



TOWN COUNCIL

Regular Meeting

November 17, 2016

Cape Charles Civic Center

6:00 PM

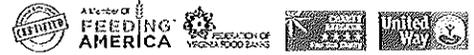
1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Recognition of Visitors / Presentations
 - A. Letter to Cape Charles Farmers Market
4. Public Comments (3 minutes per speaker)
5. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
6. Department Reports
 - *A. Treasurer's Report
 - B. Planning Commission and Boards
 - C. Other Department Reports
7. Old Business
 - *A. Addition to Town Code – Tourism Zone (Chapter 24)
 - B. Cape Charles Community Trail Update
 - C. Follow-Up Items from October meeting
 - i. Response to September Public Comments Question
 - ii. Status of Wetlands Board Beach Recommendations
 - iii. Status of Hiring New Public Works Crew Member
 - iv. Main Street Initiative Timeline
8. New Business
 - *A. Northampton County Funding Request for FY 2018
 - *B. Fuel Services Contract Extension
 - *C. Parking Lot Improvements
 - *D. Retirement Options for Law Enforcement Officers
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - November 22, 2016 – Mayor's Office Hours, 6:00 PM – 7:00 PM
 - November 23, 2016 – Town offices closing at noon for Thanksgiving holiday
 - November 24-25, 2016 – Town offices closed for Thanksgiving holiday
 - December 1, 2016 – Town Council Work Session, 6:00 PM
 - December 3, 2016 – Grand Illumination of Central Park, 6:00 PM
 - December 13, 2016 – Mayor's Office Hours, 2:00 PM – 3:00 PM
 - December 15, 2016 – Town Council Regular Meeting, 6:00 PM
 - December 23-26, 2016 – Town offices closed for Christmas holiday
 - December 27, 2016 – Mayor's Office Hours, 6:00 PM – 7:00 PM
11. Adjourn at 7:30 P.M.



Foodbank

of Southeastern Virginia
and the Eastern Shore

The Foodbank of Southeastern Virginia
and the Eastern Shore is a proud member of:



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Wells Fargo Advisors, LLC

Ruth T. Jones Nichols
Chief Executive Officer

September 22, 2016

Cape Charles Farmers Market at the Museum
C/o Barbara O'Hare
P.O. Box 11
Cape Charles, VA 23310

Dear Barbara and Market Vendors:

We can't thank you enough for your recent donations totaling 166 pounds of produce to our Cape Charles Partner Agency, your donation will provided fresh produce to many of our clients in need. Your donation to the Foodbank helps us fill tummies and put smiles on the faces of individuals struggling with hunger.

Through donations like yours, we are able to supply much-needed food to our Partner Agencies and Programs such as food pantries, soup kitchens, shelters, Mobile Pantries and Child Nutrition Programs.

Please know your contribution has resounding impact here in our community. Our Board, staff, Partner Agencies, volunteers and recipients are grateful for your partnership in our mission. Thank you so much for believing in our work.

Sincerely,

Charmin L. Horton
Branch Manager

P.S. September is Hunger Action Month™, when Feeding America and member food banks ask everyone to take action to fight hunger in their community, all month long. Will you help us by planning a food and fund drive, volunteering, or advocating?

The Foodbank of Southeastern Virginia is a 501(c)(3) nonprofit organization that maintains adequate books and records and are available to the IRS upon request (E/#52-1219783). Also, a copy of our financial statement is available from the State Division of Consumer Affairs in the Department of Agriculture and Consumer Services upon request.

The Foodbank solicits qualities of food and grocery products which are in turn distributed to qualified 501(c)(3) charities and churches in Southeastern Virginia and on the Eastern Shore engaging in the feeding of the needy, ill or infants as prescribed by Section 2135 of the Tax Reform Act of 1976. Therefore, your donated items must be fit for human use and will be store properly and used as soon as possible.



Norfolk: 800 Tidewater Drive • Norfolk, VA 23504 • 757.627.6599
Eastern Shore: PO Box 518 • Tasley, VA 23441 • 757.787.2557

foodbankonline.org



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
October 13, 2016
6:00 p.m.

At approximately 6:00 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 Brown and Buchholz, and Councilwomen Natali and Sullivan. Councilman Bennett was not in attendance. Also present were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Planner Larry DiRe and Town Clerk Libby Hume. There was one member of the public in attendance.

ORDER OF BUSINESS

A. *Tourism Zone Ordinance*

Larry DiRe stated that at their regular monthly meeting on October 4, the Planning Commission reviewed and discussed the draft Tourism Zone Ordinance which included all comments and revisions received from the town's attorney. The Commissioners recommended removing § XX-6.6 on the grounds that since this was a reimbursement program for completed work, there were no grounds for requesting repayment of funds since those funds reimbursed the business owner for the owner's prior expenses. The Commission completed their review and voted to send the document to Town Council as amended. Larry DiRe added that there was one locality, Hillsville, Virginia, which had a similar clause in their tourism zone ordinance.

Brent Manuel stated that Councilman Bennett was out of town for business travel but submitted his comments via email and proceeded to read the following: "I don't have any specific comments to the Tourism Zone document. I think the incentives are appropriate and the language is such that there is room for interpretation and the degree to which incentives are offered can vary for each applicant; i.e. the connection fee can be waived 'up to a maximum of 50%' so we can offer less than that if we choose to."

Council opinion was split regarding the issue of requiring and not requiring the business to repay the money to the town if the business were to relocate outside of Cape Charles after three years. After further discussion, it was agreed to keep § XX-6.6 in the ordinance as presented.

B. *Cape Charles Community Trail Future Phases Re-prioritization*

Bob Panek began by stating that, at the last work session, Town Council reaffirmed Phase 3 as approved by VDOT. The design efforts would begin soon and it would be at least one year before the start of construction which would take about six months to complete. Tonight, Council would discuss the next phase which would begin construction in about two years. At the last work session, the majority of Council leaned toward Bay Avenue or from South Peach Street westward along Mason Avenue. All the various segments were outlined in the Community Trail Master Plan and excerpts were provided in the agenda packet. Bob Panek continued by stating that a draft plan was received from Land Studio for the Mason Avenue Parking Extension which would connect the parking lot area leased from the railroad to Mason Avenue by improving the entrance to the parking lot to align with Peach Street. This plan was attractive to Mr. Patrick Hand, the developer of the Strawberry Street Station project. The parking lot extension would be able to accommodate two-way traffic and allow entrance to the development. This would preserve additional parking spots on Mason

Avenue, which would otherwise be lost due to VDOT requirements. If Council was agreeable to completing the area from South Peach Street along Mason Avenue as the next phase of the trail project, the Mason Avenue Parking Extension could be done to complement the trail project. A future railroad crossing was included in the Comprehensive Plan and the obvious location for the railroad crossing to the harbor would be at Peach Street which would connect to the harbor's parking lot. If Council was in agreement, there was an opportunity to realign resources with funds budgeted for improvements to the leased parking lot and plaza design.

There was much discussion regarding the following: i) Several of the Council agreed that the parking issue was important and something needed to be done before next summer; ii) The future of the Tavi property and its impact on the town especially along Mason and Bay Avenues; iii) The importance of improvements along Bay Avenue and the beachfront; iv) Doing the work along the south side of Mason Avenue to be consistent with existing work done on the trail project, meeting all VDOT requirements, and future improvements along the north side of Mason Avenue which would fall under the Main Street initiative; v) If the town could construct the Mason Avenue Parking Extension as proposed within the next six months, it could be in a position for Phase 4 of the trail project to include moving westward along Mason Avenue from the public plaza area at Strawberry Street Station and Bay Avenue; vi) Lighting for the leased parking lot was necessary. Patrick Hand agreed to put lights on the corner of his building and the town was looking to include lights at the plaza. The town was not committed to one vendor for the lighting and could out for bids; and vii) The harbor linkage could also be included in the next phase of the trail project. Concern was expressed regarding having to wait two years for the harbor linkage and it was requested that this issue be discussed at the upcoming strategic planning meeting to obtain Council's direction.

OTHER ISSUES

Councilman Natali asked the mayor and vice mayor to provide input regarding the meeting with the Northampton County Planning Commission.

Mayor Proto stated that the Council was scheduled to meet with the Northampton County Board of Supervisors on October 25 and asked for input regarding topics.

Councilman Brown stated that the former STIP property was being used as a rubbish dump with building pieces, pallets, concrete block, etc. Brent Manuel stated that he would look into the issue.

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

The meeting adjourned at 7:05 p.m.

Mayor Proto

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
Civic Center
October 20, 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 Bennett, Brown and Buchholz, and Councilwoman Natali. Vice Mayor Bannon and Councilwoman Sullivan were not in attendance. Also in attendance were Town Manager Brent Manuel, Public Works/Utilities Director Dave Fauber, Treasurer Deborah Pocock, Planner Larry DiRe and Town Clerk Libby Hume. The Department Heads were in attendance as well as five members of the public.

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

RECOGNITION OF VISITORS / PRESENTATIONS:

There were no presentations to be made.

PUBLIC COMMENTS:

Veann Duvall, 517 Randolph Avenue

Ms. Duvall asked why the town had so many policemen noting that the town just hired another one. She added that she thought that the town did not have any crime and asked for an answer from Council.

Mayor Proto stated that this period was to hear comments from the public and Council could not respond, but asked Ms. Duvall to submit her question in writing and assured her that she would receive a written response.

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

Motion made by Councilman Bennett, seconded by Councilman Brown, to approve the agenda format as presented. The motion was approved by unanimous vote.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the September 8, 2016 Work Session, the September 8, 2016 Special Meeting, the September 8, 2016 Executive Session, the September 15, 2016 Regular Meeting, the September 29, 2016 Executive Session and the September 29, 2016 Special Meeting.

Councilwoman Natali noted a typographical change on page 5 of the September 15, 2016 Regular Meeting minutes.

Motion made by Councilman Brown, seconded by Councilman Buchholz, to approve the minutes from the September 8, 2016 Work Session, the September 8, 2016 Special Meeting, the September 8, 2016 Executive Session, the September 15, 2016 Regular Meeting, the September 29, 2016 Executive Session and the September 29, 2016 Special Meeting as amended. The motion was approved by unanimous vote.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Treasurer Deborah Pocock reviewed the Treasurer's report dated September 30, 2016 which showed the Total Cash on Hand of \$2,120,013, the Total Cash Held in Reserve was \$1,359,361 and the Total Cash - All Accounts was \$3,479,374. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the FY 2017 Capital Improvement Project Tracking Report, and the Three Year Revenue Comparison.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to accept the Treasurer's Report as submitted. The motion was approved by unanimous vote.

B. *Planning Commission and Boards:*

Town Planner Larry DiRe stated that he did not have anything to add to his written report.

Councilwoman Natali asked about the CAMP one-day training program. Larry DiRe stated that the training program was open to the public, Council and Boards. The program was provided by the National Alliance for Preservation Commissions and the grant covered the fee for the first 30 attendees. The training would be held at the Civic Center from 9:00 a.m. to approximately 4:00 p.m.

C. *Other Departments:*

Code Enforcement:

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

Councilwoman Natali stated that several months ago, Mr. DeAngelis addressed Council expressing his concern regarding the house next door to him which was ready to collapse onto his building and asked about the condition of that property. Jeb Brady stated that he performed an inspection on the property the following day and found the structure to be in a derelict condition but not in a state where it would collapse. Jeb Brady continued to state that he put the property owner on notice and notified Mr. DeAngelis. The property owner asked for more time to make the necessary repairs but had boarded up the broken windows.

Harbor:

Harbor Master Charlie Farlow distributed a revised report. There was much discussion regarding the report and possible improvements which could be made for future reporting.

There was further discussion as follows: i) Councilman Bennett asked about the signage and cameras and advised to wait on the signage until the Main Street program got underway. Deborah Pocock stated that the project had to be completed by January 2017 or the grant funding would be forfeited; ii) Councilwoman Natali asked whether the sale of the leased lots to South Port had been finalized. Brent Manuel stated that South Port had closed on two of the four leased lots at the harbor; and iii) Councilman Buchholz expressed his concern regarding the state of the Shanty parking lot and the section of decking which remained open by the Shanty. Charlie Farlow responded that the lot has to be graded by tractor. There was much discussion regarding the difficulty in getting the tractor from the Public Works department. Charlie Farlow added that the decking had to remain open until completion of the U.S. Army Corps of Engineers' (USACE) dredge project. Mayor Proto suggested a work session to further discuss the issues at the harbor. Councilman Bennett stated that this should not be a Council issue but that staff needed to perform the necessary maintenance and repairs to clean up the harbor area.

There was further discussion regarding the maintenance issues around town including Mason Avenue and Central Park, all which needed to be addressed.

Cape Charles Memorial Library:

Librarian Ann Rutledge stated that she did not have anything to add to her written report.

Councilwoman Natali asked that a total line for prior year income be added to the spreadsheet.

Police Department:

Chief Jim Pruitt stated that Sgt. Chelsea Pfeiffer resigned to become a Virginia ABC agent. Master Officer Tom Potts was promoted to Sergeant and Officer Jake Leuer was promoted to Master Officer. An advertisement was placed for Sgt. Pfeiffer's vacancy.

Public Utilities/Public Works Departments:

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

Mayor Proto noted that the phosphorus average was great and asked what was being done differently to get this number within the limit. Dave Fauber stated that staff was checking the equipment daily and pulling the mixers every three months to check their status and having them rebuilt when needed.

Dave Fauber stated that the Public Works crew was short-handed and a little behind regarding maintenance in various areas of town and continued as follows: i) He was evaluating the issues at the Central Park Gazebo. Staff would be repairing the rotting wood and painting to get things ready for the Grand Illumination. Afterwards, the rails would most likely be redone completely; ii) The outlets at the Gazebo worked but the outlet covers had not yet been replaced. Councilwoman Natali brought up that the outlets were not working for the last two concerts. Dave Fauber stated that if staff was aware of an event at the Gazebo, someone could be on site to open the gate to make sure the outlets were working. There was much discussion regarding this topic; iii) Currently, about 90% of the Public Works crew's time was being spent picking up brush leaving little time for anything else; iv) The vacant position had been advertised but interviews had not yet been held; v) There was much discussion regarding citizen complaints regarding the trash cans, fishing pier, sand dunes, etc. Things were not being taken care of due to being understaffed. The town had a larger beach, the amount of brush was a burden, the streets, gutters, park, beach, planter boxes, etc. needed to be maintained all of which was a lot of responsibility for three individuals. The town needed to establish a level of service and work to get things done; and vi) The Wetlands & Coastal Dune Board high-priority recommendations needed to be completed by November 15.

Recreation Department:

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

OLD BUSINESS

A. *Comprehensive Plan – Set Date for Joint Public Hearing with Planning Commission*

Larry DiRe stated that he had received comments from several Council members regarding the draft Comprehensive Plan. The Planning Commission reviewed the comments at their October 4, 2016 meeting and recommended scheduling a joint public hearing on December 6, 2016.

Motion made by Councilman Bennett, seconded by Councilman Brown, to schedule a joint public hearing with the Planning Commission on December 6, 2016 to hear comment regarding the draft Comprehensive Plan. The motion was approved by unanimous vote.

NEW BUSINESS:

A. *Waste Collection and Disposal Services Contract Extension*

Dave Fauber stated that a contract was awarded to Davis Disposal for all waste collection and disposal services for the Town effective November 1, 2013. The contract was for one year with the option to renew for three additional years. This would be the third and final extension under the current contract and would cover the timeframe from November 1, 2016 through October 31, 2017. As stated in the original contract, the cost for residential service would be \$13.85 for year four. The cost to residents would remain at \$13.76.

Motion made by Councilman Brown, seconded by Councilman Buchholz, to approve the third extension of the waste collection and disposal services contract with Davis Disposal. The motion was approved by unanimous vote.

B. *Reappointment of Wetlands & Coastal Dune Board Member*

Larry DiRe stated that Ann Hayward Walker currently served as the Chairperson of the Wetlands & Coastal Dune Board and her term would be expiring on November 12, 2016. She had expressed her interest in continuing her service on the Board for another five-year term.

Mayor Proto stated that Ms. Walker, as well as the other members of the Wetlands Board, had done a superb job.

Motion made by Councilman Buchholz, seconded by Councilwoman Natali, to re-appoint Ann Hayward Walker to the Wetlands & Coastal Dune Board for another five-year term. The motion was approved by unanimous vote.

C. *Xenith Bank Credit Line Renewal*

Deborah Pocock stated that since 2011, the town had maintained a line of credit in the amount of \$500K for working capital. The line of credit had never been used but the cost to keep it in place for another year was \$26 for a search fee for liens, suits and judgements. There were no other changes to the account.

Mayor Proto read Resolution 20161020 Authorizing the Renewal of the Line of Credit with Xenith Bank.

Motion made by Councilman Brown, seconded by Councilwoman Natali, to adopt Resolution 20161020 Authorizing the Renewal of the Line of Credit with Xenith Bank in the amount of \$500K. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Brown, yes; Buchholz, yes; Natali, yes.

D. *Parking Restriction Request – VDOT Resolution*

Brent Manuel stated that Council discussed Mr. Stephen Fox's request at their September 29, 2016 Special Meeting and agreed to support the request by adopting a resolution at the October meeting.

Mayor Proto read Resolution 20161020A in Support of the Request from Stephen K. Fox for Parking Restriction at 1 Monroe Avenue.

Motion made Councilman Bennett, seconded by Councilman Brown, to adopt Resolution 20161020A in Support of the Request from Stephen K. Fox for Parking Restriction at 1 Monroe Avenue. The motion was approved by unanimous vote. Roll call vote: Bennett, yes; Brown, yes; Buchholz, yes; Natali, yes.

E. *FY 2017 USDA Rural Development Application*

Deborah Pocock stated that Council approved the purchase of a 2017 police vehicle as part of the FY 2017 budget. As part of the application process, USDA Rural Development required minutes showing Council approval to apply for the grant/loan for the police vehicle.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to approve the application submittal for a USDA Rural Development grant and loan for the purchase of a new police vehicle. The motion was approved by unanimous vote.

MAYOR AND COUNCIL COMMENTS

Councilmen Buchholz and Brown did not have any further comments.

Councilman Bennett commented as follows: i) If a citizen came to a Council meeting and asked a question, he did not think the individual should be required to submit their question in writing. It was our obligation to specifically answer the question. Someone needed to take the responsibility to respond accordingly; and ii) Department reports were provided in the Town Council meeting packets which were distributed the Friday prior to the meeting. If Council members had a question regarding the report(s) they should submit it in writing to the town manager and clerk who would forward it to the appropriate department head. Either the town manager or the department head could answer the question at the meeting. If there were no questions, he did not see a reason for staff to be at the meeting to stand up to state that they had nothing to add to their written report. Questions regarding reports should become part of the record. A lot of time was spent on department reports and staff spent a lot of time sitting in the room for no reason.

Councilwoman Natali commented as follows: i) At the last meeting, she asked to be given a status update on the parking lot behind Mason Avenue. Funding was approved in the budget and the project was supposed to be done in July. It was now October and there had been no activity.

Mayor Proto agreed and added that there were six action items outlined in the minutes from the September meeting and he wanted to get answers. In the future, he wanted to add a section to the agenda for follow-up items to get a formal record of responses.

Brent Manuel stated that staff met with Patrick Hand and discussed options for lighting the leased parking lot. At the last work session, alignment of the parking lot, lighting fixtures, etc. were discussed in detail. The estimate for lighting far exceeded the budgeted funding and staff was looking at alternatives. Dave Fauber looked into solar lights with thoughts to start with the pedestrian plaza on Strawberry Street. Staff also met with the landscape architect to look at the configuration of the area.

Councilwoman Natali continued her comments by asking about the strategic planning session. In prior years, the sessions were held in July or August. We did not hold a strategic planning session last year and no date had been set for this year's. Budget meetings would begin in about two months, so the strategic planning session needed to be done as soon as possible.

Brent Manuel responded that the scheduling of meetings had been difficult with the Council's busy schedules. He had reached out to Tedd Povar of the Virginia Institute of Government for a facilitator and was waiting to get dates from them to forward to Council. He was in agreement that the session needed to be held sooner vs. later.

Mayor Proto asked about the timeline for the Main Street Initiative. Brent Manuel stated that the board member application and job description for the manager had been sent out and he was awaiting Council's response. After receiving the response, staff would meet to finalize them. The main milestone was to appoint a board. Afterwards, the employment advertisement for the manager would be published, applications collected and provided to the board for their review.

The first order of business for the board would be to hire the manager. Mayor Proto asked that a timeline be developed and brought back to Council for review.

Mayor Proto stated that Council had requested staff to provide the Northampton County Chamber of Commerce and the Board of Supervisors information regarding town events. Councilwoman Natali stated that she had spoken to Jen Lewis who informed her that she had been submitting information regarding all events to the Chamber of Commerce and had added the Board of Supervisors to the distribution list after reading the minutes from the September meeting.

Councilman Buchholz stated that he attended the Chamber of Commerce Board meeting last night and they were eager to work with the town. They held their Ag Fair last weekend and had a great turnout. They had lots of ideas to benefit both the Chamber and the town.

Mayor Proto asked about the status of the Wetlands Board recommendations which needed to be done in a timely fashion. Brent Manuel responded that staff met regarding the recommendations earlier this week and needed to determine whether the work could be done in-house or contracted out since the work needed to be done with limited interruption of other duties. This information would be added to the weekly town manager report.

Mayor Proto asked about future work sessions. Brent Manuel responded that the next work session was scheduled for November 3 and an executive session was scheduled for November 10. The Council prioritization of topics had not yet been received from everyone. Councilman Bennett added that a deadline for submission needed to be set and meetings needed to be scheduled. Brent Manuel stated that he would include the deadline in his weekly report.

Mayor Proto reminded all of the October 25 joint meeting with the Northampton County Board of Supervisors. The agenda had been distributed. He was encouraged that the Board of Supervisors were willing to meet with the town and hoped that it would lead to more productive relations with the county.

Councilwoman Natali stated that District 1 Supervisor Granville Hogg sent her an email a couple of days ago regarding his District 1 meeting which was being held tonight at 6:00 p.m. She asked him to set a date other than the third Thursday since that was the date of the Cape Charles Town Council regular meetings. Supervisor Hogg responded that he would set a special meeting in town. It was discovered that Councilwoman Natali was the only Council member to receive Supervisor Hogg's notification. Councilwoman Natali would contact Supervisor Hogg and ask that he send future notifications to the town clerk who would forward them to Council.

Mayor Proto went on to provide Council with a summary of discussions from the meeting with the Northampton County Planning Commission as follows: i) The town wanted architectural requirements for structures to be compatible with the town included in both the zoning and comprehensive plan. The County Planning Commission recognized that Cape Charles was the largest tourism draw in the county and understood the need for nice buildings along the corridor into town; ii) In regards to uses by right in the Town Edge zone, he referred the County Commissioners to the town's Comprehensive Plan; iii) The County Commission asked whether the town envisioned expansion of infrastructure. He went through some possibilities such as the Keck wells being brought online, future expansion of the wastewater treatment plant depending on population. The Commission asked whether the town would consider infrastructure expansion into the Town Edge. He responded that it would depend on the terms and conditions. He wanted to ensure the terms of compensation were fair to the town and protected the businesses in town; iv) The Commission asked if any of the county's policies restricted development within the town. He responded in the negative; v) The Commission asked if there were any issues that the county needed to address. He stated that the county was experiencing drop in population, an aging population and a fair amount of poverty and needed to work on improving work force development, school system quality and medical care; and vi) The Commission stated that the final

SET report recommended regional economic development for the future vs. the individual counties and asked whether the town supported this effort. He responded that he supported the principle but in practice, it was unclear how it would work. SET focused strongly on Accomack County and Wallops Island. Regional planning must be truly regional.

Councilman Buchholz stated that the Eastern Shore of Virginia Tourism Commission's efforts were shifting into Chincoteague. Mayor Proto stated that space tourism was mentioned in the meeting but he did not think people would stay in Cape Charles if coming to visit Wallops Island. Councilman Buchholz went on to state that he was concerned with a regional effort since all was being focused on Accomack County. Until the education system could be improved in Northampton County, no economic development would happen in the county. Councilwoman Natali added that the medical issue was also a big factor in economic development.

Mayor Proto stated that the only other town represented at the meeting was the mayor and town manager of Nassawadox. He had spoken with Peter Stith and it appeared that his comments were well received. The county knew the town's concerns and were interested in working with us.

Mayor Proto proceeded to read the Announcements.

ANNOUNCEMENTS:

- October 25, 2016 – Joint Meeting with Northampton County Board of Supervisors, 6:00 p.m.
- October 25, 2016 – Mayor's Office Hours, CANCELED
- November 3, 2016 – Town Council Work Session, 6:00 p.m.
- November 8, 2016 – Mayor's Office Hours, 2:00 p.m. – 3:00 p.m.
- November 11, 2016 – Town offices closed in observance of Veterans' Day.
- November 17, 2016 – Town Council Regular Meeting, 6:00 p.m.
- November 22, 2016 – Mayor's Office Hours, 6:00 p.m. – 7:00 p.m.

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

Mayor Proto

Town Clerk

**MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
September 30, 2016**

CASH POSITION

<u>Cash on Hand</u>	<u>8/31/2016</u>	<u>8/31/2016</u>	<u>Increase/(Decrease)</u>
Shore Bank Checking Account	\$ 771,245	\$ 642,770	\$ (128,475)
Shore Bank Money Market Account	\$ 1,078,611	\$ 1,079,017	\$ 406
LGIP Account 1 - Unrestricted	\$ 97,859	\$ 97,907	\$ 47
LGIP Account 2 - Unrestricted	\$ 300,171	\$ 300,320	\$ 150
Total Cash On Hand	\$ 2,247,885	\$ 2,120,013	\$ (127,872)

<u>Restricted and Reserved Cash Balances</u>	<u>8/31/2016</u>	<u>8/31/2016</u>	<u>Increase/(Decrease)</u>
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,589	\$234,618	30
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	\$6,440	\$6,689	249
Shore Bank Checking Account - E-Summons Revenue Reserved	\$215	\$245	30
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,585	\$257,586	1
Total Cash Held in Reserve	\$ 1,359,051	\$ 1,359,361	\$ 310
Total Cash - All Accounts	\$ 3,606,937	\$ 3,479,374	\$ (127,562)

DEBT SERVICE

<u>Next Debt Service Payments:</u>	<u>Due Date</u>	<u>Amount</u>
VRS 2010C General Obligation Bond	10/20/2016	\$128,791

REVENUE VS. EXPENDITURES

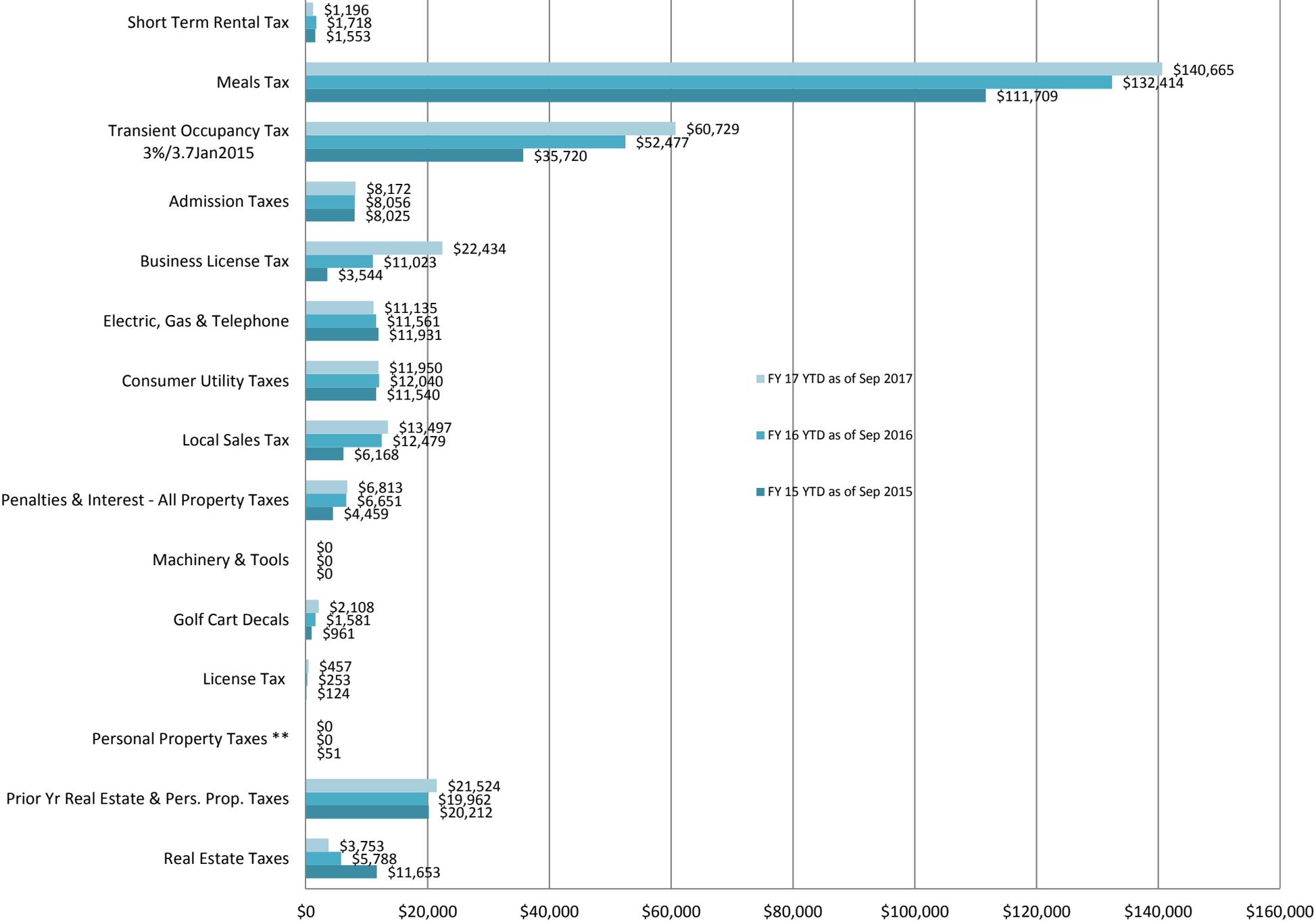
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY17</u>
GENERAL						
REVENUES	147,331	322,516	437,042	114,526	3,782,198	11.56%
EXPENDED	311,602	645,770	765,527	119,757	3,723,535	20.56%
NET	(164,271)	(323,253)	(328,484)	(5,231)	58,663.00 surplus to harbor	
PUBLIC UTILITIES						
REVENUES	133,151	484,258	415,286	(68,972)	2,302,286	18.04%
EXPENDED	83,424	299,936	274,906	(25,029)	2,302,286	11.94%
NET	49,728	184,322	140,379	(43,943)	0	
HARBOR						
REVENUES	34,789	349,778	198,940	(150,838)	1,713,689	11.61%
EXPENDED	54,630	363,885	230,628	(133,257)	1,772,351	13.01%
NET	(19,841)	(14,107)	(31,688)	(17,581)	(58,662.00)	
SANITATION						
REVENUES	15,516	47,176	47,345	169	175,300	27.01%
EXPENDED	13,698	30,214	31,021	807	175,300	17.70%
NET	1,818	16,961	16,324	(638)	0	

FY 2017 Capital Improvement Project Tracking Report

As of:
9/30/2016

	<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)	full implementation Dec 6th	0%	\$ 36,069	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,069
Replacement Police Vehicle	USDA application phase	0%	\$ 27,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 27,000
Police vehicle cameras & software	purchased	91%	\$ 10,600	\$ -	\$ -	\$ -	\$ -	\$ 9,640	\$ 960
Public Works Tractor	Ordered	0%	\$ 57,621	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 57,621
Mason Ave & Harbor Area Parking Improvements	Pending	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Sidewalk Repair Program (VDOT grant 50%)	pre-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	13%	\$ 1,256,000	\$ 167,738	\$ -	\$ -	\$ -	\$ 167,738	\$ 1,088,262
subtotal			\$ 1,517,290	\$ 167,738	\$ -	\$ -	\$ -	\$ 177,378	\$ 1,339,912
<u>Water Fund</u>									
Utility Truck Body (shared)	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Walk Behind Leg Stacker	order in October	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Keck Well Connection (Grant dependent)	USDA application phase	0%	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000
subtotal			\$ 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
subtotal			\$ 215,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 215,000
<u>Harbor Fund</u>									
Jetty Improvements (Breakwater #4 deferred)	engineering	3%	\$ 300,000	\$ 8,750	\$ -	\$ -	\$ -	\$ 8,750	\$ 291,250
Harbormaster Boat	pending	0%	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,000
subtotal			\$ 312,000	\$ 8,750	\$ -	\$ -	\$ -	\$ 8,750	\$ 303,250
TOTAL		7%	\$ 2,574,290	\$ 176,488	\$ -	\$ -	\$ -	\$ 186,128	\$ 2,388,162

Three Year Revenue Comparison





Municipal Corp. of Cape Charles

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on October 20, 2016 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20161020 (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, 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 foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
George Proto, Mayor	X				
Chris Bannon		X			
Steve Bennett	X		X		
Charles Brown	X		X		
Andy Buchholz	X		X		
Joan Natali	X		X		
Dora Sullivan		X			

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 this 21st day of October 2016.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20161020

AUTHORIZING THE RENEWAL OF THE LINE OF CREDIT WITH XENITH BANK

WHEREAS, the Town of Cape Charles has carried a line of credit with Xenith Bank, formerly known as Shore Bank, since 2011; and

WHEREAS, the Town Council of the Town of Cape Charles desires to continue this line of credit; and

WHEREAS, Xenith Bank has offered the Town of Cape Charles a \$500,000 unsecured line of credit with a variable interest rate of Prime plus 0.5%, with a floor of 3.75%; now

THEREFORE BE IT RESOLVED by the Town Council of the Town of Cape Charles, Virginia, this 20th day of October 2016, to authorize Mayor Proto to execute the loan documentation to renew the unsecured line of credit for \$500,000 with Xenith Bank. In the event the Mayor is unavailable to sign the documents, both the Vice Mayor and Town Manager would be required to sign. The credit line would be available for use as determined and authorized by the Town Council of the Town of Cape Charles.

Adopted by the Town Council of the Town of Cape Charles on October 20th, 2016.

By: _____
Mayor

ATTEST:

Town Clerk



Municipal Corp. of Cape Charles

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on October 20, 2016 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20161020A (the “Resolution”) of the Town entitled as recorded in full in the minutes of the Meeting, 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 foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
George Proto, Mayor	X				
Chris Bannon		X			
Steve Bennett	X		X		
Charles Brown	X		X		
Andy Buchholz	X		X		
Joan Natali	X		X		
Dora Sullivan		X			

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 this 21st day of October 2016.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20161020A

**IN SUPPORT OF THE REQUEST FROM STEPHEN K. FOX
FOR PARKING RESTRICTION AT 1 MONROE AVENUE**

WHEREAS, the Town received a request from Mr. Stephen K. Fox for an area restricting parking at 1 Monroe Avenue; and

WHEREAS, the letter cited an issue regarding access to their lot which is elevated above the street level with a lead walk consisting of two steps as their primary access to their dwelling; and

WHEREAS, the designation of the area in front of the lead access as a “No Parking” area would ensure adequate pedestrian access to the entrance of the dwelling; and

WHEREAS, although this request falls under the purview of the Virginia Department of Transportation, Mr. Fox has requested the support of the Town Council to submit with his application; and

WHEREAS, after discussion at the September 29, 2016, Town Council Special Meeting it was agreed to support the request from Mr. Stephen K. Fox for a restricted parking area at 1 Monroe Avenue in front of the lead access to the dwelling;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Cape Charles hereby expresses its support of the request for a “No Parking” area at the entrance of the lead access at 1 Monroe Avenue.

Adopted by the Town Council of Cape Charles on this 20th day of October, 2016.

By: _____
Mayor George Proto

ATTEST:

Town Clerk



DRAFT
CAPE CHARLES TOWN COUNCIL &
NORTHAMPTON COUNTY BOARD OF SUPERVISORS

Joint Meeting

Cape Charles Civic Center

October 25, 2016

6:00 p.m.

At approximately 6:00 p.m., Mayor George Proto noted that a quorum could not be met but since there was no action to be taken and with the Northampton County Board of Supervisors in attendance, discussion could continue. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilman Buchholz, and Councilwoman Natali. Councilmen Bennett and Brown and Councilwoman Sullivan were not in attendance. Also present were Town Manager Brent Manuel, Assistant Town Manager Bob Panek and Town Clerk Libby Hume. There were 12 members of the public in attendance.

Chairman Spencer Murray called to order the recessed meeting of the Northampton County Board of Supervisors. In attendance were Supervisors Bennett, Duer, Hogg and LeMond, Acting County Administrator John Andrzejewski, and Assistant to the County Administrator Janice Williams.

Mayor Proto expressed his appreciation to the Board of Supervisors for coming to Cape Charles this evening for this open dialogue between the town and county and hoped that this would be the beginning to ongoing cooperation to make the entire area a better place to live for all.

Chairman Murray agreed that neither one could survive and prosper without the other and hoped to move forward in the spirit of cooperation and strengthen the bonds with all towns.

ORDER OF BUSINESS

This was a somewhat informal meeting and each member of the Town Council and Board of Supervisors (BOS) were given an opportunity to express their opinions regarding the agenda topics.

Town Edge Zoning / Historic Town Entrance Overlay Corridor (HTE)

The Town Council comments were as follows: i) There was a strong opinion of the entrance coming into Cape Charles and it was vital that the BOS understand the town's concerns and be willing to work with the town regarding future development of the area along Routes 13, 184 (Stone Road) and 642 (Parsons Circle/Old Cape Charles Road) from Hardees to the Milestone Motel. Development along Route 13 would compete with the businesses in town; ii) Try to have the architecture of any development be more sympathetic to the historic nature and look of the town vs. metal buildings like Dollar General; iii) Make the entrance into town more appealing. The town did not want the entrance to look like the causeway into Chincoteague. This could be something that could come under the Main Street Initiative; iv) Cape Charles was the only town in Northampton County without a presence on Route 13 which put the town at a disadvantage. The town relied heavily on the county and BOS to help drive traffic into the town; v) Two years ago, the Town Council sent two letters expressing their concern regarding the town edge zoning – conditional use vs. by right use; and vi) Every town had interest in their town edge. Town Edge zoning needed to be developed for each town since many of the issues were different based on the town.

Chairman Murray read excerpts from two letters dated June 2, 2014 from former County Administrator Katherine Nunez to the Town Council regarding Resolutions 20140522 Supporting the Inclusion of the Historic Town Entrance Overlay Corridor in the Proposed 2014 Zoning Amendments Under Consideration by the Northampton County Board of Supervisors and 20140522A Supporting the Continuation of Planning Commission Involvement in the Special Use Permit Process in the Proposed 2014 Zoning Amendments Under Consideration by the Northampton County Board of Supervisors and continued as follows: i) The HTE language detailed a lot of purpose and intent and the recommended uses made sense. It was recommended that the town include information regarding

Route 642 with the progress of the new road; ii) In 2014, the BOS was heavily involved in rewriting the zoning ordinance and the county administrator did not feel that this information could be reviewed as part of the proposed zoning ordinance which was passed in December 2015. In April 2016, the zoning ordinance was amended integrating the 2000, 2009 and 2015 zoning and the Board was still working diligently to improve the zoning ordinance for its citizens and it included town edge. It was difficult to include a separate town edge ordinance for each town but he realized that “one size did not fit all.” The BOS was working with VACo regarding the new zoning ordinance; iii) Cape Charles did not have a presence on Route 13 but was the only town that had a beautiful beach and a lot going for it; and iv) The BOS could not control what was developed at the intersection of Routes 13 and 184. It was commercially zoned and the BOS could not stop an Olive Garden from building there if they so wanted. The BOS wanted the town’s businesses to prosper.

The BOS comments were as follows: i) The intersection of Routes 13 and 184 was viewed as the premier commercial area in the county. Although the BOS was sensitive to Cape Charles they didn’t want to see too many restrictions placed on the land regarding development; ii) Several of the BOS had previous discussion regarding rotating signs to get people into Cape Charles but Cape Charles had been discovered and the majority of the tourism over the summer was in Cape Charles; iii) The county zoning ordinance could possibly be modified to state that the area between mileposts 79 and 80 to generally reflect the architectural nature of Cape Charles. It was suggested that the Cape Charles Planning Commission should revisit the HTE ordinance language to include design criteria. Any idea was reasonable and the county was open to working together to make it work. The Cape Charles Planning Commission should work with Northampton County Zoning Administrator Melissa Kellam, the county administrator and Planner Peter Stith throughout the process and to get the document to the County Planning Commission. The county was also working on their Comprehensive Plan and portions of this document could possibly be integrated into their Comp Plan as well; iv) The BOS was working with citizens regarding derelict structures along Route 13 vs. just sending code enforcement letters to get the area cleaned up; v) Three economic studies had been done and the county needed to begin fulfilling some of the recommendations and investing in the county such as signage directing traffic into the town. A joint effort was needed to extend the tourism season, improve infrastructure, possibly extending the water and wastewater services outside of the town across Route 13 into Cheriton to enhance opportunities in the area; and vi) The county was working on a number of large issues, such as a new high school, jobs and workforce development, and needed the help of the towns and all citizens to see them to fruition.

There was some discussion regarding obtaining assistance from the Eastern Shore of Virginia Tourism Commission regarding ways to extend the shoulder season and getting more visitors to stay in town and in Northampton County.

Town Beach

There was discussion as follows: i) The Cape Charles Beach was a big draw in the county both for tourists and citizens. There were two beaches in the county, Kiptopeke and Cape Charles, but Cape Charles Beach was the only free public beach in the county; and ii) Supervisor Hogg commented that he would like to see donations of tracts of land into a land trust to create additional public beaches in the county. Mayor Proto added that this could be a good concept but beaches were expensive to maintain. The town budgeted annually for sand replenishment and cleaning.

Economic Development, Medical Care, Education

There was discussion as follows: i) Medical care and education strongly related to economic development. Medical care and education were the two most important things that needed to be addressed by the county and if these two things could be improved, the area would experience more economic development; ii) The BOS was working diligently on emergency medical services such as expanded EMS facilities, acquisition of another ambulance, a new medical transport facility, expanded internet service for tele-medicine. Four paramedics were added and the Medical/EMS budget was now \$1.6M out of the county’s total \$20M-21M budget. 80% of the calls were answered by a paid county staff person. A provision was just made to staff the Nassawadox facility during the day. There were four ambulances with the one in Machipongo being the back-up ambulance when one of the regular ambulances was busy. The hospital would be moving in February 2017 and the BOS was

working with Riverside and Rural Health to pull things together as best as possible. Riverside committed to leave a facility in Nassawadox. The BOS would not give up on the idea of a facility in the county where an ambulance could take a patient. Every rural area in the country had similar issues; iii) Northampton Medical Services Foundation was started. No fundraisers had yet been held but the Foundation had over \$200K and would work to someday attract an emergency facility to the county; iv) Rural Health purchased property in Eastville and would be expanding their facility and services with extended hours; v) The general public needed to be re-educated regarding what a 911 emergency was. Many calls were received from individuals with minor health issues or needing to see a doctor, etc. Public transportation was available for these types of routine calls; vi) Tele-medicine required high speed broadband internet service. It was critical for both counties to get high speed internet down to the necks; vii) Volunteers provided a tremendous service to the county but taxpayers still subsidized about \$500K for calls. The county billed for services, but there was a difference between billing and actually getting paid; viii) Many residents of lower Northampton County would be crossing the bay to Sentara Leigh in Virginia Beach. It was imperative that all residents of the county support the hospital in Onley in order to keep Riverside active in Northampton County; ix) Northampton High School was in need of repair and the county was looking to build a new school at some point. The School Board's budget was approximately \$21M and grew every year. The BOS had a plan to put money aside each year into an account for a new school complex; x) Northampton High School was no longer the county's emergency shelter. Nandua Middle School had been declared as our emergency shelter; xi) The quality of education needed improvement. If so, younger families with children would possibly move to the area. Lower Northampton County was conducive for people living here and commuting to work in Virginia Beach. All indications from the school board showed that all the county's schools were improving and student population was increasing; xii) The high bridge toll and lack of a workforce detracted economic development in our area; and xiii) Councilwoman Natali stated that a number of years ago, the town lowered its boat tax to \$.01 per \$100 to attract more boaters but the county's boat tax remained at \$.99 per \$100. With the Cape Charles Yacht Center in operation, she asked that the BOS consider a reduction to their boat tax to possibly attract mega yachts to dock in Cape Charles.

Mayor Proto thanked all attendees and added that it was a productive discussion and proposed another meeting in six months.

Motion made by Supervisor Duer, seconded by Supervisor Bennett, to adjourn the Northampton County Board of Supervisors meeting. The motion was approved by unanimous vote.

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

The meeting adjourned at 7:47 p.m.

Mayor Proto

Town Clerk



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
November 3, 2016
6:00 p.m.

At approximately 6:00 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 Brown, and Councilwoman Natali. Councilman Buchholz and Councilwoman Sullivan were not in attendance. Also present were Planner Larry DiRe and Town Clerk Libby Hume. Town Manager Brent Manuel arrived at 6:04 p.m. There was one member of the public in attendance.

ORDER OF BUSINESS

A. *Open Space District Limited Commercial Activity Text Amendment*

Larry DiRe stated that this issue was generated after a couple of businesses expressed their interest in selling items at the beachfront. Currently, any type of commercial activity was prohibited in the open space district. The issue was taken to the Planning Commissioners who drafted language allowing commercial activity, for food and beverage sales and possible beach equipment rentals, in the area landward of the dune to the boardwalk, from the southern entrance to the beach to the pavilion. Approximately 13 10' x 10' vendor spaces could be accommodated in the designated area. Guidelines from the Cape Charles Farmers Market were reviewed as a model but the Farmers Market operated one day per week for limited hours. The Commissioners recommended restrictions on the types of operations with no electricity or generators, no electronic signage or sound amplification. Vendors would be permitted to mount an umbrella or canopy for shade. Before moving forward to continue their research and further discussion, the Planning Commissioners requested feedback from Council regarding whether this item was something the town wanted to pursue.

There was much discussion as follows: i) Mayor Proto expressed his concern regarding cooking smells from grills or smokers; ii) The area would have to be monitored by a staff person; iii) The dunes would shift affecting the designated area and there was concern regarding having people on the dunes; iv) There were issues with the possible "junkiness" of the area since anything could be set up there and food vendors would generate paper, food and grease waste; v) Over the last few years about eight to ten people inquired about peddlers licenses but no one followed through. This year, there were about four inquiries regarding food trucks but only one applied for a license. Council did not believe there would be a huge number of interested vendors; vi) Input was needed from business owners in town and the property owners across the street on Bay Avenue; vii) It would be a nice amenity for beachgoers to be able to purchase food and drinks and possibly rent chairs and umbrellas, but would it be worthwhile to the town with added burden to staff with having to monitor the area/vendors and additional trash to be picked up. The current peddler's license fee was \$50 which was not enough to cover the cost of the manpower involved. Mayor Proto suggested increasing the fee to \$25 per week, but a hot dog or popsicle vendor most likely would not pay that amount; viii) People got frustrated when they couldn't get served in a restaurant and a provision for fast food at the beachfront was reasonable; ix) Several Council members preferred to have vendors on the street vs. in the dune area; x) This could possibly be done on a trial basis to determine whether it was beneficial to the town, business owners, residents, etc. Several Council members did not see the sense in exercising the Planning Commission and staff to develop the ordinance, rules and regulations, monitoring, etc. for a trial if only two people expressed an interest this past season; and xi) Ordinances were currently in place

for peddlers and food trucks. General consensus of Council at this time was that no further action was necessary regarding this issue. Mayor Proto thanked the Planning Commissioners for their efforts. If the town received an abundance of requests from vendors, this issue could be revisited.

B. *Animal Pens and Tethering in the Residential Districts*

Larry DiRe stated that this issue was brought to the Planning Commission's attention by public comments received at a meeting, along with photographs depicting unsanitary and unhealthy conditions of a neighborhood dog pen. The town's zoning ordinance addressed accessory buildings which were typically sheds and garages, but a dog pen could also be considered an accessory building. The Planning Commission proposed the addition of language regarding dog pens to the accessory building section of the zoning ordinance which would enable regulation of dog pens as an accessory building. The tethering of animals was addressed in the Town Code which stated that an animal could not be tethered for more than twelve hours but there was no mention regarding attended or unattended tethering.

Council was agreeable to the proposed text amendment to the zoning ordinance regarding dog pens but suggested additional language regarding the size of the dog pen proportioned to the size of the dog.

There was some discussion regarding the tethering law as follows: i) Council agreed that twelve hours was too long of a timeframe. A number of alternate time limits were discussed but Council agreed that any time limit would be difficult to enforce unless an officer sat at a property to observe and record the time that a dog was tethered. If a citizen were to make a complaint to the county animal control, it would be the citizen's responsibility to follow through to obtain a warrant, etc.; ii) Larry DiRe informed Council that he received three complaints in the spring. The most recent complaint was received in August and the individual was going to address Council at a meeting, but never came; iii) Northampton County used the state regulations for animal control enforcement and the county animal control officer was the only officer with the authority to remove a dog from a residence; iv) Councilman Natali read language from Fairfax County regarding tethering which was drafted based on language from the city of Richmond; v) There were a lot of legitimate reasons to tether a dog for a short period of time that were not inhumane; vi) Mayor Proto stated that Council was in agreement with the issue but more work was needed before the issue could be finalized. It was suggested that the Planning Commission obtain input from the Northampton County Animal Control office as well as reviewing the language from Fairfax County and the city of Richmond.

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

The meeting adjourned at 6:55 p.m.

Mayor Proto

Town Clerk

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

CASH POSITION

<u>Cash on Hand</u>	<u>9/30/2016</u>	<u>10/31/2016</u>	<u>Increase/(Decrease)</u>
Shore Bank Checking Account	\$ 642,339	\$ 822,438	\$ 180,099
Shore Bank Money Market Account	\$ 1,079,017	\$ 779,381	\$ (299,636)
LGIP Account 1 - Unrestricted	\$ 97,907	\$ 97,957	\$ 50
LGIP Account 2 - Unrestricted	\$ 300,320	\$ 300,480	\$ 160
Total Cash On Hand	\$ 2,119,583	\$ 2,000,256	\$ (119,326)

<u>Restricted and Reserved Cash Balances</u>	<u>9/30/2016</u>	<u>10/31/2016</u>	<u>Increase/(Decrease)</u>
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,618	\$234,618	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	\$6,689	\$6,876	187
Shore Bank Checking Account - E-Summons Revenue Reserved	\$245	\$275	30
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,586	\$257,588	1
Total Cash Held in Reserve	\$ 1,359,361	\$ 1,359,579	\$ 218
Total Cash - All Accounts	\$ 3,478,944	\$ 3,359,836	\$ (119,108)

DEBT SERVICE

<u>Next Debt Service Payments:</u>	<u>Due Date</u>	<u>Amount</u>
No debt service payments are due until February 2017		

REVENUE VS. EXPENDITURES

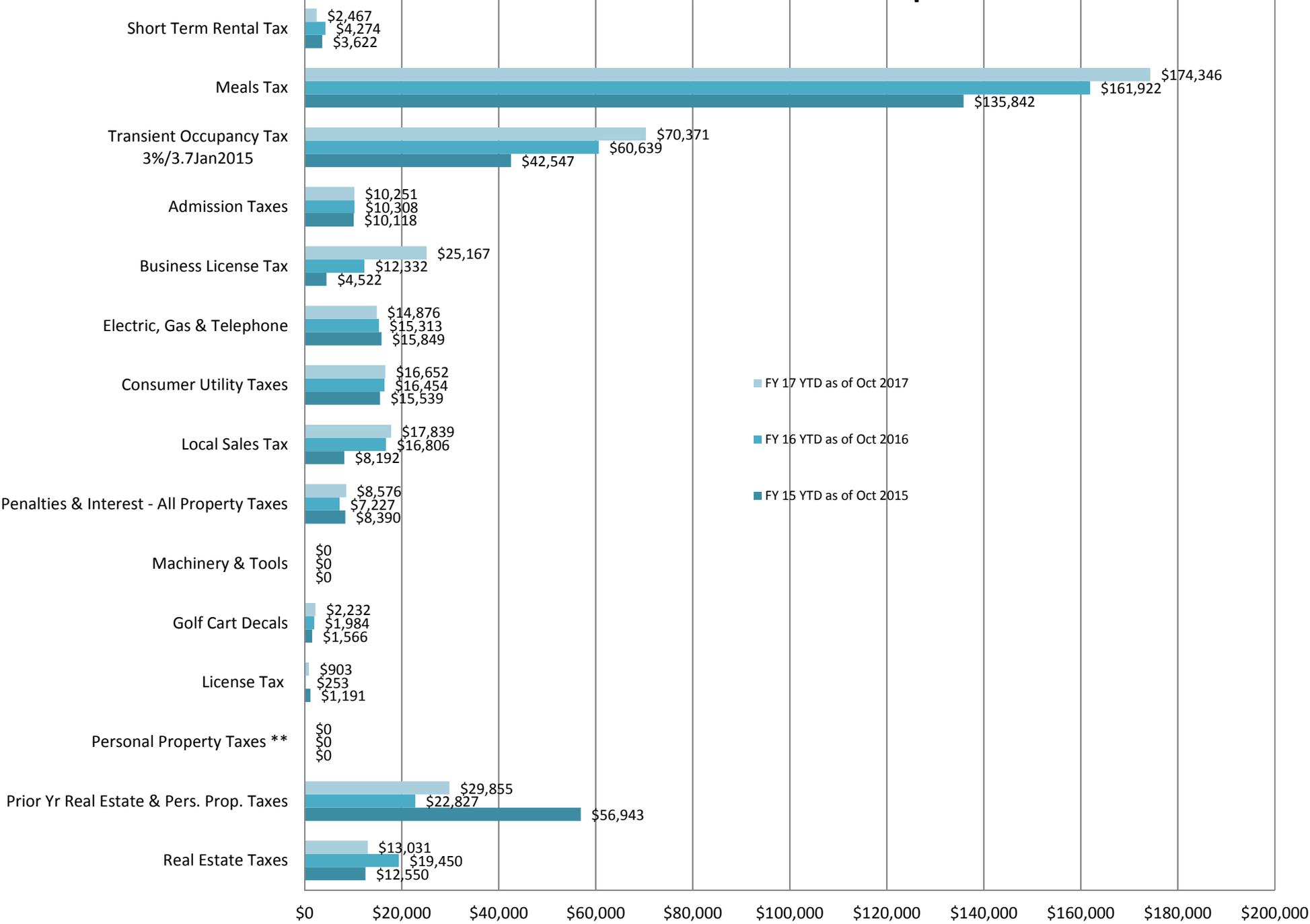
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY17</u>
GENERAL						
REVENUES	90,466	413,582	536,740	123,158	3,782,198	14.19%
EXPENDED	208,751	854,521	1,081,080	226,560	3,723,535	29.03%
NET	(118,285)	(440,938)	(544,340)	(103,402)	58,663.00 surplus to harbor	
PUBLIC UTILITIES						
REVENUES	159,753	644,011	567,769	(76,243)	2,302,286	24.66%
EXPENDED	202,291	502,227	471,591	(30,636)	2,302,286	20.48%
NET	(42,538)	141,784	96,177	(45,607)	0	
HARBOR						
REVENUES	49,889	402,498	230,880	(171,618)	1,713,689	13.47%
EXPENDED	44,164	408,048	280,492	(127,557)	1,772,351	15.83%
NET	5,725	(5,550)	(49,612)	(44,062)	(58,662.00)	
SANITATION						
REVENUES	15,430	62,606	62,446	(160)	175,300	35.62%
EXPENDED	14,321	44,535	45,152	617	175,300	25.76%
NET	1,109	18,070	17,294	(776)	0	

FY 2017 Capital Improvement Project Tracking Report

As of:
10/31/2016

	<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)	full implementation Dec 6th	0%	\$ 36,069	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,069
Replacement Police Vehicle	USDA application phase	0%	\$ 27,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 27,000
Police vehicle cameras & software	purchased	91%	\$ 10,600	\$ -	\$ -	\$ -	\$ -	\$ 9,640	\$ 960
Public Works Tractor	Ordered	0%	\$ 57,621	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 57,621
Mason Ave & Harbor Area Parking Improvements	Pending	6%	\$ 30,000	\$ -	\$ 1,864	\$ -	\$ -	\$ 1,864	\$ 28,136
Sidewalk Repair Program (VDOT grant 50%)	pre-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	27%	\$ 1,256,000	\$ 167,738	\$ 175,020	\$ -	\$ -	\$ 342,758	\$ 913,242
subtotal			\$ 1,517,290	\$ 167,738	\$ 176,884	\$ -	\$ -	\$ 354,262	\$ 1,163,028
<u>Water Fund</u>									
Utility Truck Body (shared)	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Walk Behind Leg Stacker	order in October	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Keck Well Connection (Grant dependent)	USDA application phase	0%	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000
subtotal			\$ 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
subtotal			\$ 215,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 215,000
<u>Harbor Fund</u>									
Jetty Improvements (Breakwater #4 deferred)	engineering	5%	\$ 300,000	\$ 8,750	\$ 6,125	\$ -	\$ -	\$ 14,875	\$ 285,125
Harbormaster Boat	pending	0%	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,000
subtotal			\$ 312,000	\$ 8,750	\$ 6,125	\$ -	\$ -	\$ 14,875	\$ 297,125
TOTAL		14%	\$ 2,574,290	\$ 176,488	\$ 183,009	\$ -	\$ -	\$ 369,137	\$ 2,205,153

Three Year Revenue Comparison



Planning Department Report for Town Council

From: Larry DiRe 
To: Town Council
Date: November 4, 2016
Subject: Report from Planning Department
Attachment: September 2016 Town Beach survey post sand placement

Permits:

Two Applications for Zoning Clearance were received this month.

Planning Commission:

1. The Planning Commission held its regular monthly meeting on Tuesday November 1st. The Commission considered the following agenda items: held annual elections as required by the Commission by-laws and elected Dennis McCoy as Chairman and Michael Strub as Vice Chair; reviewed Mayor and Town Council members received comments and proposed staff revisions to the draft Comprehensive Plan document; reviewed the proposed document review schedule to update the list of various documents used in revising the Comprehensive Plan.
2. This month's staff report to the Planning Commission included the post sand placement beach survey, which is attached to this report.

Historic District Review Board:

1. The Historic District Review Board received two applications for Certificate of Appropriateness to consider at their November 15th regular monthly meeting. One application for the construction of a new single-family home, the other for a rear addition to a single-family home.
2. The CAMP one-day training program, provided by the National Alliance of Preservation Commissions, was held Saturday October 29th at the Civic Center. Staff and the Board will follow up on several issues raised during this training at a future Board meeting.

Harbor Area Review Board:

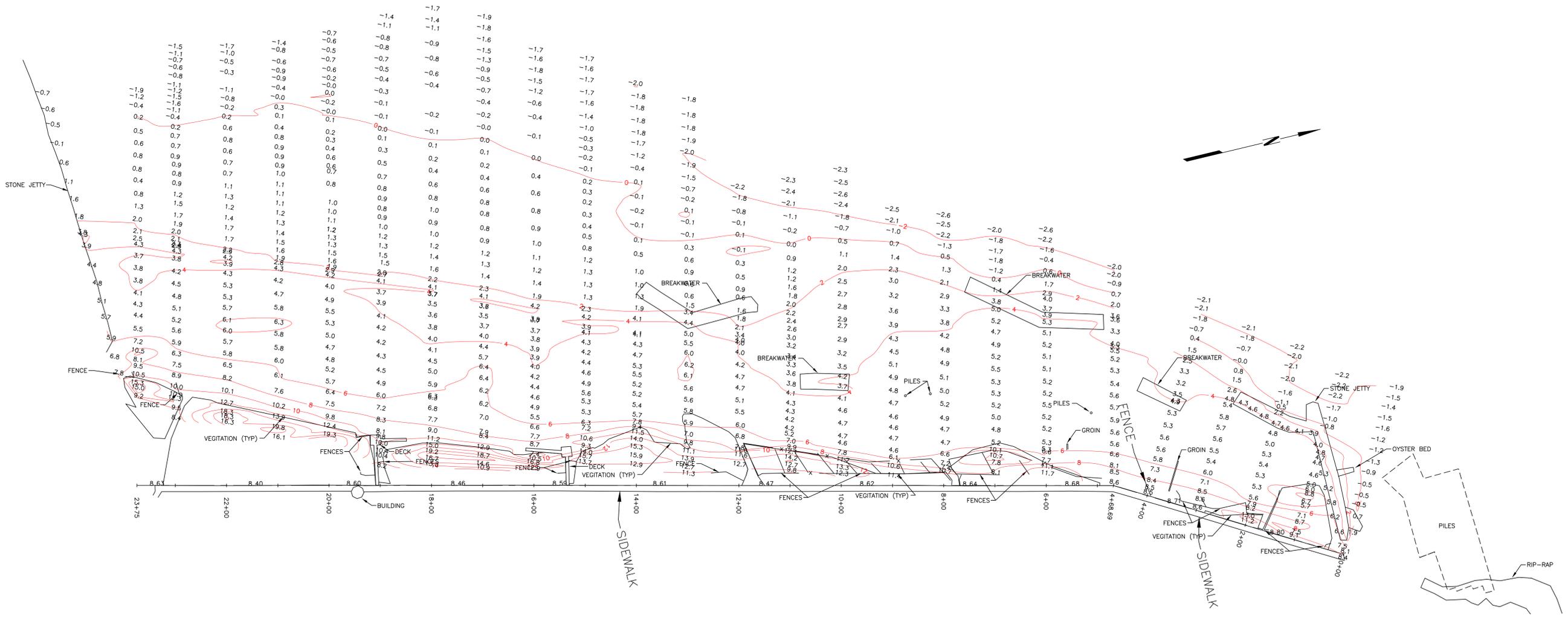
1. The Harbor Area Review Board had no business and did not meet.

Board of Zoning Appeals:

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

Wetlands and Coastal Dunes Board:

1. The Board scheduled a public hearing and meeting on Monday November 14th to consider an application filed by the Town of Cape Charles for the installation of stormwater outfall protection over approximately 300 square feet of riprap.



NOTES:

1. COORDINATES ARE IN U.S. SURVEY FEET REFERRED TO THE VIRGINIA STATE GRID (SOUTH ZONE) BASED ON NAD83.
2. ELEVATIONS ARE IN FEET AND ARE REFERRED TO THE NATIONAL OCEAN SERVICE (NOS) MEAN LOWER LOW WATER (MLLW).

Waterway
 Surveys & Engineering, Ltd.
 321 Cleveland Place, Virginia Beach, Va. 23462
 Tel: (757) 490-1691 Fax: (757) 490-1348



COTTRELL CONTRACTING CORP.			
SURVEYED	EASTERN SHORE, VIRGINIA		
J.D.	AFTER PLACEMENT SURVEY		
DESIGNED	OF		
N/A	CAPE CHARLES		
DRAWN	BEACH 'A'		
G.M.R.	SURVEY OF SEMPTEMBER 2016		
REVIEWED	DATE	REVISION	SHEET NO.
R.L.T.	SEPTEMBER 2, 2016		1 OF 1
SCALE	1"=100'	DRAWING NO.	5162-01-91-01

Code Enforcement

Month of October FY17

Building Permits Issued/Permit Fees Collected:

Permits this month: 23	
Permits this year: 82	Total permits last year: 355
Total construction this month: \$705,738	
Total construction this year: \$1,461,337	Total construction last fiscal year: \$10,729,370
Permit fees this month: \$33,312.61	
Total permit fees this fiscal year: \$40,057.10	Total permit fees last fiscal year: \$201,281.12
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: \$24,700	
Total Tap fees this year: \$24,700	Total Tap fees last fiscal year: \$98,800
Fire Dept. levy this month: \$608.27	
Total Fire Dept. levies this year: \$1,188.14	Total Fire Dept. levies last fiscal year: \$8,264.18
State levy this month: \$121.66	
Total state levies this year: \$237.63	Total state levies last fiscal year: \$1,606.58
Miscellaneous Revenue: \$0	

Existing Structures Code Enforcement Cases:

Total Cases: 18	
New this month: 0	
Closed this month: 0	
Rental Inspections: 0	
Rental C.O's Issued: 0	
Rental Inspection fees collected: \$0	
Grass cutting enforcement: 0	
Grass cutting: 0	
Enforcement fees charged this month: \$0	
Enforcement fees charged this year: \$1,950	Fees charged last fiscal year: \$2,450
Enforcement fees collected: \$0	
Enforcement fees collected this year: \$0	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 October FY17

Other items of note:

1. Completed **45** inspections
2. Conducted 0 zoning clearances
3. Completed 8 courtesy residential inspections
4. Conducted 8 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 1 residential plan reviews
8. Completed 0 commercial plan review
9. Issued 0 Public Utilities Shallow Well permits
10. Staff has had numerous inquiries regarding new construction and renovation regulations throughout the town.
11. Staff has reviewed plans for a new single family home on Tazewell Avenue.
12. Staff closely monitored Hurricane Matthew. The storm spared us the brunt of its impact. We saw significant somewhere in the vicinity of 8-10”.
13. Staff performed a windshield survey of Town after Hurricane Matthew and did not find any significant damage. Flooding was a concern but it did not make it into any homes. The beach and the fishing pier made out ok as well.
14. Staff has reviewed fire suppression plans for Strawberry Street Station Project.

11/01/16

Permit/Construction Fee Report

Map Number	Permit#	Type	Date	Address	Work description	Permit Fee	Contractor	Value
	PM160030	Mechanical	10/21/2016	207 Arnie's Loop	Install a Geothermal HVAC System	\$322.74	Jordaen Enterprises Inc	\$42,633
	PD160003	Demolition	10/20/2016	1101 Bayshore Road	Demolish 4 existing buildings	\$100.00	Cherrystone I, LLC	\$30,000
	PB160076	Building	10/07/2016	506 Harbor Avenue	Residential Alteration	\$352.00	Giannini Construction	\$30,000
	PM160028	Mechanical	10/12/2016	506 Harbor Avenue	Install Air to Air Heat/AC Unit	\$95.20	Morgans Climate Master	\$9,500
	PP160072	Plumbing	10/26/2016	506 Harbor Avenue	All kitchen & bathroom plumbing in res to b	\$168.00	Smith Plumbing	\$15,000
	PB160081	Building	10/26/2016	230 Jefferson Avenue	Remove 4' x 24' front porch & install 8' x 24	\$252.00	Johnson Southern Builde	\$30,000
	PM160029	Mechanical	10/13/2016	615 Jefferson Avenue	Replace Air to Air Heat Pump	\$72.80	Herbert Senn Company	\$5,500
	PB160072	Building	10/03/2016	629 Jefferson Avenue	New S/F Res	\$14,255.36	Tom Bonadeo	\$150,000
	PP160071	Plumbing	10/21/2016	206 Madison Avenue	Install a new onsite sewer line	\$58.24	Precision Plumbing	\$2,900
	PM160027	Mechanical	10/06/2016	33 Marina Road	Install new Heat/AC Unit in dining area	\$162.40	All Weather Heating &	\$9,500
083A3-0A00-0	PF160006	Fire Suppresio	10/19/2016	300 Mason Avenue	Install Wet Sprinkler System in multi use co	\$576.80	Liberty Fire Solutions In	\$44,000
	PE160054	Electrical	10/25/2016	439 Mason Avenue	Electrical remodel in kitchen & front room	\$112.00	Mabalot Services	\$5,000
	PB160082	Building	10/31/2016	705 Monroe Avenue E	Build one story 1 car garage	\$95.20	Linda Lines	\$9,500
	PB160080	Building	10/18/2016	610 Pine Street	Tear Off & Reroof	\$89.92	East Coast Cedar Co. In	\$8,555
	PB160075	Building	10/11/2016	536 Randolph Avenue	Interior Framing	\$190.40	QS LLC	\$19,000
	PB160067	Building	10/04/2016	541 Randolph Avenue	Remove & replace old siding on front of re	\$56.00	Dawn Construction Inc	\$1,000
	PE160053	Electrical	10/21/2016	541 Randolph Avenue	Service Meter Change	\$56.00	Townsend Electric	\$2,400
	PB160079	Building	10/17/2016	814 Randolph Avenue	Tear Off and Reroof Building	\$207.20	Johnson Southern Builde	\$11,000
	PB160083	Building	10/31/2016	117 Strawberry Street	New roof over existing 1 layer of shingles	\$56.00	TNT Construction LLC	\$2,500
083A3-0100-51	PP160070	Plumbing	10/13/2016	242 Tazewell Avenue	Replace water line from town meter to hou	\$56.00	Precision Plumbing	\$2,000
	PB160077	Building	10/07/2016	727 Tazewell Avenue	New S/F Res	\$15,866.35	Schneider Custom Build	\$273,000
	PE160052	Electrical	10/14/2016	727 Tazewell Avenue	Temporary Pole	\$56.00	Light House Elec. Servic	\$250
	PB160078	Building	10/13/2016	418 Washington Aven	Front Porch Addition to Residence	\$56.00	Charles Lee Sample	\$2,500
Total Permits:						23	\$33,312.61	\$705,738

PerDateIssued Range from 10/01/2016 to
10/31/2016

**Town Harbor
Town Council Report
October 2016**

Items of Interest:

Hurricane Matthew: Harbor fared very well during Hurricane Matthew. Harbor staff secured all trash cans and check on all vessels for security. The harbor was monitored during the storm for status of tides and all vessels in the harbor. No damage was sustained and harbor resumed normal operations Tuesday October 11, 2016.

1. Signage and security camera replacement are in the works. The purchase will come by grant through the Boater infrastructure Grant (BIG) and Virginia Dept. of Health thanks to Preston Smith. Harbors security cameras contract to be completed by Chesapeake Bay Communications, hardware has been ordered and received. Installation timeframe is mid-November. Harbors signage is work in progress, contacting vendors for pricing. Web advertising is part of the grant package and working with Dockwa as the designer. Dockwa is our online booking partner and has many marinas up and down the coast as clients (examples are The Island Boatyard & Edgartown Harbor Master).
2. Facebook and multiple media site are monitored with positive results.
3. Delinquent account holders are responsive and updates will be ongoing. Making good progress.

Maintenance/Repairs:

1. Dock work and maintenance is on-going throughout the fall.
2. BMP, excavating bed and planting prep in progress. The beds are to have approx. 12" of topsoil to allow plants and shrubs to sustain growth. (working with Pub. Works on equipment availability)
3. Repairing and replacing board walk on the west rear of the Shanty completed as of 10/26/2016.

Capital Projects and Harbor improvements:

1. Watermen's Memorial – Working with Tom Bonadeo and Ed Lewis. Notified by Mr. Lewis on status of Light House. Timeline has changed due to delays with the powder coat contractor. Expected to be set in place after before Thanksgiving.
2. We have updated the Harbor office with new shelves and drink cooler. The old shelves were falling apart and no longer provided the support needed to hold oil, boating equipment, etc. We have also updated our drink cooler allowing more items for sale per day.
3. We have contacted DGIF in regards to the boat ramps not being maintained per state contract. The harbor is aware that we are supposed to/and do maintain the docks from day to day use. However, the boards under the dock and supports are in need of attention. Representatives from the DGIF have come to the harbor and evaluated the damage and will be in contact with us soon.
4. Town Harbor Focus Committee is to be made up of 5 stake holders interested in the future direction of the harbor. Members will give input past, present, future and work on guidance of the harbor to report back to town managers and council with outcome. Myself and Asst. HM Andrew are working on a presentation to discuss the scope of work on current issues and future projects. Members: **Harbor Master** *Charlie Farlow*, **Assistant Harbor Master** *Andrew Spencer*, **Annual/Seasonal Slip holder** (*Tom Bonadeo*), **Commercial Waterman** (*Tim Wivell*), **Town Council Member** (liaison to town council (*appointed*)), and **Town Gov. Representative** *Bob Panek* (liaison to town manager). The committee will outline a strategic comprehensive plan pertaining to past & present ideas, direction, infrastructure, and funding streams. These elements will then be presented to Town Council for direction.

DOCKAGE								
94 SLIPS	FY 2015		FY 2016		FY 2016 1st QTR		FY 2017 1st QTR	
ANNUAL		\$62,131.73		\$59,171.99		\$23,220.75		\$2,764.28
SEASONAL		\$31,785.32		\$27,666.31		\$12,961.20		\$931.86
QUARTERLY		\$2,775.96		\$2,904.50		\$1,836.76		\$0.00
MONTHLY		\$11,468.96		\$10,400.38		\$1,704.28		\$3,875.96
WEEKLY		\$11,877.26		\$6,857.77		\$3,528.39		\$3,598.69
NIGHTLY		\$105,341.04		\$90,760.28		\$44,710.09		\$35,925.32
DOCK FEES				\$93,548.77		\$17,112.75		\$17,453.71
HOURLY		\$975.00		\$755.00		\$622.20		\$68.61
STORAGE		\$5,434.15		\$4,145.13		\$227.02		\$227.03
SHANTY LEASE		\$6,000.00		\$6,000.00		\$1,500.00		\$1,500.00
TOTAL		\$237,789.42		\$302,210.13		\$107,423.44		\$ 66,345.44

\$23,000 annual dockage in FY16, won't see in FY17

FUEL								
	US GAL	FY 2015	US GAL	FY 2016	US GAL	FY16 1ST QTR	US GAL	FY17 1ST QTR
DIESEL	88,759.81	\$269,633.94	83,881.27	\$183,681.25	32,236.06	\$ 70,035.78	23582.85	\$ 50,012.18
TRANSPORT	4,432.80	\$13,189.18	7,241.90	\$15,566.85	246	\$ 500.54		\$ -
REGULAR	37,145.60	\$111,762.44	31,596.14	\$74,779.72	11,905.31	\$ 28,459.78	9239.889	\$ 20,544.29
PLUS (NON-ETH)	23,629.40	\$94,233.00	24,084.25	\$84,248.91	11,859.08	\$ 40,730.64	14685.72	\$ 45,536.34
TOTAL SALES	153,967.60	\$488,818.56	146,803.56	\$358,276.73	56,246.45	\$ 139,726.74	47,508.46	\$ 116,092.81
FUEL PROFIT	0.00	\$59,913.19		\$71,982.53		\$43,519.68		\$37,919.44

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

• **Youth Programs**

Preschool Storytime (4 programs)	55
Toddler Storytime (4 programs)	19
Chess Club (4 programs)	25
Paws for Reading	3
Trunk or Treat	

Adult Programs

Breat Cancer Awareness	0
------------------------	---

Adult programs (provided by the Friends)

Medicare Program	14
Computer Classes (2)	8

Total 124

• **Library Services**

- Our e-book service was switched from OverDrive to OneClick Dital through the Eastern Shore Public Library.

• **Meetings**

- Staff attended Friends of the Library meeting, 10/3
- Staff attended ESPL Trustee meeting at the Nassawadox Library, 10/3
- Staff attended Library Board meeting 10/12
- Ann Rutledge attended the Virginia Library Association meertng.10/26

• **Facility**

- A new above ground fuel tank was installed to replace the old underground tank.10/31

• **Marketing & Communication**

- Book displays for this month included a selection of new books on breast cancer presented by the Virginia Breast Cancer Foundation and book displays on Halloween.
- Staff continues to update the cape Charles memorial library Facebook pgeincluding friends of the library programs, the town website(capecharles.org) and the ESPL website when needed.

• **Outreach**

- Participated in the Birding Festival at Kiptopeke State Park providing a craft for children and books on birds.10/8
- Sharon Silvey attended the STEM training at the Portsmouth Public Library.10/21
- The Eastern Shore Public Library had table at the Shore Made Music Festival to promote the Capital Campaign and Ann Rutledge volunteered.10/22

• **Technology**

- The hard drive on the new desk computer crashed and had to be replaced.10/25

• **Adult Programs**

- Presented Breast Cancer Awareness Program provided by the Breast Cancer Foundation.10/18

- **Friends of the Library Adult Programs**
 - Friends of the Library presented Understanding Your Medicare Choices. 10/15
 - Friends of the library presented One-On-One computer training. 10/20 & 10/29
 -
- **Friends of the Library**
 - The week of October 16-22 was Friends of the Library Week.
 - The Friends of the library presented a \$2,000 check to the Eastern Shore Public Library Capital Campaign.10/18
- **Youth Services**
 - Fall Storytime was held on Thursday mornings at 10:30.
 - Chess club was held at 5:00 on Thursday.
 - Paws for Reading
 - The library participated in trunk or treat handing out candy to children. 10/29
- **Volunteers**
 - Volunteers performed 138 hours of service for this month.
- **Upcoming Events**
 - The Eastern Shore Public Library Trustee meeting will be held at 2:00 on 11/7.
 - The Friends of the Library will meet on Monday, November 7. 11/7
 - The Library Board will meet on November 9. 11/9.
 - One-on-One Computer Training 11/10 and 11/12
 - Friends of the Afternoon Tea with New Ravenna, 3:00. 11/4
 - Paws for Reading held every third Saturday of the month from 10:45 to 12:00.

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	\$90.25	\$75.70	\$115.95	\$0.00	\$0.00	\$967.60			
Faxes	\$48.50	\$72.00	\$39.00	\$33.00	\$52.00	\$27.50	\$60.00	\$68.00	\$61.50	\$63.50	\$0.00	\$0.00	\$525.00			
TOTAL	\$144.65	\$221.75	\$141.10	\$113.80	\$128.35	\$130.50	\$137.55	\$158.25	\$137.20	\$179.45	\$0.00	\$0.00	\$1,492.60			
Total 2015	\$88.80	\$90.00	\$123.60	\$109.50	\$102.65	\$186.60	\$140.60	\$154.00	\$104.20	\$119.70	\$125.80	\$84.60	\$1,430.05			
BOOK CIRC-ADLT																
Fiction	503	536	500	470	479	601	588	602	541	513	0	0	5333			
Non-fiction	184	136	142	126	135	173	150	201	377	104	0	0	1728			
DVDs	196	204	152	115	121	194	214	169	114	137	0	0	1616			
TOTAL 2016	883	876	794	711	735	968	952	972	1032	754	0	0	8677			
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	719	146	441	0	0	5020			
Non-Fiction	3	62	143	85	94	128	189	104	74	85	0	0	967			
DVDs	60	50	65	60	69	123	162	144	80	80	0	0	893			
TOTAL 2016	390	461	725	647	582	947	1255	967	300	606	0	0	6880			
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	1939	1332	1360	0	0	15557			
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	1574	921	939	0	0	11980			
Attendance 2015	901	707	1047	1372	1124	1754	2449	1765	1079	1171	886	931	15186			
PROGRAMS 2016	13	14	17	17	16	24	30	21	13	17	0	0	182			
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	239	109	124	0	0	2323			
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	264	182	157	0	0	2153			
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	20	12	24	0	0	170			
Library cards 2015	11	5	16	25	10	32	22	16	21	23	10	7	198			
Voulnteer Hours 2016	298.00	264.00	364.75	349.50	171.75	366.00	231.50	253.50	441.50	138.00	0.00	0.00	2878.5			
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

October 2016

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

- Calls for service in Cape Charles: 53
- Calls for service outside of Cape Charles: 1
- Felony arrests: 0
- Misdemeanor Arrests: 0
- D.U.I. Arrests: 0
- Traffic Summons: 5 (see below)
- Traffic Warnings: 12 (written& verbal):
- Parking tickets: 7
- Building Checks: 46
- Assisted Northampton County Sheriff's Office: 1
- Assisted Virginia State Police: 1
- Assisted Federal Agencies: 0
- Assisted Fire& Rescue: 17
- Foot Patrol Hours: 68.5
- Bay creek patrol hours: 36.5

The following took place in October:

Traffic Summons:

1. No license
2. Speeding 42/25 zone
3. Driving while suspended
4. Improper registration
5. No front tag displayed

ARRESTS: None

Public Utilities

Monthly Report October 2016



Production Summary

- Miss Utility Tickets: 15
- Emergency Call Outs After Hours and Weekends:
 - Number of times called out: 4
 - Total Man Hours: 8
- Fire Calls: 1 Man Hours: 1
- Sludge: Tons 40
- *Water: Total Production : 3,940,902 Gallons
 - High: 195,500 On September 3rd
 - Low: 66,300 On September 21st

Average	Raw Water	Finished Water
Hardness	497.1	114.6
Iron	9.87	.015
Manganese	.594	.015

All Data in PPM

- *Waste Water: Average Flow 149,800 gpd
 - Maximum 349,800
 - Total for Month 4,494,000 Gallons
 - Nutrients:
 - Phosphorus Average .1 Limit .3 mg/l annual average
 - YTD .085
 - Nitrogen Average .58 Limit 4 mg/l annual average
 - YTD .79

(*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
 - Gerald Elliott Maintenance
 - Dan Dabinett Operator Class 3 Water, 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 Utilities

Projects

- Auto flush system being installed at north end of Waters Edge Drive in Marina Village East
- Contracted with Kevcor to replace section of pipe in Water Plant damaged by exposure to chlorine

Capital Projects

- Water:
 - Task Order No. 2
 - Construction of pipeline for Keck Wells \$500k
 - Received Final copy of PER
 - Will move forward when financing is in place
 - USDA Rural Development has a copy of the PER and is reviewing for funding
 - Task Order No. 4
 - Addition of chloramines to drinking water to reduce THMs
 - Received final copy of PER
 - With the improved quality the Keck Wells will bring to our drinking water, the addition of chloramines should not be necessary. If the Keck Wells are delayed, the Department of Health may require us to move forward if we are unable to remain compliant.
 - Will implement when/if needed \$33k
- Waste Water
 - Task Order No. 5 Pump Station Improvements
 - We have received the engineer's final report.
 - Mason Avenue \$127k
 - Pine and Plum \$475k
 - Budgeted 2017 \$200k
 - Task Order No.6 WWTP Support

PUBLIC WORKS

October 2016



Dump Fees - None

Completed Projects

- Setting up equipment for street sweeping
- Installed new Above Ground Storage Tank at library

In Progress

- Waiting on new tractor
- Central Park Gazebo repairs
- Cleaning sand off Bay Ave

Upcoming Projects

- Beach/Dune Maintenance plan
 - Install additional sand fence (Contract ER&M)
 - ER&M to finish USACE planting
 - Order sprigs of American Beach Grass to be planted in Spring

Recreation Department November 2016 Council Report

October was spent gearing up for the Holiday Season. Staff worked on a report for Kerry Allison that resulted in 5 pages of events happening in December in Cape Charles. This is very exciting for such a small Town to produce so many fun activities. Tracy was able to take all the events and consolidate them in a one page flyer.

December events the Recreation Department will participate in include:

- Grand Illumination – Staff will again place all luminaries prior to event to be on display for the weekend. Staff will coordinate the event with help from Citizens for Central Park.
- Activities with children on Festive Fridays – On November 25 and December 2 staff will make ornaments with children.
- This year the Recreation Department will sponsor the movie The Polar Express at the Palace Theatre during Festive Fridays. Staff has some great ideas to interact with the public during this event.
- Staff will help with planning and during the Cookie Trail. It will be expanded to include private homes on the tour this year.
- Staff will work to organize and have the Dropping of the Crabpot again this year.

Staff attended a Group Tour Meeting. Several key Towns and organizations will be putting together itineraries to present to Bus Tour companies to highlight what the Shore has to offer.

Trunk or treating was again a huge success. Many participants remarked that this year had more participants than years past. The winner of the best decorated store front this year was Lemon Tree Gallery.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Town Ordinance 20161117 adding Town Code Sections 24-1 through 24-7 Tourism Zone Ordinance		AGENDA DATE: November 17, 2016
	SUBJECT/PROPOSAL/REQUEST: Final draft Tourism Zone Ordinance for review, discussion, and vote.		ITEM NUMBER: 7A
	ATTACHMENTS: Ordinance 20161117.		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Larry DiRe	REVIEWED BY: Brent Manuel, Town Manager	

ITEM SPECIFICS:

The Code of Virginia states the following on the creation and implementation of Tourism Zones in the Commonwealth:

§ 58.1-3851. *Creation of local tourism zones.*

A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.

B. The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.

C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ [62.1-44.15:67 et seq.](#)), the Erosion and Sediment Control Law (§ [62.1-44.15:51 et seq.](#)), or the Virginia Stormwater Management Act (§ [62.1-44.15:24 et seq.](#)), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone.

(2006, c. [642](#); 2008, c. [462](#); 2013, cc. [756](#), [793](#).)

BACKGROUND:

Beginning in 2010 the Planning Commission and staff have reviewed tourism zone ordinances from localities around the Commonwealth, and drafts of the proposed ordinance for Cape Charles. Following numerous public meetings, opportunities for public comment, review by legal counsel, and further discussion. The Planning Commission decided on a final draft document.

The Planning Commission reviewed and discussed the draft of the Tourism Zone Ordinance dated September 29, 2016 at their October 4th regular monthly meeting. This draft included all comments and revisions received from the Town’s attorney. The Commissioners recommended removing the following language: “If a qualified tourism business leaves the town to conduct business in another location within three (3) years after the expiration of all incentive periods, it will be required to repay the town the total amount of economic stimulus credits received.” (“clawback” provision) on the basis that since this is a reimbursement program for completed work, there are no grounds for requesting repayment of funds, since those funds reimburse the owner for the owner’s prior expenses. The Planning Commission completed their review, and voted to send the document to Town Council as amended. The Town Council reviewed

the draft document at their October 13th work session. Following Council discussion, the “clawback” provision remained in the draft and is shown as such in the attached final draft document.

The draft Tourism Zone Ordinance, if adopted, will add sections 24-1 through 24-7 to the Town Code. Such addition is required by Town Ordinance, which is attached.

RECOMMENDATION:

Review the final draft, consider any public comment, amend if needed and adopt the Tourism Zone Ordinance by roll call vote.

ORDINANCE NO.: 20161117
TO ADD CAPE CHARLES TOWN CODE SECTIONS
24-1 THROUGH 24-7 – TOURISM ZONE ORDINANCE

WHEREAS, Section 58.1-3851 of the Code of Virginia allows for the establishment of local tourism zones;

WHEREAS, a locality may grant tax incentives for up to twenty (20) years, and provide certain regulatory flexibility in a tourism zone for a period of up to ten (10) years;

WHEREAS, the Town Council of the Town of Cape Charles desires to enhance the expansion of tourism related businesses to benefit the Town as a whole;

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cape Charles this 17th day of November, 2016 that:

Sections 24-1 through 24-7 of the Cape Charles Town Code be added as follows:

Chapter 24. -Tourism Zone

Sec. 24-1. - Purpose.

The town council finds that the creation of a local tourism zone, with incentives for growth, as authorized by Code of Virginia, § 58.1-3851, as amended, will foster the town's development, maintenance and expansion of businesses engaged in the tourism industry, all of which would benefit the citizens of the town.

Sec. 24-2. - Administration.

This chapter shall be administered by the town manager or his or her designee (the "administrator"). The administrator shall be responsible for determining if a business qualifies as a qualified tourism business, and shall determine and publish the procedures for obtaining the benefits created by this chapter.

The application procedure is as follows:

- A. The business will submit a completed application with all required documentation. The application will list Applicant/Contact information and provide the required project information described below. The application will also contain a certification from the applicant that the business is in compliance with all town ordinances and has no outstanding debts to the town or delinquent taxes to the town or Northampton County. The application must be signed by the owner (if an unincorporated business), a duly authorized officer (if a corporation) or manager (if a limited liability company), or the general partner (if a partnership). Each person signing shall certify that he or she is fully authorized to sign the application on behalf of the business.
- B. Project Information requires a business plan or narrative which includes the following:
 - i. General description of the business's history, including its formation, the products and/or services it has provided, and any other significant activities.
 - ii. Description of the operation and/or financial relationships with any parent or subsidiary, and describe any changes in ownership that may occur as a result of this project.
 - iii. Detailed description of the actions the business will take that will qualify it for the credit.
 - iv. Revenue projections for the 5 year term of the credit/incentives.

- v. Estimate of the amount of building and other town fees required to complete the capital investment plan.
- vi. Estimate of the increased assessed value of real property.
- vii. Estimate of the increased assessed value of business personal property or machinery and tools.
- viii. If facility and connection fees will be assessed as a result of the project, list the cost of those fees.
- ix. Number of full and part time jobs created.

Sec. 24-3. - Boundary area.

The entire area of the Town of Cape Charles is designated a tourism zone pursuant to Code of Virginia § 58.1-3851, as amended.

Sec. 24-4. - Definitions.

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

Economic stimulus credits means the incentive credits payable to a qualified tourism business as provided in section 24-6 of this chapter.

Existing business means a corporation, partnership, limited liability company, or sole proprietorship authorized to conduct business in the Commonwealth of Virginia, located in and actively engaged in the conduct of trade or business in the town prior to the adoption of this chapter.

Full time job means a full-time employee as defined according to the federal definition found in 26 US Code Subtitle D Chapter 43 Section 4980H, with reasonable allowances for holidays and vacations.

New business means a corporation, partnership, limited liability company or sole proprietorship authorized to conduct business in the Commonwealth of Virginia not previously located in the town that begins actively conducting business after the adoption of this chapter.

Part time job means an employee working a minimum of fourteen hours weekly and fewer than the number of hours required to meet the definition of full time job defined in this section.

Qualified tourism business means a new or existing business that has met the applicable qualifications set forth in section 24-5 of this chapter and that is engaged in provisioning services, concierge and accommodation services, conference center services, galleries, recreational facilities/services, entertainment, food services, day spas, specialty food stores, gift stores, special events/services, fishing, tourism-related communications, transportation, or any other similar activity deemed appropriate for a tourism zone as defined in another jurisdiction of the commonwealth and approved by that jurisdiction, and found as such by the administrator.

Sec. 24-5. - Qualifications.

To be eligible for economic stimulus credits a qualified tourism business must:

- A. Create and maintain a minimum of one (1) new full time or two (2) new part time jobs.
- B. Make a new verified capital investment of no less than \$2,000.00 in a building, building improvements, and/or in depreciable assets. A capital investment does not include the cost to purchase real property.
- C. Hold a current town business license and be current in all tax and utility bill obligations to the town, and all tax obligations to Northampton County.
- D. Be in compliance with all town ordinances.

Sec. 24-6. - Economic stimulus credits and enforcement.

- A. A qualified tourism business shall be eligible to receive the following economic stimulus credits:
- i. A credit equal to 25 percent of the new or increased capital improvement tax paid to the town with a verified capital investment of not less than \$2,000.00 to a maximum of \$1,000,000.00 capital investment.
 - ii. A credit equal to 50 percent of the amount of the net increase in real estate tax paid to the town.
 - iii. A credit equal to 50 percent of the amount of BPOL tax paid to the town.
 - iv. For a qualified tourism business that maintains at least eighty-five (85) hours weekly of full time and part time staff employment, a credit of up to 50 percent of the facility and connection fees paid to the town.
 - v. A credit of up to 50 percent of the building permit fees paid to the town for the approved project.
- B. The economic stimulus credits shall be awarded according to a flat credit structure for taxes described in subparts (A)(i) through (A)(iii) above and a tiered structure for fees described in subparts (A)(iv) and (A)(v). The amount of economic development stimulus credits awarded for fees shall be determined by the administrator based on a qualified tourism business's application alignment with Section 24-5 (A) through (D) and all or some of the following criteria: preserves or enhances retail sales tax base; fills a vacant storefront; eliminates blight; prevents demolition by neglect; and increases payroll by at least forty-four (44) hours of full time and part time staff employment per week.
- The administrator shall make an award recommendation to the town council for final approval. Following the decision of the town council, the administrator will send a letter to the applicant business stating the following:
- i. Whether the business qualifies for economic stimulus credits.
 - ii. If the business qualifies, the potential amount of the credit(s) and the period(s) over which the credit(s) will be awarded.
 - iii. The required actions for the business to remain qualified to receive the credit(s).
- C. No taxes, fees, or other charges shall be deemed waived by this chapter. All such taxes, fees, and charges shall be paid by the qualified business in full as and when due. Economic stimulus credits described in subparts (A)(i) through (A)(iii) above that are awarded to a qualified tourism business shall be paid annually, in arrears, for each year that the qualified business meets all eligibility criteria up to a maximum of five years. If a qualified business fails to meet all eligibility criteria in any given year, the economic stimulus credits for that year and all future years shall be forfeited. Economic stimulus credits described in subparts (A)(iv) and (A)(v) above that are awarded to a qualified business shall be paid upon verification by the administrator of the completion of construction of the improvements to which the applicable facility and connection fees and/or building permit fees relate.
- D. As a condition to receiving an economic stimulus credit, a qualified business agrees to provide such information and allow such inspections as the town deems reasonably necessary to verify the eligibility criteria and to ensure the qualified business's ongoing compliance therewith.
- E. Notwithstanding anything to the contrary in this chapter:
- i. An otherwise qualified tourism business shall lose its eligibility for economic stimulus credits, and shall repay any previously awarded economic stimulus credits, upon any of the following:

- a) A violation by such business or, to the extent related to the operation of the business, by any of its principals or officers, of any statute, regulation, or order of the United States or the Commonwealth of Virginia or any department or agency thereof; or
 - b) A violation of any town ordinance that continues beyond the applicable cure period or, if none, a period of ten days.
- ii. All economic stimulus credits are subject to the appropriation requirements of the Commonwealth of Virginia and the town.
- F. If a qualified tourism business leaves the town to conduct business in another location within three (3) years after the expiration of all incentive periods, it will be required to repay the town the total amount of economic stimulus credits received.

Sec. 24-7. - Non-waiver.

Unless expressly stated herein, this chapter shall not be construed to waive the requirement of any ordinances, regulations, and policies that require permits and approvals for land use, construction, and business operation. Additionally, unless stated otherwise herein, nothing in this chapter shall be construed as waiving the right of the town to enforce its ordinances, regulations, or policies or to collect taxes, fees, fines, penalties, or interest imposed by law or by ordinance.

Adopted by the Town Council of Cape Charles on this 17th day of November, 2016.

Mayor George Proto

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Community Trail		AGENDA DATE: November 17, 2016
	SUBJECT/PROPOSAL/REQUEST: Status report.		ITEM NUMBER: 7B
	ATTACHMENTS: None		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek, Asst. Town Manager	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

Council adopted the Master Trail Plan on September 11, 2007. This multi-use trail is being constructed in phases. Eighty percent of the cost is funded by Federal grants under the Transportation Alternatives Program (TAP), administered by the Virginia Department of Transportation (VDOT) and twenty percent by the Town. To date, \$3.4M of grant funding has been awarded. About \$1M was utilized for the Master Plan and for design, engineering and construction of Phase 1 in Central Park. About \$1.6M is being utilized for Phase 2 – north Peach St. and Washington Ave. About \$0.8M is reserved for Phase 3 - south Peach St., and any funding shortfall to complete Phase 2.

DISCUSSION:

Phase 2 is now under construction by Kevcor Contracting Corporation. The start of construction was delayed somewhat due to an extended review of the Storm Water Management plan by the Department of Environmental Quality (DEQ). The contractor has accomplished the following: installed the rip rap over the storm water outfall at Bay and Washington Aves., excavated about half of the trail route on Washington Ave., milled the asphalt for the median and storm water system on Peach St., completed most of the curbing, sidewalk and driveway demolition, installed most of the storm water system on both Peach St. and Washington Ave., and commenced electrical conduit installation.

The contractor is now performing final grading of Peach St. and will begin concrete installation the third week in November. Additionally, the contractor is doing final demolition and storm water system work on the western portion of Washington Ave.

We have executed the change order to add the Filtera system required by DEQ to remove the additional phosphorous in storm water runoff generated by the project.

The project estimate is about \$2.0M, including utility relocation (\$35K), construction engineering and inspection (12%), VDOT oversight (1.15%) and a contingency reserve (5%). We anticipate that Phase 2 construction will be completed in early winter.

RECOMMENDATION:

Provided for information only.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Northampton County Funding Request		AGENDA DATE: November 17, 2016
	SUBJECT/PROPOSAL/REQUEST: Letter to Northampton County requesting funding assistance for FY 2017/2018		ITEM NUMBER: 8A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Deborah Pocock/Libby Hume	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

Each year, the Town submits a letter to Northampton County for a contribution request for the next Fiscal Year's budget. Typically, the Town requests funding assistance for the Cape Charles Memorial Library and the 4th of July celebration. The last two years, the Town requested funding assistance as follows:

- \$30K for the operations of the Cape Charles Memorial Library/Computer Training Lab
- \$8K for the 4th of July fireworks display
- \$10K for public beach safety operations
- \$75K towards the Offshore Breakwater Project

The Town received \$20K for the operations of the Cape Charles Memorial Library.

On November 9, 2015, the Town received notification from the County to submit any funding assistance requests for FY 2016/2017 by December 4, 2015.

DISCUSSION:

On November 4, 2016, the Town received notification from Northampton County to submit any funding assistance requests for FY 2017/2018 by December 2, 2016. Due to the current economy and known reductions in revenues from the State and other anticipated reductions, it is uncertain if Northampton County plans to submit a budget equal to or less than the current budget year.

For Fiscal Year 2017/2018, the Town plans to request funding assistance as follows:

- Cape Charles Memorial Library and Computer Training Lab Operations – \$30K (FY2016/2017 budget = \$132K)
- July 4th 2017 fireworks display – \$8K of a \$15K budget
- Public Beach Safety Operations – \$10K of an anticipated \$30K budget
- North Entrance Jetty – \$50K of a \$300K project

The Town will request Northampton County to continue its efforts to provide emergency services to the residents of the County after the relocation of Riverside Shore Memorial Hospital and continued support for the Cape Charles Harbor Access Road and the Cape Charles Volunteer Fire Company.

RECOMMENDATION:

Staff recommends discussion and requests Council's input on any additional projects to include in the request to Northampton County for funding assistance in the FY 2017/2018 budget.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Fuel Services Contract Extension

AGENDA DATE:
November 17, 2016

SUBJECT/PROPOSAL/REQUEST: Extension of Fuel Services Contract with Pep-Up, Inc.

ITEM NUMBER:
8B

ATTACHMENTS: Attachment 4

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Brent Manuel

REVIEWED BY:
Brent Manuel, Town Manager

BACKGROUND:

On November 18, 2014, the Town of Cape Charles awarded a contract effective December 1, 2014 to Pep-Up, Inc. for all fuel services for the Town. The contract was for one year with the option to renew for three additional years. This would be the second renewal.

DISCUSSION:

The current contract expires at midnight on November 30, 2016 and the Town wishes to exercise the right to renew at current fuel prices with no increase for another year. We are very satisfied with the services provided by Pep-Up, Inc.

RECOMMENDATION:

Staff requests Council authorize the mayor to execute a one-year contract extension with Pep-Up, Inc. to provide fuel services to the Town.

Town of Cape Charles, Virginia

**Attachment 4
Cost of Goods
Pep-Up, Inc.**

Product	Mark Up
Regular Unleaded	\$0.13
Plus Unleaded	\$0.43
Diesel	\$0.13
Diesel by Transport/Truck	\$0.12
Propane	\$0.40
Heating Oil	\$0.13

Supplier will use least expensive refinery rate for day of delivery

 TOWN OF CAPE CHARLES	AGENDA TITLE: Parking Improvements		AGENDA DATE: November 17, 2016
	SUBJECT/PROPOSAL/REQUEST: Approve parking improvement plan.		ITEM NUMBER: 8C
	ATTACHMENTS: 1. Parking Improvement Plan. 2. Strawberry Street Station/Leased Parking Lot Site Plan.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Assistant Town Manager	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

The redevelopment of the former grocery store property on Mason Avenue, including eventual loss of the two parking lots, has raised concerns about the availability of public parking in the central business district. Two initiatives have been pursued to compensate for this. We had designed a parking lot for the Town-owned property behind the library which would partially replace the spaces to be lost. However, the construction bid was much higher than anticipated and we have deferred this project. The Town has also leased property from Bay Coast Railroad just to the south of Mason Ave. to provide additional parking. Some improvements have already been made to this lot.

DISCUSSION:

Council included \$30K in the FY 2017 budget for additional improvements to the leased lot, focusing on lighting consistent with other town fixtures. However, it is estimated to cost about \$58K to light this lot with the fixtures being used in the Community Trail project. We have an opportunity to utilize these resources to integrate several initiatives related to parking and related pedestrian access. Council was briefed on this topic during the October 13, 2016 Work Session on future phases of the Community Trail and directed that a plan be developed. The attachments provide the details of the proposed plan. A summary follows:

1. Leased Parking Lot – Transition from Strawberry Street Pedestrian Plaza to lot, head-in parking on south side, two way ingress/egress, view shed from Plaza and limited lighting (\$18K).
2. Mason Ave. Parking Extension – Improved east entrance to lot and sidewalk to Plaza, access to Strawberry Street Station parking from entrance to save 6 spaces on Mason Ave. (\$15K).
3. Library Parking Lot – Repair broken concrete at entrance, relocate dumpsters off pavement and screen with landscaping (\$8.5K).

This plan would improve traffic flow for the two lots, improve pedestrian access between the leased lot and the Plaza, improve location of the trash dumpsters (including those now on Mason Ave.), provide lighting in the area of the leased lot most likely to be initially used for night parking, and save 6 parking spots on Mason Ave. by eliminating the new entrance to Strawberry Street Station. The total estimate of \$41.5K exceeds the \$30K budgeted. To remain within the budgeted amount, certain elements could be deferred to next fiscal year, or additional funds could be realigned to the project in FY 2017.

A key to fully implementing the Mason Ave. Parking Extension is amending the lease to allow this new use and increasing the term from 20 years to 50 years. The longer term is necessary for the Commonwealth to approve the Strawberry Street Station Condominium documents with access from leased property. Bay Coast Railroad is amenable to amending the lease.

RECOMMENDATION:

Discuss the proposed parking improvement plan, including amending the Bay Coast Railroad property lease and, if desired, authorize the Town Manager to execute an amended lease and proceed with the improvements as outlined above.

Parking Improvement Plan

Town Council Meeting

November 17, 2016

Overview

- \$30K in FY 2017 general fund budget for improvements to leased parking lot south of Mason Avenue, focusing on lighting consistent with town fixtures.
- Budget also contains note about improvements to Harbor/Shanty lot. Currently no specific plans beyond better maintenance.
- Three areas for consideration:
 1. Leased parking lot.
 2. Mason Avenue parking extension near Strawberry Street Station.
 3. Library parking lot off Pine Street.

Leased Parking Lot

- Property leased from railroad for 20 years.
- Improvements to date: gravel over milled asphalt base, post & rope fence, entrance/exit signs.
- \$58K is estimate to light entire lot with fixtures being used on Community Trail. Ten fixtures every 85 feet.

Leased Parking Lot

- Alternative approach to improvements:
 1. Mr. Hand will install lights on the building; no cost to Town.
 2. Two lights can be added to southern end of plaza; \$8K - \$10K.
 3. Transition from plaza to parking (grading & drainage); \$4K.
 4. Additional fencing & landscaping for view shed from plaza; \$3K.
 5. Signage for two way traffic & head in parking on south side; \$1K.
- Improves & lights area likely to be initially used for night parking.
- Can be phased with building construction and plaza improvements.

Mason Avenue Parking Extension

- Railroad property lease includes entrance/exit corridors to Mason Avenue on east and west sides of parking lot.
- Opportunity to use the east entrance to serve both Town and Strawberry Street Station parking lots. Avoids another entrance on Mason Avenue and loss of about 6 parking spots.
- Rebuild entrance apron in ROW (approx. 35' wide) to current VDOT specifications, including handicap ramp to sidewalk; \$5K.
- Improve sidewalk (pavers on south side of planting bed) from ramp to plaza; \$10K. Becomes portion of Community Trail, S. Peach to plaza.

Mason Avenue Parking Extension

- Current parking lot lease with railroad is 20 year term, with automatic 20 year renewals unless cancelled by either party with 30 day notice.
- Term of lease for Strawberry Street Station parking lot access is insufficient to gain state approval of condominium documents.
- Railroad is amenable to amending lease to allow Strawberry Street Station access, as well as extending term to 50 years.
- Is Council agreeable?

Library Parking Lot

- Design and specifications developed to improve existing lot, including realigning entrance and a trash management area.
- One construction bid received for over \$100K; not accepted.
- Opportunity to do a more modest version to clean it up, address concerns about trash dumpsters, and open up more parking area:
 1. Remove old chain link fencing (completed by Public Works).
 2. Repair broken concrete at entrance; \$2K.
 3. Install gravel strip along north side to reposition dumpsters; \$3K.
 4. Landscaping to north of dumpsters; \$3K.
 5. Signage; \$0.5K.

Summary

• Leased parking lot:		
1. Transition from plaza to parking.		4,000
2. Fencing and landscaping.		3,000
3. Traffic and parking signage.		1,000
4. Two lights southern end of plaza.		<u>10,000</u> *can be deferred to FY 2018 (July 2017)
	Subtotal	18,000
• Mason Avenue parking extension:		
1. Entrance apron.		5,000
2. Improve sidewalk.		<u>10,000</u>
	Subtotal	15,000
• Library parking lot:		
1. Repair entrance.		2,000
2. Dumpster strip and landscaping.		6,000
3. Signage.		<u>500</u>
	Subtotal	8,500
	Total	41,500

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Retirement Options for Law Enforcement Officers		AGENDA DATE: November 17, 2016
	SUBJECT/PROPOSAL/REQUEST: Review actuarial study and vote on offering enhanced retirement benefits for the Town's police department for FY2018 budget year.		ITEM NUMBER: 8D
	ATTACHMENTS: 1) Cavanaugh Macdonald Consulting, LLC, cost study report and 2) Resolution.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Deborah Pocock, Chief Jim Pruitt	REVIEWED BY: Brent Manuel, Town Manager	

BACKGROUND:

Council previously approved funding for a cost study for enhanced Virginia Retirement System (VRS) benefits for hazardous duty positions (Town Police Officers). This report has been completed and is attached for your review.

DISCUSSION:

The major enhancements are as follows:

Retirement eligible at 60, vs. 65 for Plans 1 and 2, and current Social Security (SS) age for those hired after January 1, 2014 (Hybrid Plan). Reduced benefit retirement at age 50 with at least 5 years of service.

The retirement multiplier, which determines the amount of retirement pay, is either 1.7% or 1.85%, whichever is elected by Council. Currently multiplier for Plan 1 is 1.7%, Plan 2 is 1.65%, and Hybrid Plan is 1%. Anyone entering the retirement system after January 1, 2014 will be in the Hybrid Plan if they are not covered by hazardous duty retirement plan.

After at least 20 years of hazardous duty service credit, a retiree will receive a supplement to the retirement benefit which is intended to fill the income gap until normal social security retirement age is reached. Disability retirees and non-hazardous duty plan employees are not eligible for this benefit.

Those employees hired after January 1, 2014, Hybrid plan members, are not eligible for disability retirement, but the hazardous duty enhanced plan does include this coverage. Disability retirement is preferable to the disability insurance coverage that the Town offers. The insurance benefit ceases at 5 years or normal SS retirement age, whichever is greater, while the retirement benefit is for life.

The increase in retirement costs to the Town for the first year is estimated to be \$23,395 for the 1.7% multiplier, and \$25,884 for the 1.85% multiplier. If the election is made, by resolution, to give this benefit to the police officers it is not revocable in future years.

There are benefits to the Town for providing enhanced benefits. One of these benefits is giving the Town the ability to be competitive when hiring new staff and retaining seasoned staff. In these times that are more stressful than ever for police officers, knowing that the locality they serve has provided for them should they become disabled and has allowed for an earlier retirement from a physically demanding job should boost morale.

RECOMMENDATION:

Staff recommends that Council discuss the options and vote to adopt the 1.7% Hazardous Duty Retirement Plan for fiscal year 2018 and beyond.

VIRGINIA RETIREMENT SYSTEM
SUMMARY OF BENEFIT PROVISIONS



	Non-Hazardous Duty Employees (Non LEO, Fire and/or EMT)			Hazardous Duty Employees (LEO, Fire and/or EMT)	
	Plan 1 (Vested as of 1/1/2015)	Plan 2 (Non-Vested as of 1/1/2013 and new members after that date until 1/1/2014)	Hybrid (Hired on or after 1/1/2014 or by member election)	Plan 1 (Vested as of 1/1/2013)	Plan 2 (Non-Vested as of 1/1/2013 and new members after that date)
Normal retirement eligibility	Age 65 with at least 5 years of service	Normal Social Security Retirement Age with at least 5 years of service	Normal Social Security Retirement Age with at least 5 years of service	Age 60 with at least 5 years of service	Age 60 with at least 5 years of service
Early retirement eligibility	Age 50 with at least 10 years of service, or age 55 with at least 5 years of service	Age 60 with at least 5 years of service	Age 60 with at least 5 years of service	Age 50 with at least 5 years of service	Age 50 with at least 5 years of service
Early retirement reduction	Benefit reduced for each year retirement age is before age 65 or for each year service at retirement is less than 30, whichever provides greater benefit	Benefit reduced for each year retirement age is before Normal Social Security Retirement Age	Benefit reduced for each year retirement age is before Normal Social Security Retirement Age	Benefit reduced for each year retirement age is before age 60 or for each year service at retirement is less than 25, whichever provides greater benefit	Benefit reduced for each year retirement age is before age 60 or for each year service at retirement is less than 25, whichever provides greater benefit
Unreduced Early Retirement	Age 50 with at least 30 years of service	Age plus service equals 90 points	Age plus service equals 90 points	Age 50 with at least 25 years of service	Age 50 with at least 25 years of service
Final Average Compensation	Average of the employee's 36 highest consecutive months of creditable compensation	Average of the employee's 60 highest consecutive months of creditable compensation	Average of the employee's 60 highest consecutive months of creditable compensation	Average of the employee's 36 highest consecutive months of creditable compensation	Average of the employee's 60 highest consecutive months of creditable compensation
Benefit Multiplier	1.70%	1.65% (1.70% for service before 1/1/2013)	1.00%	1.70% or 1.85%	1.70% or 1.85%
Cost-of-Living-Adjustment (COLA)	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 3% of the CPI plus half of each percent from 3% to 7%, maximum COLA of 5%	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 2% of the CPI plus half of each percent from 2% to 10%, maximum COLA of 6%	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 2% of the CPI plus half of each percent from 2% to 10%, maximum COLA of 6%	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 3% of the CPI plus half of each percent from 3% to 7%, maximum COLA of 5%	COLA increase on July 1 of the second calendar year after retirement. Automatic COLA increase is calculated as the first 2% of the CPI plus half of each percent from 2% to 10%, maximum COLA of 6%
Employee Contributions	5% to DB plan	5% to DB plan	4% to DB plan and 1% to DC plan. Can contribute up to 5% to DC plan.	5% to DB plan	5% to DB plan
Annual supplement from date of retirement to Social Security normal retirement age	No	No	No	Yes	Yes



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LEO

July 11, 2016

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

Town of Cape Charles (55379) - Cost Study for Enhanced Benefits for Hazardous Duty Positions with 1.70% or 1.85%

Dear Mr. Manuel:

As requested, we have evaluated the impact of providing benefits to full-time law enforcement officers of the Town of Cape Charles participating in the Virginia Retirement System under the enhanced hazardous duty benefit provisions for law enforcement officers (LEO) of Subsection B of § 51.1-138 of the Code of Virginia with 1.70% and 1.85% benefit multipliers.

In the attached exhibit, we present a summary comparing the current benefits. Members hired prior to July 1, 2010 and vested prior to January 1, 2013 are in Plan 1, while members hired after July 1, 2010 or not vested as of January 1, 2013 are in Plan 2. Members with non-hazardous duty benefits employed on or after January 1, 2014 are in the Hybrid Plan.

Our study is based on the data and actuarial assumptions and methods used in the June 30, 2015 actuarial valuation for Town of Cape Charles. VRS provided us with data identifying 5 employees eligible for the proposed benefits. In the table below, we present a summary of the data used to estimate the impact of providing enhanced hazardous duty benefits:

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LEO

Mr. Brent Manuel
July 11, 2016
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Please let us know if you have any questions.

Sincerely,

Jose I. Fernandez ASA, FCA, MAAA, EA
Principal and Consulting Actuary

Copies to: ZaeAnne Allen (VRS)
 Rory Badura (VRS)
 Cynthia Wilkinson (VRS)
 Andrew Feagans (VRS)

Mr. Brent Manuel
July 11, 2016
Page 2

LEO



	Data Summary 6/30/2015 Valuation	Data Summary with Study Data
Active Members		
Plan 1 General Members	13	11
Plan 2 General Members	12	10
Hybrid General Members	6	5
Plan 1 LEO Members	0	2
Plan 2 LEO Members	0	3
Total Active Members	31	31

In the table below we present the estimated cost to provide the proposed benefits outlined on the previous page for all eligible employees. The Estimated First Year Employer Cost in columns (2) and (3) represents the total cost of granting enhanced benefits to all 5 eligible employees with a 1.70% and a 1.85% benefit multiplier, respectively.



Mr. Brent Manuel
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LEO

	(1)	(2)	(3)
	6/30/2015	Estimated 6/30/2015 Valuation Results with 1.70% Hazardous Duty Benefits for Police Officers	Estimated 6/30/2015 Valuation Results with 1.85% Hazardous Duty Benefits for Police Officers
Number of Actives	31	31	31
Total Payroll	\$1,244,434	\$1,244,434	\$1,244,434
Actuarial Accrued Liability	\$2,367,194	\$2,433,797	\$2,441,692
Actuarial Value of Assets	\$2,523,982	\$2,523,982	\$2,523,982
Unfunded Actuarial Accrued Liability	(\$156,788)	(\$90,185)	(\$82,290)
Gross Normal Cost	\$123,329	\$142,466	\$144,436
Gross Normal Cost Rate	10.11%	11.67%	11.83%
Less Member Contribution Rate	(4.83%)	(4.86%)	(4.86%)
Unfunded Accrued Liability Rate	(1.12%)	(0.73%)	(0.69%)
Administrative Expenses	0.12%	0.12%	0.12%
DC Match for Hybrid Members	<u>0.21%</u>	<u>0.17%</u>	<u>0.17%</u>
Employer Estimated Cost Rate	4.49%	6.37%	6.57%
Employer Estimated Cost Rate <i>Change</i>		1.88%	2.08%
Estimated First Year Employer Cost <i>Increase</i> Based on Total Payroll		\$23,395	\$25,884
Funded Status	106.62%	103.71%	103.37%

The contribution rates presented in the table above are a percentage of the total payroll for active members in the plan as of June 30, 2015.

The estimated costs shown above are based on the Town of Cape Charles plan census data and estimated financial position as of July 1, 2015. Please note that the costs will fluctuate in the future as the plan's data and financial conditions change. If the calculation is redone in the future with different data, plan assets and/or measurement date, the results will change. It is important to keep in mind that future plan experience (e.g., pay increases, turnover and retirement patterns, and the addition of new members) will not match the actuarial assumptions exactly. The deviations of actual from expected plan experience will produce actuarial experience gains and losses which will impact the total employer contribution rate and the cost estimate presented above.

The undersigned is a member of the American Academy of Actuaries and meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

*The language in this guide resolution has been written by VRS Benefits Counsel and is not subject to modification.

GUIDE RESOLUTION

Political Subdivisions

With retirement multiplier of 1.70% OR 1.85%

Already in VRS

**CAPE CHARLES TOWN COUNCIL
RESOLUTION 20161117**

Be it hereby resolved that the Town of Cape Charles, Virginia, a political subdivision currently participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Town Council does hereby elect to have such employees of the Town of Cape Charles who are employed in positions as full time salaried Law Enforcement Officers and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective July 1, 2017, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia, including the retirement multiplier of 1.7%, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time, and the Town of Cape Charles agrees to pay the employer cost for providing such employees such benefits.

Be it further resolved that Brent Manuel, Town Manager, and Libby Hume, Clerk, are hereby authorized and directed in the name of the Town of Cape Charles to execute any required contract in order that the above described employees of the Town of Cape Charles may become entitled to retirement benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required the seal of the Town of Cape Charles shall be affixed and attested by the Clerk and, said officers of the Town of Cape Charles are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the Town of Cape Charles be and is hereby authorized and directed and pay over to the Treasurer of Virginia from time to time such sums as are to be paid by the Town of Cape Charles and its employees for this purpose.

CERTIFICATE

I, Libby Hume, Clerk of the Town of Cape Charles, Virginia, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the Cape Charles Town Council held at the Cape Charles Civic Center, 500 Tazewell Avenue, Cape Charles, Virginia, at six o'clock p.m. on November 17, 2016. Given under my hand and seal of the Clerk of the Town of Cape Charles this _____ day of _____, 20____.

Clerk of the Council