Property, if any)
CAPE CHARLES CAPEVILLE DISTRICT (Magisterial District)
18.4 AC (Total Area - acres or sq. ft.)
5. Property Location SOUTH SIDE OF CAPE CHARLES HARBOR
6. Description of Property (attach if described by metes and bounds) APPOX. 18 ACRE FORMER INDUSTRIAL SITE ADJACENT TO SKANSKA YARD.
7. Proposed Use MARINE PORT FACILITY, BOATYARD, BULK STORAGE, TRANSFER FACILITY. SEE TRANSMITTAL LETTER FOR MORE SPECIFIC DESCRIPTION
8. HARBOUR DEVELOPMENT GROUP, LLC - PATRICK CUNNINGHAM (Name of Owner of Record)
2728 NESTLEBROOK TRAIL, VIRGINIA BEACH, VA 23456 (Address)
9. Signature of Owner(s) _____

SEE ATTACHED LETTER

Signature of Contract Owner(s) X
S.E. Baldwin (Agent)
By: PO Box 395 Eastville VA 23347 (Address and phone)

(Office Use Only)

	Date	Time	Action
Planning Commission Public Hearing:	(1) _____		
	(2) _____		
Town Council Public Hearing:	(1) _____		
	(2) _____		

Supplemental Information Required (check appropriate items)

- Legal Plat
- Plan of Development
- Other _____
- Fee: Single Family \$300 + \$50 ac. Multi-Family \$600 + \$70 ac. Commercial \$600 + \$70 ac.



July 8, 2016

Ref: 34205.00

Larry DiRe
Municipal Building
2 Plum Street
Cape Charles, Virginia 23310

Re: Rezoning Request for Lot 83A3-11-2-South Cape Charles Harbor:

Dear Mr. DiRe:

As we have discussed, Cherrystone I LLC is currently under contract to purchase Lot 83A3-11-2, an approximate 20 acre parcel located along the southern shoreline of Cape Charles Harbor. Cherrystone's purchase of this property is contingent upon its ability to implement a development plan that incorporates facilities for a marine terminal and a boat yard that performs major repairs and maintenance on commercial fishing vessels and mega-yachts. The boatyard will be operated in cooperation with Cape Charles Yacht Center, the adjacent waterfront property owner to the east (Lot 83A3-11-1). Both properties are currently in the Harbor District zoning designation.

While the Harbor District allows for a marina, associated facilities and operations, it does not specify port or terminal facilities as a by-right or conditional use. Therefore, we respectfully request that the Town change the zoning designation of Lot 83A3-11-2 from Harbor District to Industrial District M-2. Accordingly, please find attached the 1) Application for Zoning Map Amendment; 2) Owner's Authorization Letter; 3) Legal Plat and, 4) Proposed Plan of Development for your review and distribution to the Planning Commission.

We understand that following rezoning approval, a Conditional Use Permit will be needed to operate the intended facilities. Cherrystone wishes to make the Planning Commission aware of its intent to apply for a Conditional Use Permit for the following designated Conditional uses:

- No. 7 Concrete plant; manufacturing, sales and distribution of concrete and related products
- No. 8 Railroad tracks, sidings, yards or roundhouses
- No. 9 Marinas, docks and wharfs, if contiguous to Cape Charles Harbor
- No. 10 Port facilities, marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and /or transport of containerized, bulk, and or other cargo
- No. 13 Outdoor storage (with required screening)
- No. 23 Structures, other than buildings, exceeding 50 feet

Cherrystone's intention is to accommodate both currently planned and potential future uses of the property consistent with its stated purpose.

The attached development plan depicts the anticipated improvements to the property. Cherrystone and its partners intend to demolish the existing dilapidated docks and remove the concrete debris from the shoreline. A new dock/wharf facility will be installed and the shoreline will be stabilized using a living shoreline approach

Engineers | Scientists | Planners | Designers

351 McLaws Circle
Suite 3
Williamsburg, Virginia 23185
P 757.220.0500
F 757.903.2794



which includes a stone sill for wave protection backed with sand fill and marsh and buffer plantings. Existing vegetation will be left as screening at select locations around the site and new buffer plantings will be installed to provide a screen in areas where vegetation is lacking. Stormwater management will be handling in accordance with current regulations and will be incorporated into the natural landscape features to the degree possible. It is understood that a more complete site plan must be prepared for the Conditional Use Permit and for the Town's site plan review process. At that time, all engineering, stormwater management and rights-of-way requirements will be addressed in detail.

We suggest that this request represents an exceptional opportunity for the Town as it is a reasonable zoning action that is consistent with each of the specific objectives of the M-2 District:

1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County.
2. Create family-wage employment and training opportunities for local residents.
3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment and culture.
4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers.
5. Encourage cost effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.

A change to the Industrial District M-2 compliments the surrounding properties, which are either already in the M-2 District or have related designations that are not in conflict with the intended uses. The recently initiated improvements to State Route 642 for the purpose of "enhancing access to the Cape Charles Harbor" provides further support for the appropriateness of the requested re-zoning.

We note that there is a degree of urgency with this request as Cherrystone has immediate opportunities with two potential operating partners; one, a major east coast commercial fishing consortium and the second an internationally prominent shipyard with existing operations in the northeast. Both entities have expressed a desire to be operational on the site in early to mid-2017.

Should you have any questions regarding this application or require additional information, don't hesitate to contact me at 757.220.0500 or 804.695.4344. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "R. Neville Reynolds".

R. Neville Reynolds, PWS

Managing Director – Williamsburg

CC: Eyre Baldwin
Jim Gunn
Dan Brown
Bert Turner, Esq.

June 15, 2016

Patrick Cunningham
Harbour Development Group, LLC
2728 Nestlebrook Trail
Virginia Beach, VA 23456

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

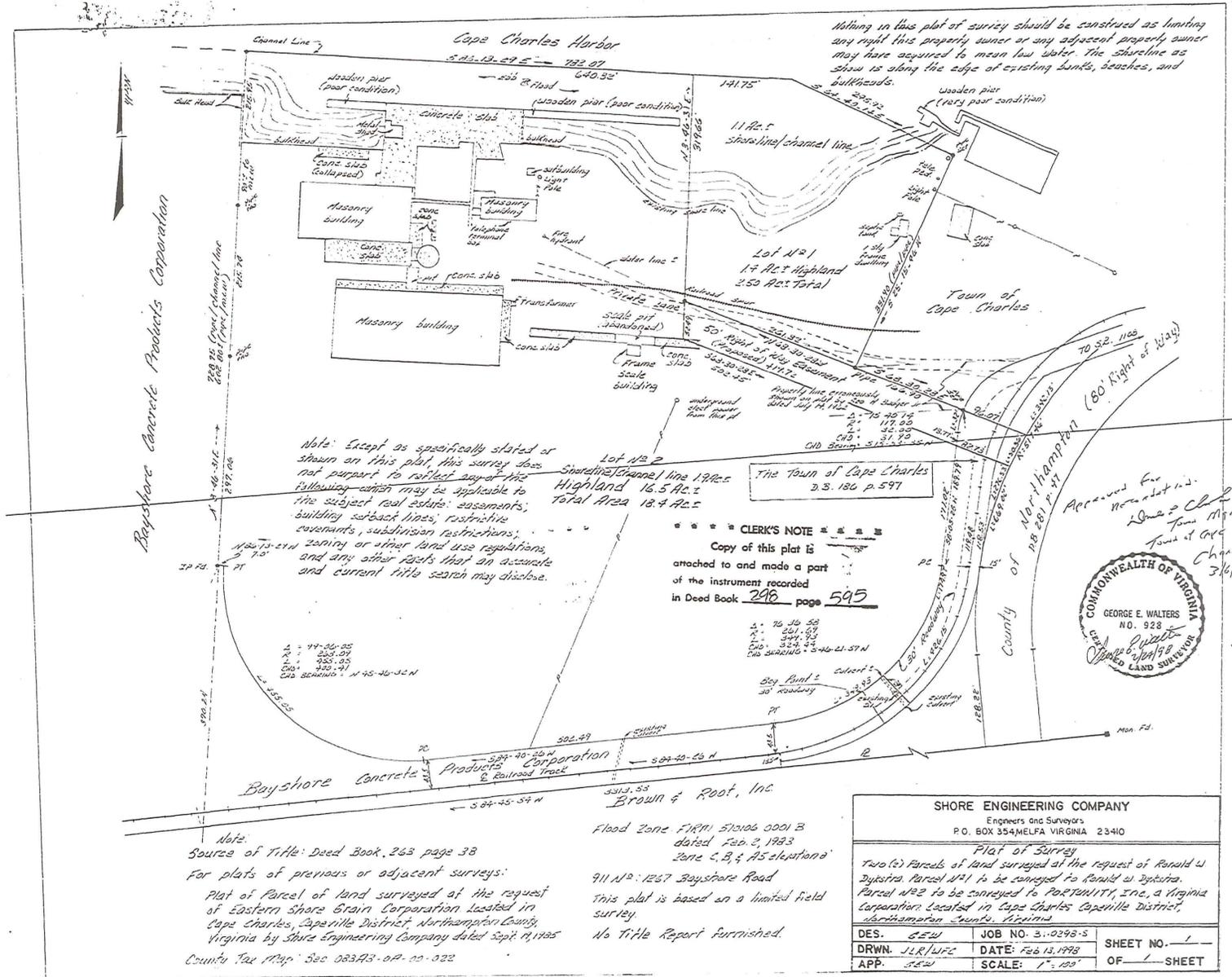
Dear Mr. Manuel,

Please allow Cherrystone I, LLC, Eyre Baldwin, and/or James Gunn to submit a request to Town of Cape Charles to change the zoning of lot #83A3-11-2 to Industrial. The parties mentioned above have contracted to purchase this land. Please let this correspondence serve as current land-owner consent allowing Cherrystone I, LLC/Baldwin/Gunn to move forward with the zoning request. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick L. Cunningham', with a long horizontal flourish extending to the right.

Patrick L. Cunningham
Managing Member - Harbour Development Group, LLC



Bayshore Concrete Products Corporation

Note: Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate easements; building setback lines; restrictive covenants, subdivision restrictions; zoning or other land use regulations; and any other facts that an accurate and current title search may disclose.

CLERK'S NOTE
 Copy of this plat is attached to and made a part of the instrument recorded in Deed Book 296 page 595

Note:
 Source of Title: Deed Book, 263 page 38
 For plats of previous or adjacent surveys:
 Plat of Parcel of land surveyed at the request of Eastern Shore Grain Corporation located in Cape Charles, Capeville District, Northampton County, Virginia by Shore Engineering Company dated Sept. 17, 1925
 County Tax Map: Sec 02343-02-00-022

Flood Zone FIRMI Floods 0001 B dated Feb. 2, 1983
 Zone C, B, & A5 elevations
 911 N.P.: 1267 Bayshore Road
 This plat is based on a limited field survey.
 No Title Report furnished.

SHORE ENGINEERING COMPANY Engineers and Surveyors P.O. BOX 354 MELFA VIRGINIA 23410		
Plat of Survey Two (2) Parcels of land surveyed at the request of Ronald W Dykstra. Parcel #1 to be conveyed to Ronald W Dykstra. Parcel #2 to be conveyed to PORTHORITY, Inc., a Virginia Corporation located in Cape Charles Capeville District, Northampton County, Virginia.		
DES. G.E.W.	JOB NO. 3-0298-5	SHEET NO. <u>1</u> OF <u>1</u> SHEET
DRWN. JLR/LWC	DATE: Feb 13, 1998	
APP. G.E.W.	SCALE: 1" = 100'	



June 8, 2016

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

Dear Brent,

Thank you for meeting me on Monday at our site on the harbor. In order for our business to reach expectations we must expand our physical presence on Cape Charles Harbor. We have contracted to purchase the 20 acre tract of land in between Bayshore Concrete and our site. We are hopeful this transaction will be complete by October 1, 2016.

One of the contract contingencies is a change in the zoning classification from Harbor District to Industrial. We will provide justification for the request at a later date. Please let this correspondence serve a formal request to change the current zoning on lot #83A3-11-2. Thank you.

Sincerely,

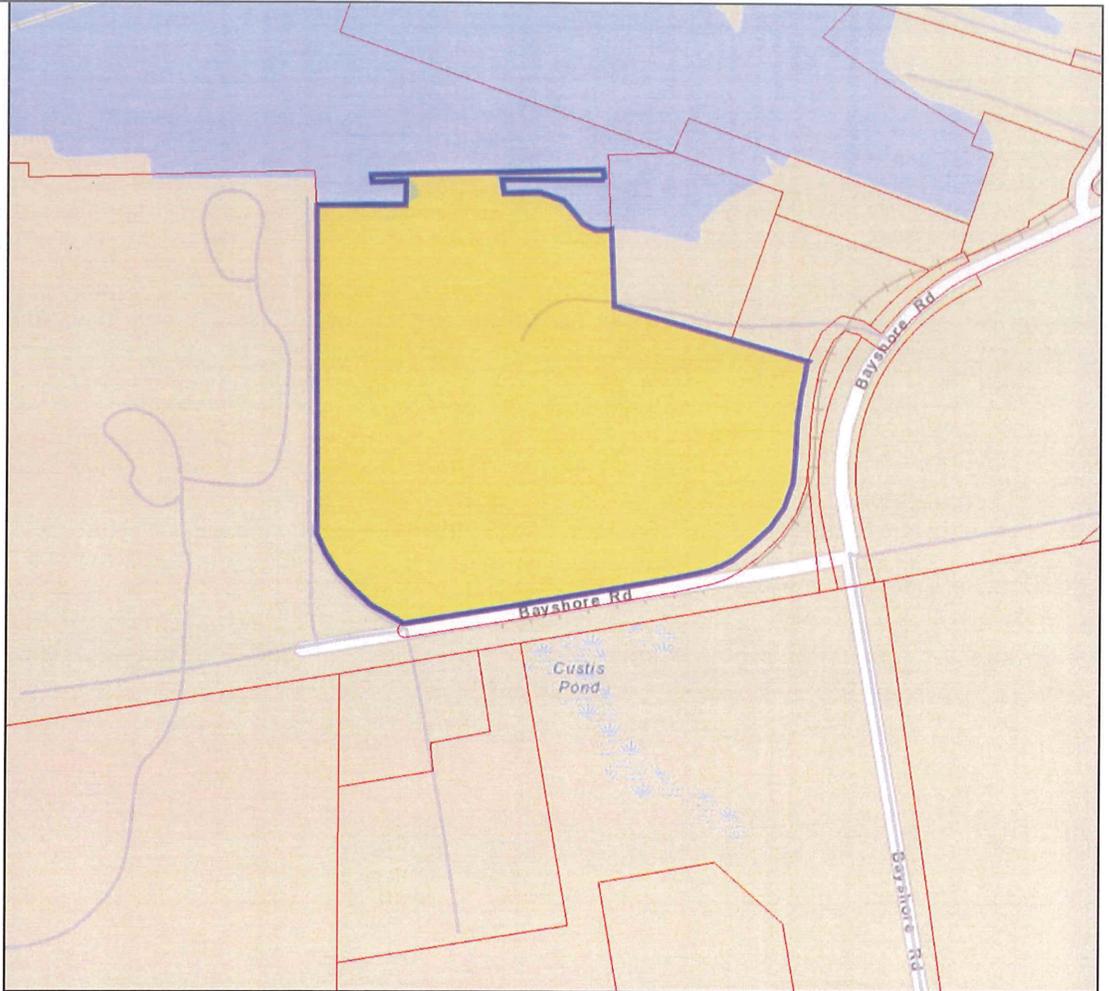


S. Eyre Baldwin
Managing Member - Southport Investors, LLC

Northampton County, Virginia

Legend

- Town Names
- Route Numbers
- Road Labels
- Parcels
- Driveways



Map Printed from Northampton
<http://northampton.mapsdirect.net/>

Feet

0 100 200 300 400
1:4,514 / 1"=376 Feet

Title: Parcels

Date: 7/8/2016

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Conditional Use Permit Application – Parcel 83A3-11-2		AGENDA DATE: August 18, 2016
	SUBJECT/PROPOSAL/REQUEST: Tax map parcel # 83A3-11-2 conditional use permit application for a variety of port and industrial uses		ITEM NUMBER: 7C
	ATTACHMENTS: application; letters; preliminary site plan; area map.		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Larry DiRe	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

An application for conditional use permit for a variety of port and industrial uses was received following an application for zoning map amendment of the subject parcel. As required by the zoning ordinance, each application was subject of a separate public hearing and separate recommendation from the Planning Commission. The conditional use permit application only has standing if the zoning map amendment is approved. Lacking that map amendment this application cannot move forward.

ITEM SPECIFICS:

Staff received an application for a conditional use permit to perform a variety of port and industrial uses at tax map parcel #83A3-11-2. The conditional use permit process is described in *Article IV Section 4.3* of the Town Zoning Ordinance. *Article IV Section 4.3.B* states the Conditions for Issuance as follows: 1) not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; 2) not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; 3) not be in conflict with the purpose of the comprehensive plan of the town.

The applicant seeks conditional use permits for the following industrial and port conditional uses (*Cape Charles Zoning Ordinance Article III Section 3.13.C.7-10, 13, and 23*) at parcel tax map # 83A3-11-2:

- 7. Concrete plant; manufacturing, sales, and distribution of concrete and related products
- 8. Railroad tracks, sidings, yards, or roundhouses
- 9. Marinas, docks, and wharves, if contiguous to the Cape Charles Harbor
- 10. Port facilities; marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and/or transport of containerized, bulk, and/or other cargo
- 13. Outdoor storage provided it shall be surrounded by wax myrtle or red tip photinia installed on 4-foot centers and by evergreen trees with a minimum caliper of 2.5 inches on 15-foot centers, except for entrances and exits
- 23. Structures, other than buildings, exceeding 50 feet

The Cape Charles Comprehensive Plan states the following about the importance of industrial and navigational activity to the Town economy: *The Town must be involved in development of the area*

formerly known as the STIP (Sustainable Technologies Industrial Park) and several other large land tracts. It must continue support of existing economic infrastructure including the harbor and railroad (Section II.4 Economy, page 10). The Comprehensive Plan further states:

III.3.2 Industrial

The Industrial designation permits certain industries, which do not in any way detract from residential desirability, and will not be permitted to locate in any area adjacent to a residential area. This category should contribute to the existing maritime and industrial nature of Cape Charles and may consist of buildings used for manufacturing and warehousing. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation (page 17).

The parcel's location is not proximate to any residential district. Certain residential development is allowed as conditional use in the Harbor District, with upper floor residential being by right in the Main Street Mixed Use area. While the 2006 *Conceptual Master Plan and Design Guidelines* describe an area with mixed use and residential development throughout, including for the subject parcel, the lived experience of the past decade shows no such development occurring and shifts in local demographics as well in the regional and national economy that may continue being a long-term block on such envisioned development patterns.

As a precaution against potentially adverse development within the Industrial M-2 District, *Article III Section 3.13. F* defines a series of requirements. All development activities in the District need to conform to these requirements. That section reads as follows:

F. Additional Development Requirements

- 1. Placement of drives and parking areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side and rear yards.*
- 2. Placement of drives and parking areas when adjacent to public right-of-way. Excluding entrances and exits, no drive or parking area shall be located closer than twenty feet from any public right-of-way line for a contiguous public street. Landscaping, hedges, or fast-growing shrubs on four-foot centers on a gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area.*
- 3. No parking or drive aisles shall be located within the required buffer yards.*
- 4. No outside storage of parts, materials, fossil fuels, raw materials, or petroleum shall be permitted within the M-2 District.*
- 5. No outside manufacturing, assembly, or servicing of products used on the property or trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.*
- 6. Any exterior lighting on the property shall be directed down and away from any area zoned R (Residential) or PUD where residential development is a permitted use, to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property.*
- 7. No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells, or other devices designed to or which transmit a warning message or other communication or signal audible outside any building shall be allowed on the property. No equipment used outdoors, excluding half-ton trucks, shall be equipped with or use any device to emit a warning noise or audible signal while in use on the property.*
- 8. No dust, smoke, or noxious odors shall be released from any structure, building, or equipment used on the property.*
- 9. No delivery or transmission of materials or products shall be permitted to or from the property by truck or rail before 8 a.m. and after 9 p.m. Monday through Saturday and no such deliveries to or from the property by rail or truck, excluding half-ton trucks, shall occur on Sunday.*

Several of the proposed conditional uses presented by the applicant easily reconcile with the Conditions for Issuance as stated in *Article IV Section 4.3.B*. Among these uses are: 7) *Concrete plant; manufacturing, sales, and distribution of concrete and related products*; 8) *Railroad tracks, sidings, yards, or roundhouses*; 9) *Marinas docks, and wharves if contiguous to the Cape Charles Harbor*. Staff believes these easily reconcile due to current conditions on adjacent or proximate lots (existing Bayshore Concrete Products plant and railroad tracks), or because the adjacent Harbor District lots can be the site of the proposed conditional uses in the Industrial M-2 District as by right uses (marinas, docks, and wharves if contiguous to the Cape Charles Harbor).

The proposed conditional uses in *Section 3.13.C.10* and *.23* are more difficult to reconcile with the Conditions for Issuance since there are more possible variables with the operation of each individual use. For example, given the proximate water, road, and rail transportation an intermodal terminal or transportation center fits each of the three Conditions for issuance. However, also under *Section 3.13.C.10* “containerized, bulk, and/or other cargo” is amorphous. Likewise, both the zoning ordinance and comprehensive plan are silent on such cargo and containers. Without specifics it is difficult to reconcile the proposed conditional use with the Conditions for Issuance. Given the presence of large structures on the adjacent concrete plant lot it can be stated with relative confidence that the presence of such structures on the subject lot as a conditional use pose little potential for adverse or detrimental effects on the neighboring properties. Again, it is not possible to make that unqualified statement not knowing what those structures would be. Finally, if the proposed uses in *Section 3.13.C.13* (outdoor storage) conform to the requirements of *Section 3.13.F.4, .8, and .9* then the Conditions of Issuance should reconcile.

RECOMMENDATION:

Staff recommends that Pursuant to Article IV Section 4.3.B of the Zoning Ordinance the Town Council consider this application and approve those uses that conform to that section.



July 29, 2016

Ref: 34205.00

Larry DiRe
Municipal Building
2 Plum Street
Cape Charles, Virginia 23310

Re: Conditional Use Permit for Lot 83A3-11-2-South Cape Charles Harbor

Dear Mr. DiRe:

As we have discussed, Cherrystone I LLC is currently under contract to purchase Lot 83A3-11-2, an approximate 20 acre parcel located along the southern shoreline of Cape Charles Harbor. Cherrystone's purchase of this property is contingent upon its ability to implement a development plan that incorporates facilities for a marine terminal and a boat yard that performs major repairs and maintenance on commercial fishing vessels and mega-yachts. The boatyard will be operated in cooperation with Cape Charles Yacht Center. Cherrystone I LLC is currently also under contract to purchase the adjacent lot to the east (Lot 83A3-11-1). Both properties are currently in the Harbor District zoning designation.

While the Harbor District allows for a marina, associated facilities and operations, it does not specify port or terminal facilities as a by-right or conditional use. Therefore, we respectfully request that the Town change the zoning designation of Lot 83A3-11-2 from Harbor District to Industrial District M-2. On July 8, 2016 we submitted a request for zoning map amendment comprised of the following elements: 1) Application for Zoning Map Amendment; 2) Owner's Authorization Letter; 3) Legal Plat and, 4) Proposed Plan of Development. Since the proposed uses of Lot 83A3-11-1 are allowed under the Harbor District zoning (marina and related activities), rezoning of this parcel is not necessary.

We understand that following rezoning approval, a Conditional Use Permit will be needed to operate the intended facilities on Lot 83A3-11-2. Accordingly, we are submitting the attached Application for Conditional Use Permit and required supporting information for the following designated Conditional uses:

- No. 7 Concrete plant; manufacturing, sales and distribution of concrete and related products
- No. 8 Railroad tracks, sidings, yards or roundhouses
- No. 9 Marinas, docks and wharfs, if contiguous to Cape Charles Harbor
- No. 10 Port facilities, marine, rail, trucking, and/or intermodal terminals, including transfer, storage, handling, inspection, processing, and /or transport of containerized, bulk, and or other cargo
- No. 13 Outdoor storage (with required screening)
- No. 23 Structures, other than buildings, exceeding 50 feet

Cherrystone's intention is to accommodate both currently planned and potential future uses of the property consistent with its stated purpose.

The attached development plan depicts the anticipated improvements to the property. Cherrystone and its partners intend to demolish the existing dilapidated docks and remove the concrete debris from the shoreline. A new dock/wharf facility will be installed and the shoreline will be stabilized using a living shoreline approach which includes a stone sill for wave protection backed with sand fill and marsh and buffer plantings. Existing

351 McLaws Circle

Suite 3

Williamsburg, Virginia 23185

P 757.220.0500

F 757.903.2794

Engineers | Scientists | Planners | Designers



vegetation will be left as screening at select locations around the site and new buffer plantings will be installed to provide a screen in areas where vegetation is lacking. Stormwater management will be handling in accordance with current regulations and will be incorporated into the natural landscape features to the degree possible. It is understood that a more complete site plan must be prepared for the Town's site plan review process. At that time, all engineering, stormwater management and rights-of-way requirements will be addressed in detail. Similarly, the secondary access depicted on the Concept Plan of Development (attached) will require further routing considerations which may result in obtaining easements from the Town of Cape Charles, Eastern Shore Railroad and/or Bayshore Concrete. These details will also be worked out and a final alignment will be determined during site plan development.

We suggest that this request represents an exceptional opportunity for the Town as it is a reasonable zoning action that is consistent with each of the specific objectives of the M-2 District:

1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County.
2. Create family-wage employment and training opportunities for local residents.
3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment and culture.
4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers.
5. Encourage cost effective approaches to resource conservation, wise use of renewable resources, and ecologically based industrial development.

A change to the Industrial District M-2, with the requested conditional uses, compliments the surrounding properties, which are either already in the M-2 District or have related designations that are not in conflict with the intended uses. The recently initiated improvements to State Route 642 for the purpose of "enhancing access to the Cape Charles Harbor" provides further support for the appropriateness of the requested re-zoning.

We note that there is a degree of urgency with this request as Cherrystone has immediate opportunities with two potential operating partners; one, a major east coast commercial fishing consortium and the second an internationally prominent shipyard with existing operations in the northeast. Both entities have expressed a desire to be operational on the site in early to mid-2017.

Should you have any questions regarding this application or require additional information, don't hesitate to contact me at 757.220.0500 or 804.695.4344. Thank you for your consideration.

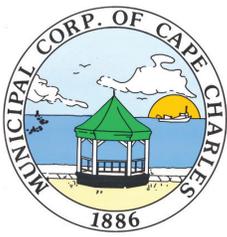
Sincerely,

A handwritten signature in blue ink, appearing to read "R. Neville Reynolds".

R. Neville Reynolds, PWS

Managing Director – Williamsburg

CC: Eyre Baldwin
Jim Gunn
Dan Brown
Bert Turner, Esq.



Application for Conditional Use Permit

Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Date July 27, 2016

Fee: \$712.50

*(Attach Plans)

Applicant: CHERRYSTONE I LLC, ATTN: DAN BROWN Signature: _____
Address: PO BOX 395, EASTVILLE VA City: EASTVILLE State: VA Zip: 23347
Telephone: (757) 331-3100 Email: danbrown.va@gmail.com

Owner(s): HARBOUR DEVELOPMENT GROUP, LLC - PATRICK CUNNINGHAM
Address: 2728 NESTLEBROOK TRAIL City: VIRGINIA BEACH State: VA Zip: 23456
Telephone: _____ Email: _____

Contractor: _____
Address: _____ City: _____ State: _____ Zip: _____
Telephone: _____ Email: _____
Town License: _____ State License: _____

Location of Improvement: SOUTH SIDE OF CAPE CHARLES HARBOR
Lot No.: 2 Block No.: 00 Lot Size: 16.5 Lot Area: 16.5
Type of Improvement: RECLASSIFYING AND REZONING
Proposed Use: MARINE PORT FACILITY, BOATYARD, BULK STORAGE, TRANSFER FACILITY. SEE TRANSMITTAL LETTER FOR MORE SPECIFIC DESCRIPTION
Estimated Construction Costs: _____

Conditional Use Permit Checklist

(Applicant must attach items 1-7)

1. completed application
2. payment of fees (\$300.00 + \$25.00 per acre)
3. letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. concept plan (see attached information for recommended contents)
5. plot plan of property
6. disclosure statement signed and notarized verifying ownership
7. names and addresses of adjacent property owners
8. Zoning Administrator's review of documentation

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer, and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

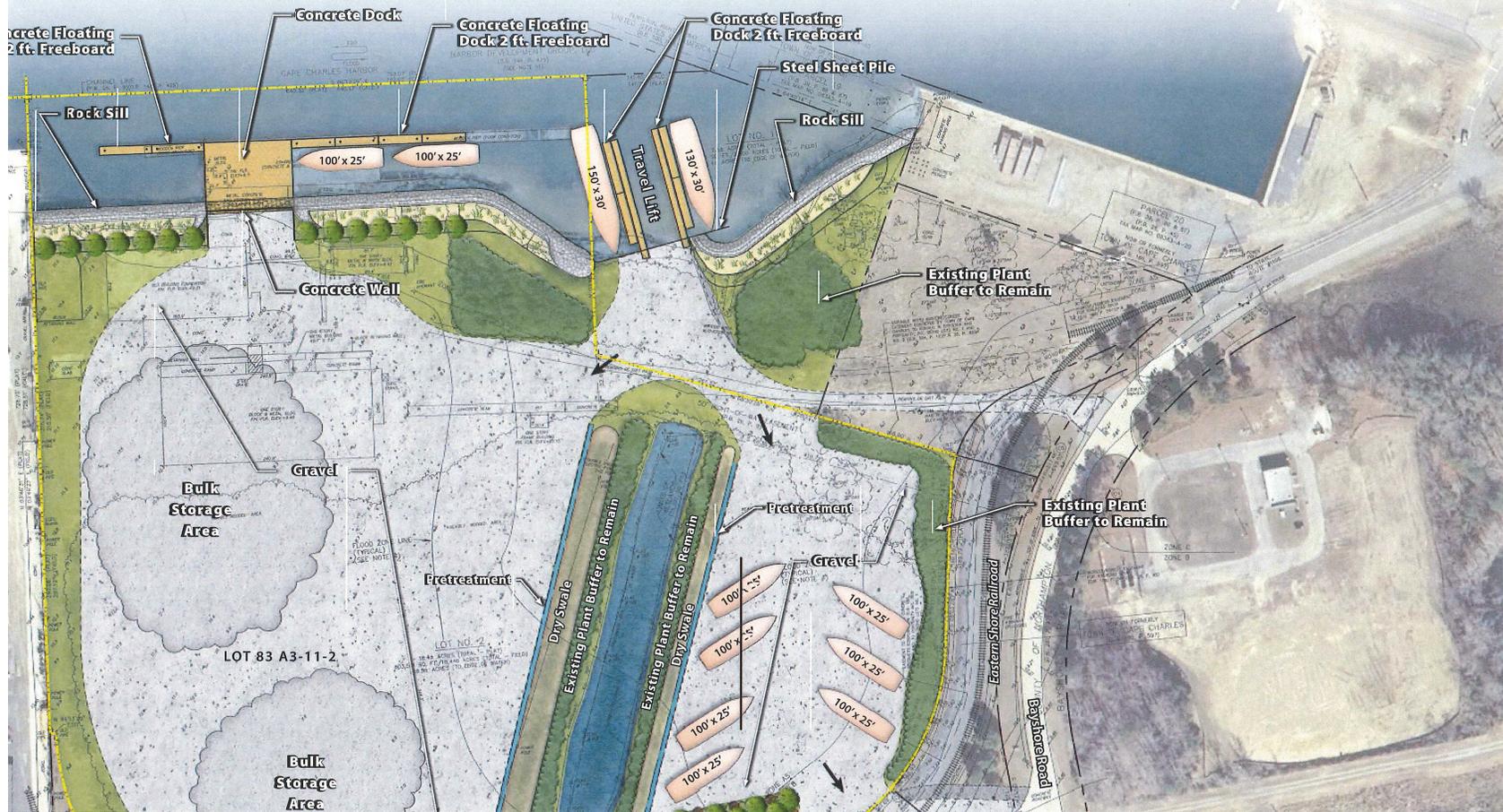
Signature of Owner/Agent: _____

Conditional Use Permit Plan Checklist

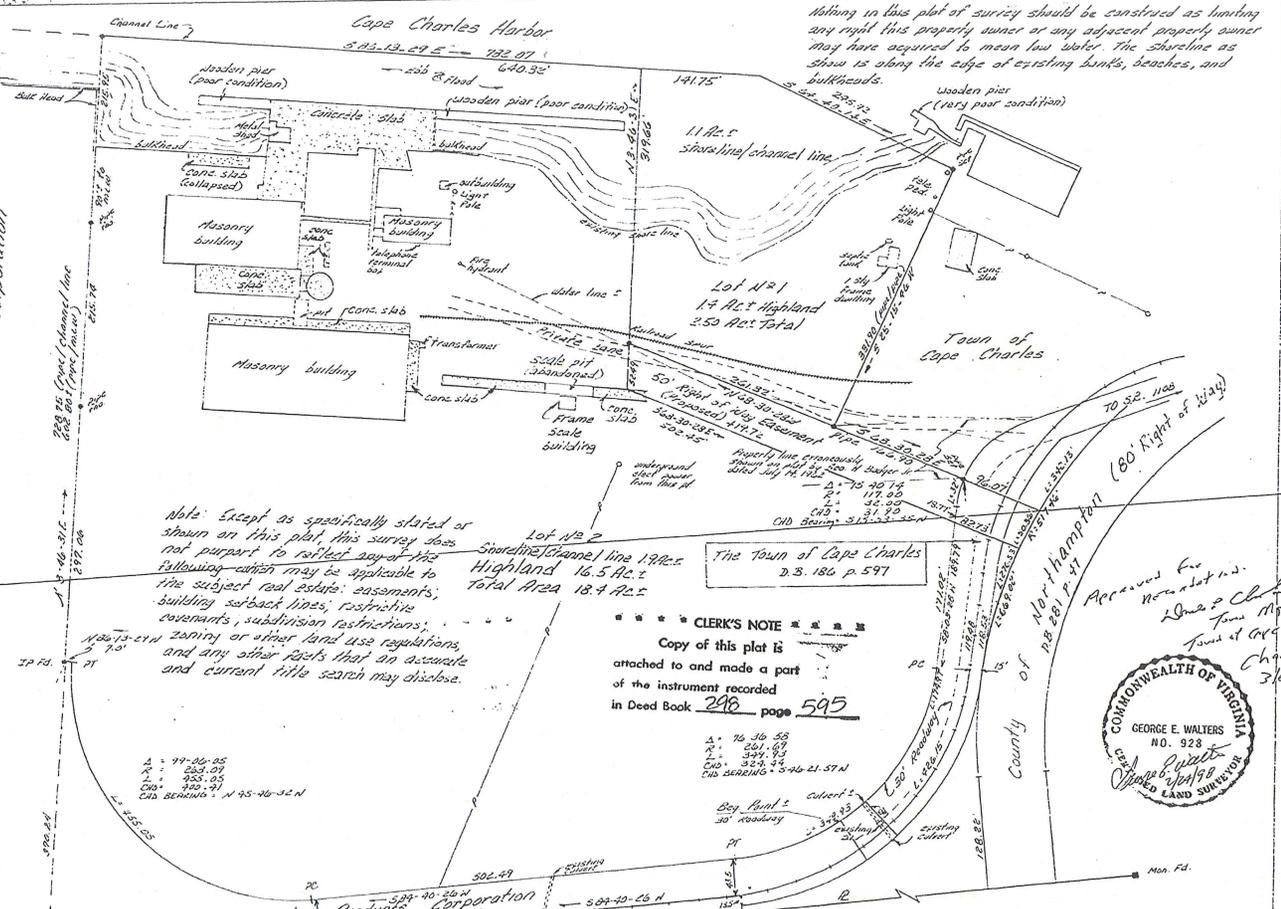
Town of Cape Charles
 2 Plum Street
 Cape Charles, VA 23310
 757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Contact Person: DAN BROWN / NEVILLE REYNOLDS Submittal Date: JULY 28, 2016
 Address: PO BOX 395, EASTVILLE VA Phone #: (757) 331-3100 / (804) 695-4344
 Email: danbrown.va@gmail.com

Requirement	Yes	No	N/A	Comments
Are the project title, name of applicant, and project designer (if applicable) provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the date, north arrow, and graphic scale provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the concept plan the minimum size of 8½" x 11" or maximum size 11" x 17"? If only plans larger than the maximum size are feasible, has the applicant provided 15 copies of the plan for distribution to the Planning Commission and Town Council?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is the size of the entire parcel in acres and, if applicable, is size of portion of parcel showing? Are the meets and bounds provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the adjacent streets, alleys, railroads, water bodies, natural features, etc. shown?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the locations, dimensions, and heights of all structures provided?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Are the number, type, and size of dwelling, retail or commercial office units, the gross density, and the location, size and type of recreational amenities provided for the residential, commercial, and mixed use projects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Are the location and dimensions of pedestrian access and plazas as well as vehicular driveways, parking spaces, and unloading facilities shown?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are any outstanding natural features to be conserved, such as slope, ground cover, surface water, trees and vegetation, floodplain, etc. shown?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are any signs, including type, area, height, and placement on site shown?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is lighting information provided, if applicable?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Is the location and description of any screening and buffering along the lot perimeter or within the lot provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Are the building elevations or renderings and description of landscape improvements provided?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Is there other information pertinent to the specific request including areas outdoors which are designated for conditional uses, for example, accessory uses, storage areas, recreation area, loading/unloading areas, and dumpster areas on the concept plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Beyschore Concrete Products Corporation



Note: Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations; and any other facts that an accurate and current title search may disclose.

CLERK'S NOTE
 Copy of this plat is attached to and made a part of the instrument recorded in Deed Book 296 page 595

Δ = 76 30 58
 P. = 201.69
 T. = 399.93
 C. = 324.45
 C. = 526.16
 S. = 46 21 57 N



Received for
 record at 11:00
 George E. Walters
 Town of Cape Charles
 Town of Cape Charles
 3/16/98

June 15, 2016

Patrick Cunningham
Harbour Development Group, LLC
2728 Nestlebrook Trail
Virginia Beach, VA 23456

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

Dear Mr. Manuel,

Please allow Cherrystone I, LLC, Eyre Baldwin, and/or James Gunn to submit a request to Town of Cape Charles to change the zoning of lot #83A3-11-2 to Industrial. The parties mentioned above have contracted to purchase this land. Please let this correspondence serve as current land-owner consent allowing Cherrystone I, LLC/Baldwin/Gunn to move forward with the zoning request. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick L. Cunningham', with a long horizontal flourish extending to the right.

Patrick L. Cunningham
Managing Member - Harbour Development Group, LLC

LIST OF ADJACENT PROPERTY OWNERS

83A3-11-1

PROPERTY	TAX MAP	OWNER	ADDRESS	MAILING		
1	83A3-A-20	The Town of Cape Charles	Bayshore RD	PO Box 395	Eastville, VA	23347
2	83A3-11-2	Harbour Development Group, LLC	1101 Bayshore RD	2728 Nestlebrook Trail	Virginia Beach, VA	23456
3	90-A-2	Bayshore Concrete Products Corporation	1134 Bayshore RD	1134 Bayshore Road	Cape Charles, VA	23310

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Re-appointment to the Building Code Board of Appeals		AGENDA DATE: August 18, 2016
	SUBJECT/PROPOSAL/REQUEST: Reappoint member to Building Code Board of Appeals		ITEM NUMBER: 8A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Jeb Brady, Code Official	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

The Building Code Board of Appeals meets as needed to hear appeals concerning the Uniform Statewide Building Code. The Board consists of five individuals each serving five-year terms.

DISCUSSION:

Matthew Brown currently serves on the Building Code Board of Appeals and his term expires September 10, 2016. Mr. Brown has expressed his interest in continuing his service on the Board for another term.

RECOMMENDATION:

Staff recommends Council reappoint Mr. Matthew Brown to the Building Code Board of Appeals for another five-year term.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Planning Commission Representative to the Harbor Area Review Board		AGENDA DATE: August 18, 2016
	SUBJECT/PROPOSAL/REQUEST: Appointment of Planning Commissioner to the Harbor Area Review Board		ITEM NUMBER: 8B
	ATTACHMENTS: None		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Larry DiRe	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

Article IX, §§ 9.7 and 9.8 of the Cape Charles Zoning Ordinance address the appointment and membership term of the Harbor Area Review Board (HARB). The HARB consists of seven members including one Town Council representative, one Historic District Review Board representative and two Planning Commission representatives whose terms coincide with the terms on their respective boards.

ITEM SPECIFICS:

Councilwoman Natali served as one of the Planning Commission representatives until July 21, 2016 when the Town Council appointed Councilman Buchholz as the Council representative to the Planning Commission. With this appointment, a new Planning Commission representative to the HARB also needs to be named.

The Planning Commissioners will be discussing this item at their August 15, 2016 Regular Meeting and making a recommendation for Council consideration.

RECOMMENDATION:

Staff recommends that pursuant to Article IX Section 9.7 of the Zoning Ordinance the Town Council appoint a Planning Commission representative to the Harbor Area Review Board.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: FY2017 Budget Re-Appropriation		AGENDA DATE: August 18, 2016
	SUBJECT/PROPOSAL/REQUEST: Request to re-appropriate funding for the hazardous duty retirement actuarial study and the new enterprise management software.		ITEM NUMBER: 8C
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Deborah Pocock	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

Two projects budgeted in FY2016 will not be completed until fall of FY2017. The projects are the Virginia Retirement System (VRS) actuarial study for the Town's police officers at \$2,000, and the Southern Software FMS implementation with a remaining balance of \$36,069 and overtime for implementation at \$3,000.

DISCUSSION:

The VRS actuarial study of the cost for allowing the town's police officers to participate in the Hazardous Duty retirement system is a lengthier process than was anticipated, and although the study was budgeted for in FY2016, the Town will not be billed for it until FY17. The new Enterprise Management Software implementation is in process as well, but final invoicing will not occur until the go-live date. The overtime will be needed to key in data that cannot be converted or that is for a new module, such as Business Licensing.

Town Code requires that the funding for a project that overruns its projected fiscal year be re-appropriated in the following fiscal year. It is lawful for Council to re-appropriate or otherwise amend the budget by up to 1% without public notice. The aggregate amount requested falls within allowable boundaries.

RECOMMENDATION:

Staff recommends that Council vote to re-appropriate a total of \$41,069 for fiscal year 2017 in order to complete both projects currently in progress.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: VML/VACo Finance - Review of Refunding Bid Analysis		AGENDA DATE: August 18, 2016
	SUBJECT/PROPOSAL/REQUEST: Review financing options provided by VML/VACo and pass resolution to authorize issuance and sale of Bonds Series 2016A and 2016B		ITEM NUMBER: 8D
	ATTACHMENTS: VML/VACo Bid analysis, draft Bond Purchase agreement, draft proposed Resolution		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Brent Manuel, Deborah Pocock	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

In the July meeting, Council approved the Town Manager to authorize VML/VACo to search for cost-saving refunding opportunities for both the Series 2006 bonds and the Series 2013 bonds. VML/VACo has returned a bid for consideration that would save a total of \$153,666 in interest, net of refunding costs. The proposal would also insure that the interest rate would remain constant throughout the term of the bonds.

DISCUSSION:

The proposal lists two general obligation refunding bond series, 2016A and 2016B. Series 2016A Bonds will refund the Series 2006 Bonds, which have a current balance of \$978,000, with an interest rate of 2.1%. Series 2016B's interest rate is 2.5% and will refund the Series 2013A and 2013B bonds. The total of both proposed refunding bonds, including costs of obtaining the financing as well as payoff of accrued interest on the current bonds, is \$3,131,000.

RECOMMENDATION:

Staff recommends Council review the attachments provided by VML/VACo, and pass a resolution to authorize the issuance and sale of general obligation refunding bonds in the aggregate principle amount not to exceed the refinance of the funding of Series 2013A and 2013B General Obligation Public Improvement Bonds, Series 2006 VML/VACO Bonds, accrued interest, and financing and administrative costs.



VML/VACO Finance - Fixed Rate Loan Program
Town of Cape Charles, Virginia
General Obligation Refunding Bond, Series 2016

Current Refunding of Series 2006 and 2013 Bonds

Bid Analysis

August 9, 2016



VML/VACo Finance - Fixed Rate Loan Program
Town of Cape Charles, Virginia
General Obligation Refunding Bond, Series 2016A and 2016B
Current Refunding of Series 2006 and 2013 Bonds

Preliminary Financing Terms and Assumptions

Program	VML/VACo Fixed Rate Loan Program
Bank <i>(determined through a competitive bidding process)</i>	Pinnacle Public Finance
Borrower	Town of Cape Charles
Par Amount	Series 2016A: \$978,000 Series 2016B: \$2,183,000
Security Pledge	General Obligation
Purpose	Series 2016A: Current Refunding of outstanding Series 2006 Bonds to realize debt service savings Series 2016B: Current Refunding of outstanding Series 2013 Bonds to extend the maturity and fix the interest rate until 2034. The bonds have an outstanding balance of \$2,133,000 with a mandatory put in 2024.
Tax-Exempt/Taxable	Tax-Exempt
Bank Qualified/Non-BQ	Bank Qualified
Interest Rate	Series 2016A: 2.10% Series 2016B: 2.50%



VML/VACo Finance - Fixed Rate Loan Program

Town of Cape Charles, Virginia

General Obligation Refunding Bond, Series 2016A and 2016B

Current Refunding of Series 2006 and 2013 Bonds

Preliminary Financing Terms and Assumptions

Interest Payments Due	Semi-annually, in arrears on February 1 & August 1 each year, commencing February 1, 2017
Principal Payments Due	Series 2016A: Annually, on August 1 each year, commencing August 1, 2017 Series 2016B: Annually, on February 1 each year, commencing February 1, 2017
Amortization	Series 2016A: Fully amortizing over term with level annual savings Series 2016B: Fully amortizing over term to match current annual debt service
Maturity	Series 2016A: August 1, 2026 Series 2016B: February 1, 2034



VML/VACo Finance - Fixed Rate Loan Program
 Town of Cape Charles, Virginia
 General Obligation Refunding Bond, Series 2016A and 2016B
 Current Refunding of Series 2006 and 2013 Bonds

Estimated Sources & Uses of Funds

Sources of Funds:	<u>Series 2016A</u>	<u>Series 2016B</u>	<u>Total</u>
VML/VACo Fixed Rate Loan, 2016	<u>978,000.00</u>	<u>2,183,000.00</u>	<u>3,161,000.00</u>
Total Sources of Funds	<u>978,000.00</u>	<u>2,183,000.00</u>	<u>3,161,000.00</u>
 Uses of Funds:			
Principal Pay off	965,000.00	2,133,000.00	3,098,000.00
Accrued Interest to 9/1/16	5,500.00	28,262.25	33,762.25
Estimated Costs of Issuance ¹	8,375.00	25,125.00	33,500.00
Less VLGFC Grant ²	<u>(1,250.00)</u>	<u>(3,750.00)</u>	(5,000.00)
Estimated Costs of Issuance, Net	7,125.00	21,375.00	28,500.00
Contingency	<u>375.00</u>	<u>362.75</u>	<u>737.75</u>
Total Uses of Funds	<u>978,000.00</u>	<u>2,183,000.00</u>	<u>3,161,000.00</u>

¹ Includes Bond Counsel, Bank Counsel, and Program Administration. Total costs of Issuance are allocated on a pro rata basis. If either bond is issued without the other, costs of issuance will increase for that bond.

² Virginia Local Government Finance Corporation (VLGFC) has approved a \$5,000 grant for borrowers in the Fixed Rate Loan Program. The grant may be applied toward costs of issuance (as assumed in this analysis) or for any other purpose.



Current Refunding of Series 2006 Bonds



VML/VACo Finance - Fixed Rate Loan Program
 Town of Cape Charles, Virginia
 General Obligation Refunding Bond, Series 2016A and 2016B
 Current Refunding of Series 2006 and 2013 Bonds

Summary of Refunded Bonds - Series 2006

Outstanding Par of Series 2006 Bonds	\$965,000
Interest Rates	4.40% to 5.00%
Optional Call Date	Any time beginning August 1, 2016
Optional Call Price	100%

Summary of Refunding - Series 2006

Purpose	To realize debt service savings
New Rate	Fixed rate of 2.10% until final maturity, August 1, 2026
Total Debt Service Savings*	\$142,224
Net Present Value Savings*	\$127,886
Net PV Savings as % of Refunded Par*	13.25%
Average Annual Debt Service Savings*	\$12,929

* Net of costs of issuance allocated to this refunding

Preliminary

VML/VACo Finance

Town of Cape Charles, Virginia

General Obligation Refunding Bond, Series 2016A

Current Refunding of Series 2006 Bonds @ 2.10%

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings	Fiscal Total
09/01/2016	-	-	-	-	-
02/01/2017	8,557.50	8,557.50	22,795.00	14,237.50	14,237.50
08/01/2017	126,269.00	126,269.00	127,795.00	1,526.00	-
02/01/2018	9,051.00	9,051.00	20,485.00	11,434.00	12,960.00
08/01/2018	98,051.00	98,051.00	100,485.00	2,434.00	-
02/01/2019	8,116.50	8,116.50	18,685.00	10,568.50	13,002.50
08/01/2019	96,116.50	96,116.50	98,685.00	2,568.50	-
02/01/2020	7,192.50	7,192.50	16,885.00	9,692.50	12,261.00
08/01/2020	97,192.50	97,192.50	101,885.00	4,692.50	-
02/01/2021	6,247.50	6,247.50	14,760.00	8,512.50	13,205.00
08/01/2021	99,247.50	99,247.50	104,760.00	5,512.50	-
02/01/2022	5,271.00	5,271.00	12,735.00	7,464.00	12,976.50
08/01/2022	101,271.00	101,271.00	107,735.00	6,464.00	-
02/01/2023	4,263.00	4,263.00	10,550.00	6,287.00	12,751.00
08/01/2023	103,263.00	103,263.00	110,550.00	7,287.00	-
02/01/2024	3,223.50	3,223.50	8,250.00	5,026.50	12,313.50
08/01/2024	104,223.50	104,223.50	113,250.00	9,026.50	-
02/01/2025	2,163.00	2,163.00	5,625.00	3,462.00	12,488.50
08/01/2025	104,163.00	104,163.00	115,625.00	11,462.00	-
02/01/2026	1,092.00	1,092.00	2,875.00	1,783.00	13,245.00
08/01/2026	105,092.00	105,092.00	117,875.00	12,783.00	-
02/01/2027	-	-	-	-	12,783.00
Total	\$1,090,066.50	\$1,090,066.50	\$1,232,290.00	\$142,223.50	-

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	126,949.47
Net PV Cashflow Savings @ 2.271%(AIC)	126,949.47
Contingency or Rounding Amount	936.08
Net Present Value Benefit	\$127,885.55
Net PV Benefit / \$965,000 Refunded Principal	13.252%
Net PV Benefit / \$978,000 Refunding Principal	13.076%

Refunding Bond Information

Refunding Dated Date	9/01/2016
Refunding Delivery Date	9/01/2016

Preliminary

VML/VACo Finance

Town of Cape Charles, Virginia

General Obligation Refunding Bond, Series 2016A

Current Refunding of Series 2006 Bonds @ 2.10%

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/01/2016	-	-	-	-	-
02/01/2017	-	-	8,557.50	8,557.50	8,557.50
08/01/2017	116,000.00	2.100%	10,269.00	126,269.00	-
02/01/2018	-	-	9,051.00	9,051.00	135,320.00
08/01/2018	89,000.00	2.100%	9,051.00	98,051.00	-
02/01/2019	-	-	8,116.50	8,116.50	106,167.50
08/01/2019	88,000.00	2.100%	8,116.50	96,116.50	-
02/01/2020	-	-	7,192.50	7,192.50	103,309.00
08/01/2020	90,000.00	2.100%	7,192.50	97,192.50	-
02/01/2021	-	-	6,247.50	6,247.50	103,440.00
08/01/2021	93,000.00	2.100%	6,247.50	99,247.50	-
02/01/2022	-	-	5,271.00	5,271.00	104,518.50
08/01/2022	96,000.00	2.100%	5,271.00	101,271.00	-
02/01/2023	-	-	4,263.00	4,263.00	105,534.00
08/01/2023	99,000.00	2.100%	4,263.00	103,263.00	-
02/01/2024	-	-	3,223.50	3,223.50	106,486.50
08/01/2024	101,000.00	2.100%	3,223.50	104,223.50	-
02/01/2025	-	-	2,163.00	2,163.00	106,386.50
08/01/2025	102,000.00	2.100%	2,163.00	104,163.00	-
02/01/2026	-	-	1,092.00	1,092.00	105,255.00
08/01/2026	104,000.00	2.100%	1,092.00	105,092.00	-
02/01/2027	-	-	-	-	105,092.00
Total	\$978,000.00	-	\$112,066.50	\$1,090,066.50	-

Yield Statistics

Bond Year Dollars	\$5,336.50
Average Life	5.457 Years
Average Coupon	2.1000000%
Net Interest Cost (NIC)	2.1000000%
True Interest Cost (TIC)	2.1001497%
Bond Yield for Arbitrage Purposes	2.1001343%
All Inclusive Cost (AIC)	2.2707827%

IRS Form 8038

Net Interest Cost	2.1000000%
Weighted Average Maturity	5.457 Years



Current Refunding of Series 2013 Bonds



VML/VACo Finance - Fixed Rate Loan Program
 Town of Cape Charles, Virginia
 General Obligation Refunding Bond, Series 2016A and 2016B
Current Refunding of Series 2006 and 2013 Bonds

Summary of Refunded Bond - Series 2013

Outstanding Par of Series 2013 Bonds	\$2,133,000
Interest Rate	2.65%, subject to mandatory put on March 1, 2024
Optional Call Date	On any scheduled payment date
Optional Call Price	100%

Summary of Refunding - Series 2013

Purpose	To extend the maturity and fix the interest rate until 2034
New Rate	Fixed rate of 2.50% until final maturity, February 1, 2034
Total Debt Service Savings*	\$11,442
Net Present Value Savings*	\$5,264

* *Net of costs of issuance allocated to this refunding*

Preliminary

VML/VACo Finance

Town of Cape Charles, Virginia

General Obligation Refunding Bonds, Series 2016B

Current Refunding of Series 2013 Bonds @ 2.50%

Debt Service Comparison

Part 1 of 3

Date	Total P+I	Net New D/S	Old Net D/S	Savings	Fiscal Total
09/01/2016	-	-	28,262.25	28,262.25	-
02/01/2017	98,739.58	98,739.58	-	(98,739.58)	-
03/01/2017	-	-	71,262.25	71,262.25	784.92
08/01/2017	26,337.50	26,337.50	-	(26,337.50)	-
09/01/2017	-	-	27,692.50	27,692.50	-
02/01/2018	101,337.50	101,337.50	-	(101,337.50)	-
03/01/2018	-	-	100,692.50	100,692.50	710.00
08/01/2018	25,400.00	25,400.00	-	(25,400.00)	-
09/01/2018	-	-	26,725.25	26,725.25	-
02/01/2019	130,400.00	130,400.00	-	(130,400.00)	-
03/01/2019	-	-	129,725.25	129,725.25	650.50
08/01/2019	24,087.50	24,087.50	-	(24,087.50)	-
09/01/2019	-	-	25,360.50	25,360.50	-
02/01/2020	132,087.50	132,087.50	-	(132,087.50)	-
03/01/2020	-	-	131,360.50	131,360.50	546.00
08/01/2020	22,737.50	22,737.50	-	(22,737.50)	-
09/01/2020	-	-	23,956.00	23,956.00	-
02/01/2021	131,737.50	131,737.50	-	(131,737.50)	-
03/01/2021	-	-	130,956.00	130,956.00	437.00
08/01/2021	21,375.00	21,375.00	-	(21,375.00)	-
09/01/2021	-	-	22,538.25	22,538.25	-
02/01/2022	131,375.00	131,375.00	-	(131,375.00)	-
03/01/2022	-	-	130,538.25	130,538.25	326.50
08/01/2022	20,000.00	20,000.00	-	(20,000.00)	-
09/01/2022	-	-	21,107.25	21,107.25	-
02/01/2023	132,000.00	132,000.00	-	(132,000.00)	-
03/01/2023	-	-	131,107.25	131,107.25	214.50
08/01/2023	18,600.00	18,600.00	-	(18,600.00)	-
09/01/2023	-	-	19,649.75	19,649.75	-
02/01/2024	135,600.00	135,600.00	-	(135,600.00)	-
03/01/2024	-	-	135,649.75	135,649.75	1,099.50
08/01/2024	17,137.50	17,137.50	-	(17,137.50)	-
09/01/2024	-	-	18,112.75	18,112.75	-
02/01/2025	137,137.50	137,137.50	-	(137,137.50)	-
03/01/2025	-	-	137,112.75	137,112.75	950.50
08/01/2025	15,637.50	15,637.50	-	(15,637.50)	-
09/01/2025	-	-	16,536.00	16,536.00	-
02/01/2026	140,637.50	140,637.50	-	(140,637.50)	-
03/01/2026	-	-	140,536.00	140,536.00	797.00
08/01/2026	14,075.00	14,075.00	-	(14,075.00)	-
09/01/2026	-	-	14,893.00	14,893.00	-
02/01/2027	138,075.00	138,075.00	-	(138,075.00)	-
03/01/2027	-	-	137,893.00	137,893.00	636.00

VML/VACo Finance

Leading Provider of Financial Services to Virginia Local Governments

Preliminary

VML/VACo Finance

Town of Cape Charles, Virginia

General Obligation Refunding Bonds, Series 2016B

Current Refunding of Series 2013 Bonds @ 2.50%

Debt Service Comparison

Part 2 of 3

Date	Total P+I	Net New D/S	Old Net D/S	Savings	Fiscal Total
08/01/2027	12,525.00	12,525.00	-	(12,525.00)	-
09/01/2027	-	-	13,263.25	13,263.25	-
02/01/2028	186,525.00	186,525.00	-	(186,525.00)	-
03/01/2028	-	-	186,263.25	186,263.25	476.50
08/01/2028	10,350.00	10,350.00	-	(10,350.00)	-
09/01/2028	-	-	10,971.00	10,971.00	-
02/01/2029	192,350.00	192,350.00	-	(192,350.00)	-
03/01/2029	-	-	191,971.00	191,971.00	242.00
08/01/2029	8,075.00	8,075.00	-	(8,075.00)	-
09/01/2029	-	-	8,572.75	8,572.75	-
02/01/2030	193,075.00	193,075.00	-	(193,075.00)	-
03/01/2030	-	-	193,572.75	193,572.75	995.50
08/01/2030	5,762.50	5,762.50	-	(5,762.50)	-
09/01/2030	-	-	6,121.50	6,121.50	-
02/01/2031	162,762.50	162,762.50	-	(162,762.50)	-
03/01/2031	-	-	163,121.50	163,121.50	718.00
08/01/2031	3,800.00	3,800.00	-	(3,800.00)	-
09/01/2031	-	-	4,041.25	4,041.25	-
02/01/2032	164,800.00	164,800.00	-	(164,800.00)	-
03/01/2032	-	-	165,041.25	165,041.25	482.50
08/01/2032	1,787.50	1,787.50	-	(1,787.50)	-
09/01/2032	-	-	1,908.00	1,908.00	-
02/01/2033	72,787.50	72,787.50	-	(72,787.50)	-
03/01/2033	-	-	72,908.00	72,908.00	241.00
08/01/2033	900.00	900.00	-	(900.00)	-
09/01/2033	-	-	967.25	967.25	-
02/01/2034	72,900.00	72,900.00	-	(72,900.00)	-
03/01/2034	-	-	73,967.25	73,967.25	1,134.50
Total	\$2,702,914.58	\$2,702,914.58	\$2,714,357.00	\$11,442.42	-

VML/VACo Finance

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Preliminary

VML/VACo Finance

Town of Cape Charles, Virginia

General Obligation Refunding Bonds, Series 2016B

Current Refunding of Series 2013 Bonds @ 2.50%

Debt Service Comparison

Part 3 of 3

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	4,901.48
Net PV Cashflow Savings @ 2.642%(AIC)	4,901.48
Contingency or Rounding Amount	362.75
Net Present Value Benefit	\$5,264.23
Net PV Benefit / \$2,133,000 Refunded Principal	0.247%
Net PV Benefit / \$2,183,000 Refunding Principal	0.241%

Refunding Bond Information

Refunding Dated Date	9/01/2016
Refunding Delivery Date	9/01/2016

Preliminary

VML/VACo Finance

Town of Cape Charles, Virginia

General Obligation Refunding Bonds, Series 2016B

Current Refunding of Series 2013 Bonds @ 2.50%

Debt Service Schedule

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
09/01/2016	-	-	-	-	-
02/01/2017	76,000.00	2.500%	22,739.58	98,739.58	-
03/01/2017	-	-	-	-	98,739.58
08/01/2017	-	-	26,337.50	26,337.50	-
02/01/2018	75,000.00	2.500%	26,337.50	101,337.50	-
03/01/2018	-	-	-	-	127,675.00
08/01/2018	-	-	25,400.00	25,400.00	-
02/01/2019	105,000.00	2.500%	25,400.00	130,400.00	-
03/01/2019	-	-	-	-	155,800.00
08/01/2019	-	-	24,087.50	24,087.50	-
02/01/2020	108,000.00	2.500%	24,087.50	132,087.50	-
03/01/2020	-	-	-	-	156,175.00
08/01/2020	-	-	22,737.50	22,737.50	-
02/01/2021	109,000.00	2.500%	22,737.50	131,737.50	-
03/01/2021	-	-	-	-	154,475.00
08/01/2021	-	-	21,375.00	21,375.00	-
02/01/2022	110,000.00	2.500%	21,375.00	131,375.00	-
03/01/2022	-	-	-	-	152,750.00
08/01/2022	-	-	20,000.00	20,000.00	-
02/01/2023	112,000.00	2.500%	20,000.00	132,000.00	-
03/01/2023	-	-	-	-	152,000.00
08/01/2023	-	-	18,600.00	18,600.00	-
02/01/2024	117,000.00	2.500%	18,600.00	135,600.00	-
03/01/2024	-	-	-	-	154,200.00
08/01/2024	-	-	17,137.50	17,137.50	-
02/01/2025	120,000.00	2.500%	17,137.50	137,137.50	-
03/01/2025	-	-	-	-	154,275.00
08/01/2025	-	-	15,637.50	15,637.50	-
02/01/2026	125,000.00	2.500%	15,637.50	140,637.50	-
03/01/2026	-	-	-	-	156,275.00
08/01/2026	-	-	14,075.00	14,075.00	-
02/01/2027	124,000.00	2.500%	14,075.00	138,075.00	-
03/01/2027	-	-	-	-	152,150.00
08/01/2027	-	-	12,525.00	12,525.00	-
02/01/2028	174,000.00	2.500%	12,525.00	186,525.00	-
03/01/2028	-	-	-	-	199,050.00
08/01/2028	-	-	10,350.00	10,350.00	-
02/01/2029	182,000.00	2.500%	10,350.00	192,350.00	-
03/01/2029	-	-	-	-	202,700.00
08/01/2029	-	-	8,075.00	8,075.00	-
02/01/2030	185,000.00	2.500%	8,075.00	193,075.00	-
03/01/2030	-	-	-	-	201,150.00
08/01/2030	-	-	5,762.50	5,762.50	-

VML/VACo Finance

Leading Provider of Financial Services to Virginia Local Governments

Preliminary

VML/VACo Finance

Town of Cape Charles, Virginia

General Obligation Refunding Bonds, Series 2016B

Current Refunding of Series 2013 Bonds @ 2.50%

Debt Service Schedule

Part 2 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/01/2031	157,000.00	2.500%	5,762.50	162,762.50	-
03/01/2031	-	-	-	-	168,525.00
08/01/2031	-	-	3,800.00	3,800.00	-
02/01/2032	161,000.00	2.500%	3,800.00	164,800.00	-
03/01/2032	-	-	-	-	168,600.00
08/01/2032	-	-	1,787.50	1,787.50	-
02/01/2033	71,000.00	2.500%	1,787.50	72,787.50	-
03/01/2033	-	-	-	-	74,575.00
08/01/2033	-	-	900.00	900.00	-
02/01/2034	72,000.00	2.500%	900.00	72,900.00	-
03/01/2034	-	-	-	-	73,800.00
Total	\$2,183,000.00	-	\$519,914.58	\$2,702,914.58	-

Yield Statistics

Bond Year Dollars	\$20,796.58
Average Life	9.527 Years
Average Coupon	2.5000000%
Net Interest Cost (NIC)	2.5000000%
True Interest Cost (TIC)	2.5001302%
Bond Yield for Arbitrage Purposes	2.5001302%
All Inclusive Cost (AIC)	2.6415006%

IRS Form 8038

Net Interest Cost	2.5000000%
Weighted Average Maturity	9.527 Years

VML/VACo Finance

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CERTIFICATE

The undersigned Clerk of the Town Council of the Town of Cape Charles, Virginia (the "Council"), hereby certifies that:

1. Upon notice duly given, a meeting of the Council was duly called and held on August 18, 2016 (the "Meeting").

2. Attached hereto is a true, correct and complete copy of a resolution (the "Resolution") of the Council entitled "Resolution of the Town Council of the Town of Cape Charles, Virginia, Authorizing the Issuance and Sale of its General Obligation Refunding Bonds, Series 2016A and 2016B, and Approving the Execution and Delivery of Certain Documents Prepared in Connection Therewith," as recorded in full in the minutes of the Meeting and duly adopted by a majority of the members of the Council present and voting during the Meeting.

3. A summary of the members of the Council present or absent at the Meeting, and the recorded vote with respect to the Resolution, is set forth below:

Member Name	Voting				
	Present	Absent	Yes	No	Abstaining
George Proto, Mayor	_____	_____	_____	_____	_____
Chris Bannon, Vice Mayor	_____	_____	_____	_____	_____
Steve Bennett	_____	_____	_____	_____	_____
Charles Brown	_____	_____	_____	_____	_____
Andrew Buchholz	_____	_____	_____	_____	_____
Joan Natali	_____	_____	_____	_____	_____
Dora Sullivan	_____	_____	_____	_____	_____

4. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the Town of Cape Charles, Virginia, dated August _____ 2016.

Clerk, Town of Cape Charles, Virginia

(SEAL)

**RESOLUTION 20160818
OF THE TOWN COUNCIL
OF THE TOWN OF CAPE CHARLES, VIRGINIA,
AUTHORIZING THE ISSUANCE AND SALE OF ITS GENERAL
OBLIGATION REFUNDING BONDS, SERIES 2016A AND 2016B, AND
APPROVING THE EXECUTION AND DELIVERY OF CERTAIN
DOCUMENTS PREPARED IN CONNECTION THEREWITH**

August 18, 2016

WHEREAS, the Town Council of the Town of Cape Charles, Virginia (the "Town") has determined that it is necessary and advisable to borrow money and issue its general obligation refunding bonds to finance the refunding of its \$1,795,000 General Obligation Public Improvement Bond, Series 2006, its \$1,201,000 General Obligation Refunding Bond, Series 2013A, and its \$1,019,000 General Obligation Public Improvement Bond, Series 2013B (collectively, the "Outstanding Bonds"), together with related administrative and financing costs (collectively, "the Project");

WHEREAS, the staff of the Town have utilized the services of the Virginia Municipal League/Virginia Association of Counties' ("VML/VACo") Finance Program to solicit proposals from banking institutions and received a proposal from Pinnacle Public Finance, Inc., a Delaware corporation (the "Lender") to loan money to the Town and to purchase the Bonds (as defined below) and the Lender has indicated its willingness to purchase such Bonds in accordance with the terms of the Bond Purchase Agreements between the Lender and the Town (the "Agreements"), the forms of which have been presented to this meeting;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Town Council of the Town of Cape Charles, Virginia:

1. Authorization, Issuance, Use and Sale of the Bonds. Pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and without regard to any requirements or restrictions contained in any charter or special act of the Town, the Town Council hereby authorizes the issuance and sale of its general obligation refunding bonds in the aggregate principal amount not to exceed the amounts set forth below to provide funds to refund all of the Outstanding Bonds, whereby funds will be used to pay accrued interest thereon and the outstanding principal of such bonds, and to pay issuance and finance costs incurred in issuing the Bonds (as hereafter defined).

2. Approval of Plan of Finance. The Town Council hereby accepts the proposal of the Lender to purchase the Town's Bonds on the terms set forth in the Lender's proposal dated August 8, 2016 and as further amended. The Mayor and the Town Manager, either of whom may act, are

authorized to arrange for the issuance of the Bonds. The Bonds shall be issued on the terms set forth in this Resolution and on such additional terms, not inconsistent with this Resolution, as the Mayor or the Town Manager may approve, such approval to be evidenced conclusively by the execution and delivery of the Bonds.

3. Authorization of Bond Purchase Agreements. The forms of the Agreements and the Bonds (collectively, the “Loan Documents”), each of which has been submitted to this meeting, are hereby approved. The Mayor and the Town Manager (each an “Authorized Signatory”) are each authorized to execute the Loan Documents in substantially such forms, with such completions, omissions, insertions and changes (including of dates) not inconsistent with this Resolution as may be approved by the Mayor and the Town Manager, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the Bonds to the Lender shall be upon the terms and conditions of the Agreements. The proceeds of the Bonds shall be applied in the manner set forth in the Agreements and related documents. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Agreements.

4. Bond Details. The Bonds shall be issued as single, fully registered bonds, shall be designated “General Obligation Refunding Bond, Series 2016A” (the “2016A Bond”) and “General Obligation Refunding Bond, Series 2016B” (the “2016B Bond” and, together with the 2016A Bond, the “Bonds”), shall each be numbered R-1, and shall be in substantially the forms of Exhibit A to this Resolution, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing such Bonds. The Town Council authorizes the issuance and sale of the Bonds on such terms as shall be satisfactory to the Mayor or the Town Manager; provided however, that (a) the 2016A Bond (i) shall be in a principal amount not to exceed \$980,000, (ii) shall mature no later than August 1, 2026, and (iii) shall bear interest on the outstanding principal balance thereof at an annual rate of interest not to exceed two and one-tenths percent (2.10%) (provided that interest may be payable at a rate in excess thereof upon a determination of taxability or default as provided in the related Agreement), and (b) the 2016B Bond (i) shall be in a principal amount not to exceed \$2,185,000, (ii) shall mature no later than February 1, 2034, and (iii) shall bear interest on the outstanding principal balance thereof at an annual rate of interest not to exceed two and one-half percent (2.50%) (provided that interest may be payable at a rate in excess thereof upon a determination of taxability or default as provided in the related Agreement). Subject to the preceding terms, the Town Council further authorizes either the Mayor or the Town Manager to (1) determine the final principal amounts of the Bonds and (2) to establish the maturity dates and principal amortization schedules (including the principal installment dates and amounts, if any) for the Bonds in such manner as the Mayor or the Town Manager shall determine to be in the best interest of the Town. The Mayor or the Town Manager’s approval of the final terms, purchase prices, interest rates, any make whole provisions on prepayment, maturity dates and amortization schedules of the Bonds shall be evidenced by the execution and delivery of the Bonds, and no further action shall be necessary on the part of the Town so long as such provisions are within the limits prescribed in this Resolution. The principal of and premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

5. Payment and Redemption Provisions. The principal of and premium, if any, and interest on the Bonds shall be payable as set forth in the Bonds and the Agreements. The Town may, at its option, redeem, prepay or refund the Bonds upon the terms set forth in the Agreements.

6. Preparation of Printed Bonds; Mutilated or Destroyed Bonds. Upon the reasonable request of the registered owner and upon presentation of one or both of the Bonds at the office of the Registrar (as hereinafter defined), the Town shall arrange to have prepared, executed and delivered in exchange as soon as practicable a Bond in printed form in an aggregate principal amount equal to the unpaid principal of the related Bond. The Bonds may be executed by manual or facsimile signature of the Mayor, with the Town's seal affixed thereto and attested by the Town Clerk; provided, however, that, if both such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature of the Registrar and the date of authentication noted thereon. A typewritten Bond surrendered in any such exchange shall be canceled. If a Bond has been mutilated, lost or destroyed, the Town shall execute and deliver a new Bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Bond or in lieu of and in substitution for such lost or destroyed Bond; provided, however, that the Town shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the Town in connection therewith and, in the case of a lost or destroyed Bond, (a) has filed with the Town evidence satisfactory to the Town that such Bond was lost or destroyed and (b) has furnished to the Town satisfactory indemnity.

7. Pledge of Full Faith and Credit. The Bonds shall each be a general obligation of the Town for which the full faith and credit of the Town is hereby irrevocably pledged for the payment of principal of and interest and premium, if any, on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Town Council shall levy and collect an ad valorem tax, over and above all other taxes authorized or limited by law, on all locally taxable property in the Town sufficient to pay when due the principal of and interest on the Bonds and all other payment obligations under the Agreements.

8. Appointment of Registrar and Paying Agent; Transfer. The Town Treasurer is appointed as Registrar and Paying Agent for the Bonds. The Bonds may be transferred only by an assignment duly executed by the registered owner hereof or such owner's attorney or legal representative in a form satisfactory to the Registrar. Such transfer shall be made in the registration books kept by the Registrar upon presentation and surrender hereof and the Town shall execute, and the Registrar shall authenticate, if necessary, and deliver in exchange, a new Bond having an equal aggregate principal amount, of the same form and maturity, bearing interest at the same rate, and registered in such name as requested by the then registered owner hereof or such owner's attorney or legal representative. Any such exchange shall be at the expense of the Town, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Town Manager may designate a successor Registrar and/or Paying Agent, provided that written notice specifying the name and location of the principal office of any such successor shall be given to the registered owner of the Bonds. Upon registration of transfer of the Bonds,

the Registrar shall furnish written notice to the transferee of the name and location of the principal office of the Registrar and/or the Paying Agent.

9. Tax Provisions. The Town covenants that it shall not take or omit to take any action the taking or omission of which will cause either of the Bonds to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the “Code”), or otherwise cause interest on either of the Bonds to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the Town shall comply with any provision of law that may require the Town at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of either of the Bonds, unless the Town receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on either of the Bonds from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The Town shall pay any such required rebate from legally available funds.

10. Other Actions. All other actions of Town officials in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby ratified, approved and confirmed. The Town officials are hereby authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds pursuant to this Resolution and the Agreements.

11. Constitutional Authority and Severability. The Bonds shall be issued under the provisions of Article VII, Section 10(a) of the Constitution of Virginia (other than Subsection (2) thereof). The principal of and interest on the Bonds shall be payable from ad valorem taxes to be levied without limitation as to rate or amount on all property in the Town subject to taxation, to the extent other funds of the Town are not lawfully available and appropriated for such purpose. If any court of competent jurisdiction shall hold any provision of this Resolution to be invalid and unenforceable, such holding shall not invalidate any other provision hereof.

12. Effective Date; Applicable Law. This Resolution shall take effect immediately. The Town Council elects to issue the Bonds pursuant to the provisions of the Act.

Mayor, Town of Cape Charles, Virginia

ATTEST:

Clerk, Town of Cape Charles, Virginia

Form of Bonds

Interest on this bond is intended by the issuer hereof to be exempt from gross income for federal income tax purposes.

REGISTERED

DATED DATE

R-1

September 1, 2016

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

TOWN OF CAPE CHARLES, VIRGINIA

\$978,000

**GENERAL OBLIGATION REFUNDING BOND
SERIES 2016A**

THE TOWN OF CAPE CHARLES, VIRGINIA (the "Locality"), for value received, acknowledges itself indebted and promises to pay to **PINNACLE PUBLIC FINANCE, INC.** (the "Lender"), and its registered assigns or legal representative, the principal amount of:

NINE HUNDRED SEVENTY-EIGHT THOUSAND DOLLARS (\$978,000)

on or before August 1, 2026, together with interest on the outstanding principal amount of this Bond. Principal of this Bond shall be payable annually, and interest hereon shall be payable in semi-annual installments, all in the amounts and on the dates set forth in Schedule I attached hereto and further subject to the provisions of the Bond Purchase Agreement dated as of September 1, 2016 (the "Agreement"), between the Lender and the Locality. The interest rate and interest amount accruing and payable may change from the amounts set forth in the Schedule I effective as of the date that the interest on this Bond is no longer deemed exempt from gross income for federal income tax purposes, all as set forth in the Agreement.

If any installment of principal of and interest on this Bond is not paid to the registered owner of this Bond on its due date, the Locality shall pay to the registered owner a late payment charge in an amount equal to five percent (5%) of the overdue installment. Principal and other sums hereunder are payable in lawful money of the United States of America without the requirement of presentation or surrender of this Bond, except with respect to the final payment of principal.

Subject to the provisions of the Agreement, so long as this Bond is held by the Lender or its registered assigns or legal representative, interest is payable by (i) check or draft mailed to the registered owner of this Bond at the address that appears on the registration books kept by the Locality's Treasurer, who has been appointed registrar and paying agent, or any successor bank or trust company (the "Registrar") or (ii) by wire transfer of funds pursuant to instructions provided by the Purchaser to the Paying Agent. In case any payment date on this Bond shall not be a Business Day (as defined below), then payment of principal, premium, if any, and interest need not be made on such date, but may be made on the next succeeding Business Day, and, if made on such next succeeding Business Day, no additional interest shall accrue for the period after such

payment date. "Business Day" means any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banking institutions generally are open for business in New York and Virginia. If an Event of Default has occurred and is continuing under the Agreement, the unpaid principal amount of this Bond shall bear interest at the Default Rate, as defined in the Agreement.

This Bond has been authorized by a resolution adopted by the Town Council of the Locality on August 18, 2016 (the "Bond Resolution"), and is issued pursuant to the Constitution and the Public Finance Act of 1991 of the Commonwealth of Virginia, and the Agreement. Proceeds of this Bond will be used to provide funds to (a) refund the Locality's \$1,795,000 General Obligation Public Improvement Bond, Series 2006, as set forth in the Resolution and (b) pay the issuance and financing costs incurred in issuing this Bond.

The full faith and credit of the Locality are hereby irrevocably pledged for the payment of principal of and interest and premium, if any, on this Bond and the performance of the Locality's obligations under the Agreement. Unless other funds are lawfully available and appropriated for timely payment of this Bond, the Town Council of the Locality shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Locality sufficient to pay when due the principal of and interest and premium, if any, on this Bond.

Notwithstanding anything in this Bond to the contrary, in addition to the payments of the principal provided for by this Bond, the Locality shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Agreement.

This Bond may be prepaid or redeemed at the option of the Locality upon the terms and conditions set forth in the Agreement. Capitalized terms used herein and not defined shall have the meaning as set forth in the Agreement.

Transfer of this Bond may be registered upon the registration books of the Registrar. Prior to due presentment for registration of transfer of this Bond, the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal hereof and the exercise of all other rights and powers of the owner.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and this Bond, together with all other indebtedness of the Locality, is within every debt and other limitation prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Locality has caused this Bond to be signed by the Mayor of the Locality and the seal of the Locality to be affixed hereto and attested by the Clerk of the Locality, and this Bond to be dated the date first above written.

(SEAL)

Mayor, Town of Cape Charles, Virginia

ATTEST:

Clerk of the Town of Cape Charles, Virginia

SCHEDULE I

**TOWN OF CAPE CHARLES, VIRGINIA
GENERAL OBLIGATION REFUNDING BOND
SERIES 2016A**

Rate of Interest: 2.10%*

Date	Payment	Interest	Principal	Balance
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[to be completed at closing]

Interest on this bond is intended by the issuer hereof to be exempt from gross income for federal income tax purposes.

REGISTERED

DATED DATE

R-1

September 1, 2016

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
TOWN OF CAPE CHARLES, VIRGINIA**

**\$2,183,000
GENERAL OBLIGATION REFUNDING BOND
SERIES 2016B**

THE TOWN OF CAPE CHARLES, VIRGINIA (the "Locality"), for value received, acknowledges itself indebted and promises to pay to **PINNACLE PUBLIC FINANCE, INC.** (the "Lender"), and its registered assigns or legal representative, the principal amount of:

**TWO MILLION ONE HUNDRED EIGHTY-THREE THOUSAND DOLLARS
(\$2,183,000)**

on or before February 1, 2034, together with interest on the outstanding principal amount of this Bond. Principal of this Bond shall be payable annually, and interest hereon shall be payable in semi-annual installments, all in the amounts and on the dates set forth in Schedule I attached hereto and further subject to the provisions of the Bond Purchase Agreement dated as of September 1, 2016 (the "Agreement"), between the Lender and the Locality. The interest rate and interest amount accruing and payable may change from the amounts set forth in the Schedule I effective as of the date that the interest on this Bond is no longer deemed exempt from gross income for federal income tax purposes, all as set forth in the Agreement.

If any installment of principal of and interest on this Bond is not paid to the registered owner of this Bond on its due date, the Locality shall pay to the registered owner a late payment charge in an amount equal to five percent (5%) of the overdue installment. Principal and other sums hereunder are payable in lawful money of the United States of America without the requirement of presentation or surrender of this Bond, except with respect to the final payment of principal.

Subject to the provisions of the Agreement, so long as this Bond is held by the Lender or its registered assigns or legal representative, interest is payable by (i) check or draft mailed to the registered owner of this Bond at the address that appears on the registration books kept by the Locality's Treasurer, who has been appointed registrar and paying agent, or any successor bank or trust company (the "Registrar") or (ii) by wire transfer of funds pursuant to instructions provided by the Purchaser to the Paying Agent. In case any payment date on this Bond shall not be a Business Day (as defined below), then payment of principal, premium, if any, and interest need not be made on such date, but may be made on the next succeeding Business Day, and, if made on such next succeeding Business Day, no additional interest shall accrue for the period after such payment date. "Business Day" means any Monday, Tuesday, Wednesday, Thursday or Friday on which commercial banking institutions generally are open for business in New York and Virginia.

If an Event of Default has occurred and is continuing under the Agreement, the unpaid principal amount of this Bond shall bear interest at the Default Rate, as defined in the Agreement.

This Bond has been authorized by a resolution adopted by the Town Council of the Locality on August 18, 2016 (the "Bond Resolution"), and is issued pursuant to the Constitution and the Public Finance Act of 1991 of the Commonwealth of Virginia, and the Agreement. Proceeds of this Bond will be used to provide funds to (a) refund the Locality's \$1,201,000 General Obligation Refunding Bond, Series 2013A, as set forth in the Resolution, (b) refund the Locality's \$1,019,000 General Obligation Public Improvement Bond, Series 2013B as set forth in the Resolution, and (c) pay the issuance and financing costs incurred in issuing this Bond.

The full faith and credit of the Locality are hereby irrevocably pledged for the payment of principal of and interest and premium, if any, on this Bond and the performance of the Locality's obligations under the Agreement. Unless other funds are lawfully available and appropriated for timely payment of this Bond, the Town Council of the Locality shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the Locality sufficient to pay when due the principal of and interest and premium, if any, on this Bond.

Notwithstanding anything in this Bond to the contrary, in addition to the payments of the principal provided for by this Bond, the Locality shall also pay such additional amounts, if any, which may be necessary to provide for payment in full of all amounts due under the Agreement.

This Bond may be prepaid or redeemed at the option of the Locality upon the terms and conditions set forth in the Agreement. Capitalized terms used herein and not defined shall have the meaning as set forth in the Agreement.

Transfer of this Bond may be registered upon the registration books of the Registrar. Prior to due presentment for registration of transfer of this Bond, the Registrar shall treat the registered owner as the person exclusively entitled to payment of principal hereof and the exercise of all other rights and powers of the owner.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and this Bond, together with all other indebtedness of the Locality, is within every debt and other limitation prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Locality has caused this Bond to be signed by the Mayor of the Locality and the seal of the Locality to be affixed hereto and attested by the Clerk of the Locality, and this Bond to be dated the date first above written.

(SEAL)

Mayor, Town of Cape Charles, Virginia

ATTEST:

Clerk of the Town of Cape Charles, Virginia

SCHEDULE I

**TOWN OF CAPE CHARLES, VIRGINIA
GENERAL OBLIGATION REFUNDING BOND
SERIES 2016B**

Rate of Interest: 2.50%*

Date	Payment	Interest	Principal	Balance
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[to be completed at closing]