



**TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
July 18, 2013
6:00 P.M.**

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Sullivan and Wendell, and Councilwoman Natali. Councilman Godwin was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Rob Testerman and Town Clerk Libby Hume as well as the Department Heads and approximately 11 members of the public.

Mayor Sullivan gave the invocation which was followed by the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS:

Brian Manley, Bay Creek Communications, 107 Mason Avenue

Mr. Manley addressed Council regarding the existing wireless antennae located on the Town's water tower from the previous test program from January 2012. Mr. Manley stated that the antennae were live and the company was providing wireless services to its customers at no benefit to the Town. Bay Creek Communications responded to the Town's request for proposal for wireless services to the Town's citizens and was subsequently awarded the contract for wireless services. Mr. Manley requested that Bay Creek Communications be granted priority placement on the water tower since they were under contract with the Town to provide these services. Mr. Manley also requested that the other company be required to follow the same regulations and guidelines as Bay Creek Communications. Mr. Manley concluded by suggesting that Council contact the other company to seek back rent for use of the water tower.

Deborah Bender, 300 Fulcher Street

Ms. Bender addressed Council regarding various issues. (Please see attached.)

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett to approve the agenda format as presented. The motion was approved by unanimous consent.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the June 20, 2013 Public Hearing, the June 20, 2013 Regular Meeting, and the June 27, 2013 Special Meeting.

Councilwoman Natali noted a typographical error in the June 20, 2013 Public Hearing minutes.

Regarding the June 2013 Regular Meeting minutes, page 2, under the Planning Commission and Boards report, Councilman Wendell stated that he recalled that Town Manager Heather Arcos

stated that Charon Ventures would be charged the full connection fee for the proposed family unit. There was much discussion regarding this item and Councilwoman Natali added that the plans needed to be received before the appropriate fees could be assessed. Councilman Bennett asked Town Clerk Libby Hume to review the recording to determine what was actually said.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to approve the minutes from the June 27, 2013 Special Meeting as presented and the June 20, 2013 Public Hearing and the June 20, 2013 Regular Meeting as amended. The motion was approved by majority vote with Councilman Wendell opposed.

DEPARTMENT REPORTS:

A. Treasurer's Report:

Treasurer Kim Coates reviewed the Treasurer's report dated June 30, 2013 which showed \$100 in the Bank of America account, \$230,610 in the Shore Bank account, \$68,467 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,379 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$739,556. Kim Coates explained that one of the final payments for the wastewater treatment plant project was made from the Bank of America account which would be closed soon and the balance in the Shore Bank account was up to \$400K in July. The report also showed Total Cash Held in Reserve at \$356,065. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$61,783 more was collected in FY 2013 as of June 30th with increases noted for meals tax, transient occupancy, personal property and real estate taxes. There was an ongoing collection effort to obtain unpaid business license taxes. Kim Coates also reviewed the revenues vs. expenditures, the capital improvement projects and the report detailing the dollars spent to date on the new library building.

Kim Coates continued to report the following: i) In response to a citizen question at the June Town Council Regular Meeting regarding whether there was any assistance available for customers related to utility bills, Kim Coates stated that she had contacted Mr. Richard Sterrett, Director of Social Services in Northampton County, who informed her that there was a one-time grant which was no longer available. There was no current funding available from the Department of Social Services related to water and sewer bills; however, Social Ministries, through churches, allowed individuals to apply for assistance on the first and third Tuesdays of each month from 9:00 AM - 11:00 AM at the Department of Social Services. One of the Town customers would be applying for assistance through this program next Tuesday and additional details regarding this program would be provided in the next Gazette; ii) Northampton County and the Town of Cape Charles would send real estate bills one time in 2013 with a due date of December 5, 2013. For 2014 real estate taxes, Northampton County would be changing to semi-annual billing with the first payment due in June or July and the second payment due in December. The Town of Cape Charles would continue to bill annually in 2014 with the full balance due on December 5, 2014. Citizens needed to know that they would owe the full 2013 real estate tax bills for both the Town and County in December 2013 and an additional payment to the County for the first installment of the 2014 County real estate tax bill would be payable mid-year in 2014; and iii) The deadline for applications for the Accounting Clerk position was July 15th and interviews for the position would begin tomorrow.

Councilman Wendell asked about the \$60K expense in the Harbor Fund for Site Work and asked what it encompassed. Harbor Master Smitty Dize responded that the \$60K was for site work in the entire Harbor area including the trench, parking lot and bollards.

Councilman Wendell stated that Council moved the meeting date to the third week of the month to ensure that the Treasurer had ample time to get the Treasurer's Report to Council prior to the meeting and it still had not been included in the Council agenda packet. Kim Coates responded that she had been very busy with the budget process and the department was short

staffed. The new Accounting Clerk should be starting soon which should help with the work load to enable her to prepare the Treasurer's Report on a timely basis.

Heather Arcos added that Carmela Williams was now the Utility Clerk and had moved downstairs so citizens no longer had to go to the second floor to make payments.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to accept the Treasurer's Report as submitted. The motion was unanimously approved.

B. Planning Commission and Boards:

Heather Arcos introduced Town Planner Rob Testerman. Rob Testerman reported the following: i) The Planning Commission met on July 9 and reviewed the new Zoning Map created by intern Kyle Prendergast. The Commissioners noted several corrections which would be incorporated; ii) The Historic District Review Board (HDRB) met on June 18 to review an application from Charon Ventures, LLC who was proposing a total rehab and adaptive reuse, creating 17 residential apartments at the former Cape Charles High School. No action was taken on the matter and additional information was requested. This item would be revisited at the August meeting. The HDRB held their July meeting on July 16 and unanimously approved an application submitted by Andy and Margaret Spagnuolo of 114 Randolph Avenue to enclose an existing rear porch and add a second level to a detached garage. This project was previously approved by the HDRB in 2011 but since the work was never done, the approval expired after 12 months.

Councilman Wendell asked for details regarding the meeting with Charles McSwain and Peter Stith of Northampton County Planning regarding commercial development along Route 13 near Route 184. Rob Testerman stated that the County was aware of the sensitivity of commercial development along the Route 13 corridor to the Town's businesses. Councilman Wendell asked how the Town could control the commercial development in the area. Rob Testerman responded that he was working to schedule a joint meeting with the County and Town Planning Commission to discuss ideas to protect the business interest in the Town. Councilwoman Natali added that a very positive joint meeting was held several years ago and the Town had been trying to meet with the County's Commission for some time regarding the Route 184 Corridor Overlay. This was also included in the current Comprehensive Plan. Heather Arcos stated that the County had information from the Town regarding their Comprehensive Plan as well. A letter from the Chair of the Town Planning Commission would be sent to the County requesting another joint meeting. Rob Testerman added that Messrs. McSwain and Stith were both supportive of working with the Town. Councilman Wendell stated that he would like the request delineated so it was not lost and added that he felt it was an unwise move on the Town's part and moving forward would be poor planning. There was much debate regarding this issue and Councilman Bennett suggested that Councilman Wendell delineate his concerns and provide them to the Town Planner.

C. Other Departmental Reports:

Harbor Master Smitty Dize distributed the 2013 Clam Slam Schedule of Events and reported the following: i) The 2013 Clam Slam was scheduled for August 3 and 4 and so far over 300 advance tickets had been sold. There would be a multi-draw raffle for a lot of great items including products from the Blue Crab Bay Company, Bay Creek Golf and a number of businesses in Town. He had been getting a lot of great support from staff, businesses and volunteers and had a little over \$10K in sponsorships as of today and was expecting several more before the event; ii) The air conditioning went out in the Bath House but was a minor repair and was now operational; iii) He was working with Bay Creek Communications regarding some computer issues related to Scribble Software. After the busy season, a representative from Scribble Software would come to try to resolve the problems; and iv) Maintenance and repairs were being done to the Harbor office.

Vice Mayor Bannon asked whether the Shriners were participating in this year's parade. Smitty Dize responded in the affirmative and added that Ms. Marie Brady was doing a great job organizing the parade with the Coast Guard Auxiliary, the Smith Island Skiffs and others. Councilman Wendell asked if more participants were needed in the parade. Smitty Dize responded that anyone interested in participating in the parade should see Ms. Brady at Bailey's Tackle Shop to sign up.

Mayor Sullivan asked Smitty Dize to explain the color of the staff t-shirts. Smitty Dize stated that recent IRS changes required the staff receiving the Town t-shirts to be taxed in their payroll. Safety-wear was exempted from the tax so the t-shirts were ordered in the neon safety colors.

Smitty Dize added that although he was not in Town for the 4th of July fireworks, he received numerous comments from the transient boaters in the Harbor for the display. Some of them typically went to Norfolk every year for their fireworks display but had commented that the Cape Charles fireworks were as good if not better than Norfolk's and added that they would be back.

Community Events/Recreation Coordinator Jen Lewis reported that she had more volunteers for this year's 4th of July celebration than in previous years. She relied on volunteers to help her with all the events. It seemed that everyone was happy and enjoyed the festivities.

Librarian Ann Rutledge reported that on July 3, 173 people came through the Library. This was the most that have ever visited the Library in one day. Over 100 people attended the Mime Program. It had been an incredible summer.

Chief Charles Brown reported the following: i) Officer Jim Pruitt had been promoted to Sergeant; and ii) Two new laws took effect July 1. The first was the Moped Law that required helmets on moped drivers if going over 25 MPH. The majority of the Town of Cape Charles was exempt from this law. With the difference in speed limit, this would be a very confusing law to citizens and difficult to enforce. The second law was the Texting While Driving law. The minimum fine if caught was \$250 for reckless driving.

Councilman Bennett read a statement directed at Public Utilities Director Dave Fauber with a number of questions regarding the water plant. (Please see attached.)

Dave Fauber responded that all of Councilman Bennett's questions had been addressed and were in progress. The Town was ready to add two new wells and could go to 500K gallons per day before needing to expand.

Heather Arcos stated that staff would be outlining a schedule with estimated dates of completion and would keep Town Council updated on the status of projects.

Councilman Wendell referred to the upcoming projects in the Public Utilities Report and asked about the cost of the automatic flush valve to be installed at Heron Point. Dave Fauber stated that the cost was estimated between \$3K-\$5K with the location being up to Bay Creek. It would be located in Heron Point or Plantation Point. Councilman Wendell asked how many were eligible to have a flush valve. Dave Fauber stated that Marina Village East and The Colony had flush valves that went through the Fig Street Station. Each required a water storage tank. Dave Fauber continued to state that one flush valve was installed at Heritage Acres, one in Marina Village East and one in The Colony.

Councilman Wendell stated that he was glad to see the bio filters in place and suggested that in the future, have the new mulch on location before removing the old.

Heather Arcos stated that Council had requested that a 2013 Freedom of Information Act (FOIA) Request Summary be provided and reported that as of July 17, 2013, 55 FOIA requests had been received with 3 still outstanding; 75 hours of staff time had been spent researching the requests, not including the 3 outstanding; \$1,257.51 had been invoiced, not including the 3 outstanding and \$880.44 was still uncollected; the top 4 requestors were Dorie Southern with 40 requests, Don Riley with 3 requests, Larry Veber with 3 requests and John Burdiss with 2 requests.

Heather Arcos continued to report the following: i) Cape Charles Yacht Haul-Out Facilities Update (South Port Investors' Project). The docks on the waterfront had been installed, the construction plans and site review for the two-story building would be completed next week and a permit would be issued, the concrete pad would be poured once the permit was issued; ii) Basketball Court. As a follow up to the Citizens' Needs Advisory Committee report, a letter would be sent to the owners of property in the area of the proposed location to inform them of the Town's consideration to construct a basketball court on the Town-owned parcels adjacent to the skateboard park and asking for their feedback. The current budget did not include funding for this project however, Mr. Jon Dempster along with other citizens expressed their interest in assisting the Town in raising funds for this project; iii) Comprehensive Plan Status. Staff was reviewing draft RFPs from other localities to solicit professional services as well as exploring opportunities with the Accomack-Northampton Planning District Commission (ANPDC) for assistance with the Comprehensive Plan update. Working with the ANPDC could possibly reduce the costs. Staff would continue their research and report back to Council at a future meeting; iv) Arts Walk Conceptual Master Plan. The Steering Committee met on July 17 and reviewed the Cape Charles Community Trail Master Plan and discussed options to link the primary outdoor performance spaces; v) At the request of the Board of the Cape Charles Business Association (CCBA), PSA representatives would be giving a presentation to the members of the CCBA on Tuesday, July 23 at 7:00 p.m. at Aqua; vi) Council Budget Books would be distributed at the August 1 Special Meeting; and vii) The August 1 Special Meeting Agenda would include a review of Section 72-9 of the Town Code regarding minimum utility charges, Eastern Shore Communications Wireless, and Harbor Development Update.

Councilman Wendell asked how much the Town would save by working with the ANPDC on the Comprehensive Plan update. Heather Arcos stated that it was not known until staff met with the ANPDC to discuss it with them. Councilman Wendell asked Rob Testerman if he had experience with a Comprehensive Plan update without the help of an outside agency. Rob Testerman stated that Accomack County had been finishing up their Comprehensive Plan update when he began working for them and they used an outside agency. The County was beginning their process for the next review and update but only minor changes were anticipated and the County was thinking about doing the work in-house.

Councilman Wendell stated that the 4th of July celebration was great but added that the restroom facilities were not adequate and suggested renting porta-potties in the future. Heather Arcos stated that staff had already discussed this issue and would be renting porta-potties for future events.

Councilwoman Natali thanked the staff for being proactive in printing the Gazette and providing hard copies of the Gazette to Heritage Acres, Sea Breeze Apartments, Library, Harbor and Town Hall so people who didn't have access to the internet could read it. It was worth the expense to print it.

Heather Arcos added that she and Libby Hume had begun working on the new website. The new site would provide easy accessibility and navigation to important information about the Town.

There were no further questions regarding any of the other monthly Departmental Reports.

OLD BUSINESS

A. *Old Cape Charles School Project Update:*

Heather Arcos reported that the Historic District Review Board reviewed the application from Charon Ventures at their June 18th meeting. The Board requested additional information from the applicant and tabled their decision regarding the application until their August 20, 2013 meeting.

Heather Arcos added that she received notification today regarding the second lawsuit being appealed to the Supreme Court. This suit pertained to the rezoning of the property.

B. *Everbridge Communication Update:*

Heather Arcos stated Chief Brown and Libby Hume were working with Hollye Carpenter, Northampton County Coordinator of Emergency Management, regarding the ability for the Town to use the Everbridge Alert system to send messages to the Town staff, residents and business owners regarding items specific to Cape Charles, such as water system flushes, VDOT road work, etc. Heather Arcos went on to state that Hollye Carpenter had noted that there were quite a few citizens who had already registered for alerts due to the Town being proactive last year in sending out notifications in the Gazette and on the website urging everyone to sign up. More training will be provided to staff regarding issuance of alerts and we were excited about getting things finalized so the Town could begin using the system as another means to improve our communications to the citizens and business owners of the Town.

C. *Cape Charles Federal Channel Navigation Appraisal:*

Heather Arcos stated that the Town had continued to support Bayshore Concrete Products and their desire to dredge the federal channel to a depth of 35' and in April 2012, the Town requested that the U.S. Army Corps of Engineers (USACE) investigate whether federal participation was warranted to conduct a feasibility study to consider providing navigation improvements to the Cape Charles Town Harbor and Channel to a depth of 35'. The USACE granted a small navigation project to complete an initial appraisal to determine if there was a federal interest in order to continue to the next step of a feasibility study. Unfortunately, their findings indicated that currently only a single user, Bayshore Concrete, would benefit from the deepening of the channel. At a minimum, two users were required. The initial appraisal could be re-evaluated at the Town's request if additional users became operational and needed a deeper depth. The Mayor needed to send an acknowledgement of the report and request for the report to remain open as we were hopeful that additional users would come to Cape Charles in the future which would enable this part of the study to move to the next level. Over the years, the Town had met with legislators and the Mayor had sent several letters in support of the deepening of the harbor. The County had also been supportive of the project.

Heather Arcos went on to state that the Town received a Hurricane Sandy supplemental report regarding a regional maintenance dredge. A tentative schedule would be developed if funding became available.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to authorize the Mayor to sign the letter to the U.S. Army Corps of Engineers as discussed. The motion was unanimously approved.

D. *Zoning Ordinance – Harbor District – Schedule Public Hearing:*

Rob Testerman stated that the Planning Commission revisited the Harbor District density issue again at their June 4 and July 9 meetings. The Commissioners felt that the definition of the "Mainstreet Mixed Use Area" was lacking in Section 3.9(B). The proposed amendments to this zoning district would i) set a Floor Area Ratio (FAR) for development in the Mainstreet Mixed Use Area at 1.25. All other areas of the Harbor District would have a FAR of 1.5 to 1.75; ii) require all blocks in the Mainstreet Mixed Use Area to equal the block length on the north side

of Mason Avenue and existing viewsheds were to be retained to the harbor; and iii) require that no building should have the same continuous elevation for a distance of more than 80 linear feet. At the July 9 meeting, the Commissioners unanimously voted to schedule a joint public hearing with the Town Council pending a favorable legal review of the draft ordinance amendments. Heather Arcos stated that the proposed language would be forwarded for legal review.

Councilman Wendell stated that he felt it was a bad precedent to schedule a public hearing before the legal review was completed. Rob Testerman stated that the Planning Commission felt comfortable with the proposed revisions, so approved the scheduling of the joint public hearing pending a favorable outcome of the legal review. If the legal opinion was not favorable, the public hearing would be postponed before any advertisements were submitted. The reason the public hearing was scheduled prior to receiving the legal opinion was because this issue was a Council-mandated update and the Commissioners were moving in the interest of time. The language needed to be in place before any plans were received for development in the Harbor District. Heather Arcos stated that a joint work session was held with Council and the Planning Commission in May and the Commissioners had been working on this language for about a year trying to get it finalized.

There was much discussion regarding the date of the joint public hearing regarding August or September. Libby Hume informed Council that there was not enough time to do the proper advertising for the August Planning Commission meeting which was scheduled for August 6. Council agreed that the public hearing should be scheduled for September to allow time for the legal review and proper advertising.

Councilman Wendell asked Rob Testerman if he had prior experience dealing with FAR. Rob Testerman stated that it was not used in Accomack County but seemed to be effective in other localities. Councilman Wendell asked if the FAR concept was used in any other Eastern Shore towns. Rob Testerman did not think so. Councilman Bennett stated that he did not think there were other towns on the Eastern Shore that had this issue.

Councilman Wendell asked about the Harbor District and whether there was an overlay with the Historic District. Councilwoman Natali stated that the Harbor District began on the south side of Mason Avenue which was the Mainstreet Mixed Use Area and that was why the Planning Commission was working on the definition and language so the density on the south side of Mason Avenue would complement the north side of Mason Avenue.

Councilman Wendell stated that he had done some research on Google and found where sometimes the buildings developed under FAR were not very desirable and expressed his concern that other towns on the Shore were not using the concept.

Councilman Bennett stated that this review and density concept was a result of the Tavi property development which was proposed several years ago. Town Council requested this language be reviewed and updated to have the provisions in place to limit density in future projects.

Councilman Wendell again expressed his concern regarding the FAR concept in that there were no references provided where it had been successful. Councilman Bennett stated that the concept was successful, but not utilized as yet on the Shore.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to schedule a joint public hearing with the Planning Commission for the date of the September Planning Commission meeting regarding the proposed Zoning Ordinance modifications for the Harbor District pending a favorable legal review. The motion was unanimously approved.

NEW BUSINESS:

A. FEMA Flood Insurance Rate Maps:

Rob Testerman stated he had received the latest Preliminary Flood Insurance Rate Maps (FIRMs) from FEMA on July 2, 2013. FEMA requested that the preliminary copies be circulated among the elected officials, staff and other individuals or organizations in the community so that they would have time to review them thoroughly. The Town had a 30-day review period from July 1 through August 1 for non-technical changes. FEMA would be contacting the Town in the near future to schedule a formal community coordination meeting. After the community coordination meeting, a 90-day review appeal period would be initiated for communities to appeal changes to the FIRM. After the FIRMs had been finalized, localities would have six months to update their flood ordinances. Rob Testerman showed Council the 2008 maps comparing them to the preliminary 2013 maps which showed the majority of the Town now being out of the flood zone which required mandatory flood insurance.

Councilman Wendell asked about the rationale of the changes. Rob Testerman stated that the changes were made by FEMA and we could ask the FEMA representatives at the upcoming meeting.

Rob Testerman added that if anyone had any questions regarding the maps to please contact him.

B. Code 42-3 – Adoption of State Law:

Heather Arcos stated that each year a new ordinance needed to be adopted accepting any and all amendments to the provisions and requirements set by the Code of Virginia in matters of regulation of motor vehicles and traffic in the Town of Cape Charles and any penalties for traffic violations. Chief Brown stated that there were two changes this year regarding the operation of mopeds and texting while driving.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adopt Ordinance 20130718 to Adopt Amendments to the Code of Virginia § 46.2 and Title 16.1, Chapter 11, Article 9 (§ 18.2-278 et seq.) and Title 18.2, Chapter 7, Article 2 (§ 18.2-266 et seq.), if any for incorporation into the Cape Charles Town Code Chapter 42-Motor Vehicles and Traffic. Mayor Sullivan moved for adoption of Ordinance 20130718 as noticed and forewent reading of the Ordinance. The motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, yes.

C. Reappointment of Library Board Members:

Heather Arcos stated that the Library Board met monthly and consisted of seven members, each serving four-year terms. Mss. Jackie Chatmon and Dianne Davis currently served on the Library Board and their terms were due to expire August 8, 2013. Both had expressed their interest in continuing their service on the Board for another term.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to reappoint Mss. Jackie Chatmon and Dianne Davis to the Library Board for another four-year term. The motion was unanimously approved.

MAYOR AND COUNCIL COMMENTS

Mayor Sullivan stated that the previous Town Council approved a letter to the Northampton County Board of Supervisors recommending the County move forward in its pursuit for a freestanding emergency room. The letter was also signed by the mayors of Cheriton, Eastville and Exmore. Earlier this week, the Board of Supervisors voted unanimously by resolution to create an ad hoc committee to study alternatives to providing emergency care in Northampton County. Mayor Sullivan went on to state that for the last two and a half years, she and a committee had been working on this issue and added that she would like to serve on this ad hoc committee.

Motion made by Vice Mayor, seconded by Councilwoman Natali, to send a letter to the Northampton County Board of Supervisors asking that Mayor Sullivan or a member from her committee be appointed to serve on the County's Ad Hoc Committee for emergency care in Northampton County. The motion was unanimously approved.

Councilwoman Natali asked that the Mayor's committee continue to work on the issue as well. Mayor Sullivan stated that she would and added that they had land offers and some grant opportunities available to pursue a freestanding emergency facility. It was vital to the people living here, visiting here and moving here.

Vice Mayor Bannon commented on the following: i) On July 4th, the beach was packed with people and jet skis were speeding by between the swimmers in the water and boats were pulled upon the beach. He expressed his concern of the safety of the beachgoers and swimmers and asked if something could be done to enforce a swim only area. Chief Brown stated that a boat would be needed to enforce this issue with jet skis. Mr. Ron West, a member of the Coast Guard Auxiliary asked for permission to comment and added that there were regulations in the Code of Virginia stating how close a jet ski could be to people, piers and breakwaters. Mr. West added that he believed it was 50' and if the jet ski operator(s) were closer than that, they could be charged with negligent operation of the motor vehicle. Mr. West went on to state that the Coast Guard could help enforce this issue if needed; ii) Several people had asked what happened to the music that used to play at sunset every night and told him what a nice feature it was to have the music broadcast each night. Councilwoman Natali stated that it was Mary Ann McDevitt's idea and thought she had set it up. Vice Mayor Bannon stated that he spoke to Ms. McDevitt and she had turned the iPod into the Town; and iii) It had been suggested that the Town name the area of the beach where the Chamber of Commerce was holding their "Jammin' at the Jetty" parties. After some discussion it was suggested that the Town run a contest to name the area.

Councilman Wendell stated that he had three items and continued as follows: i) He asked what happened to the audio system. The Treasurer's Report stated that the Town had over \$739K and it was an insult to the citizens to have a non-operational audio system and no podium and added that a new system was needed now. Libby Hume explained that the audio system was subjected to excess wear and tear with having to set up and take it down at every meeting. Council approved some funds for a new system but she was hesitant to order it until a permanent location could be determined because it could be damaged again very easily. Councilman Wendell added that the old school would have been a great space for a meeting hall; ii) He brought up Route 13 commercial development and stated that, in the past, Vice Mayor Bannon had mentioned requesting a boundary adjustment to Route 13. Mayor Sullivan stated that if the Town were to get a boundary adjustment to Route 13, the Town would have to pay for the infrastructure to the end of our boundary. Councilman Wendell went on to state that the Planning Commission Report stated that the Town and the Northampton County Planning Commission were working together regarding the issue of commercial development along Route 13 but this issue still had not been discussed at a Planning Commission meeting. Heather Arcos stated that there were two different issues - development in the Town Edge and the PSA. Councilwoman Natali added that Rob Testerman was working with the County Planner to set a joint meeting of both Commissions. Councilman Bennett stated that the PSA could only make recommendations to the Board of Supervisors regarding moving forward with the regional wastewater system in providing service for commercial development. Mayor Sullivan interjected that the PSA had nothing to do with the Town Edge. The County was trying to provide sewer services to areas in the County where septic tanks were failing. There was much discussion regarding the PSA, regional wastewater service, the Planning Commission and the Comprehensive Plan; and iii) Councilman Wendell asked if anyone knew when the Palace Theatre was originally opened and stated that it had originally opened in 1942. He went on to state that the old school stage was built around 1912 and was 30 years older than the Palace Theatre. He went on to comment on the Town's "open-ended pocketbook for lawyers" but the Town could not budget for repairs to the old school building for over 10 years. Councilwoman Natali stated that a non-profit organization was created 10-15 years ago and completed renovations to restore the Palace Theatre.

The same thing could have been done for the old school and added that Councilman Wendell was on the Town Council in the past when the Town did not do anything to the old school building as there were other priorities. Councilwoman Natali added that the issue of the school building was history now and behind us. Mayor Sullivan commented that 11 years ago, when Councilman Wendell was on Council, there was an attempt to do something to preserve the school using tax dollars but it would have required approximately a 400% tax increase so Council opted not to move forward. Councilman Wendell stated that he did not recall this being discussed but added that they did put a new roof on the building. Councilman Wendell went on to state that it was the Town's responsibility to maintain the building. When Echelon applied for tax credits, it was stated that the building was in good condition. If that was the case, why didn't the Town keep the building and fix it up. Mayor Sullivan stated that she hoped to be subpoenaed for the lawsuit so she could testify to conversations she had with Councilman Wendell at his house trying to help him with the Old School Cape Charles' confidential proposal. She went on to state that she was tired of Councilman Wendell going around only giving certain information regarding the issue and she was tired of the non-truths. Councilman Sullivan stated that the proposals from Old School Cape Charles were marked confidential so could not be discussed in an open meeting. The third proposal was submitted after the resolution to sell the property was adopted. No one in the public had seen the proposals because they were marked confidential and therefore the Town could not publish or talk about the information contained in the proposal. Mayor Sullivan stated that the Town had asked for a pro forma and she met with Councilman Wendell on three or four occasions trying to help him and added that she could not say anything more because of the confidentiality issue.

Councilwoman Natali thanked the Town for printing the Gazette to share it with people who normally would not be able to access it. She went on to state that this Town Council made decisions to benefit the citizens as a whole. The decision made regarding the old school, in her opinion, was the best decision for the Town overall. She added that she respected Councilman Wendell's opinion and expected him to respect hers as well.

ANNOUNCEMENTS

- July 20, 2013 – Chamber of Commerce Jammin' At the Jetty, 6PM
- July 27, 2013 – Free Concert & Movie in Central Park, 7PM
- August 1, 2013 – Town Council Special Meeting, 6PM, Town Hall
- August 3-4, 2013 – Clam Slam & Boat Docking Contest
- August 15, 2013 – Town Council Regular Meeting, 6PM, St. Charles Parish Hall

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to adjourn the Town Council Regular Meeting. The motion was approved by majority vote with Councilman Wendell opposed.

Mayor Sullivan

Town Clerk

Public Comments Provided in Writing
July 18, 2013

Deborah Bender, 300 Fulcher Street

At last month's meeting several residents got up and asked questions and the questions were answered by Council members and the Mayor. Tonight I have a few questions and I would like to be given the same courtesy.

1. Why was the developer that is building the beach club in Bay Creek given a reduced sewer and tap fee?
2. What exactly did they pay? I don't want to hear a lot of mumbo jumbo and jibber jabber. I know someone sitting up there at the table knows the figure that was paid.
3. Last month I made several comments on several subject and yet when I read the minutes what I supposedly said amounted to one sentence. I spoke with the town clerk up the road today and she informed me that while you don't have to put every word that I spoke into the minutes you are supposed to touch on every topic that I spoke about.
4. Why is the Mayor not the emcee for the 4th of July parade? According to the Handbook for Virginia Mayors, page 28, "State law says that the mayor is the head of the locality for all official functions and ceremonial purposes." Is the 4th of July parade not ceremonial? Perhaps the Mayor is too busy at her little "yard sale" to bother with emceeing the parade. Oh and by the way, Mayor Sullivan, I noticed at your yard sale that you were selling the antique bed that I gave to you. Sure hope you picked up a few dollars!

Ms. Bender also provided the comments she made at the June 20, 2013 meeting:

The manner in which the Town Council and Town managers are running this town is nothing short of irresponsible and totally inexcusable. You spent the money that was to be used to tap the new wells to buy the Bank of America building to use for a library. You didn't ask for public input at all. Meanwhile we are all paying for water that we can't even drink. The new library is not much bigger than the one that we already owned.

You built a big, new sewer treatment plant never thinking about where the money would come from for the yearly payment. Now you want to raise our sewer bills by a whopping 72%. This town will now have higher sewer bills than any other town in this state. You seem to think nothing of that.

Every person in this town's property values have decreased and you not only want the equalization rate, you want to raise the taxes even more. Part of the new budget is including handicapped access for the old library in the amount of \$40,000! This number is quite steep. Did you get bids from 3 contractors or did you just hand the job to someone?

Sidewalks on Washington? Another expensive idea for nothing. There will never be homes on that side of the street so what is the point?

There are too many people working in the Town offices for a town this size. Considering the amount of people working in the offices it's hard to believe that we need that recording directing us as to what extension # to push. Most of the time when I hit the extension # no one answers anyway, I just get a recording. Why can't someone just answer the phones? It would be a lot friendlier to hear a voice. This town is too small to need an assistant town manager and we certainly do not need an activities director.

Trim the fat and make due with the equalization. Lower the proposed 72% sewer rate. Start thinking about the people that live here full time and the part timers that also pay taxes. We are all paying your salaries. The way in which you people are running this town is reprehensible.

Councilman Steve Bennett

We've spent years focusing on the Wastewater Treatment Plant. Now it's finished and operational and that's great. There are still some issues to be worked out, among them odor from the plant. We added a cover to one of the tanks – that didn't seem to work. Now we're considering adding water to some of the vacuum pump stations to try to prevent the influent from becoming septic. I'd also like to see you investigate other methods of reducing the odor – and the related pricing associated with any options you come up with.

I think we need to now turn our focus to the water plant. We've just completed some upgrades there – new controls, softener media, etc. I'd like to produce a plan for the future for this plant. The capacity is currently limited by water source if I remember correctly. While forecasting population growth here is anybody's guess, I'd like your report to Council to include the following:

- Plant capacity – water source, filtering, etc.
- Water source capacity – current and proposed (with new wells)
- Explain the difference between average daily use, maximum daily use, monthly use, yearly use and what affect each has on triggering a plant capacity expansion.
- What dictates when the plant capacity needs to be increased?
- Explain how the capacity is calculated using ERCs. We used to keep track of those pretty closely – there is some residential and business growth and the new Beach Club, Charon, etc. How many do we have left before an upgrade is triggered?
- How can that be accomplished – anything we can do to increase capacity of the existing plant? Plant expansion? Water tank capacity?
- What can be done to mitigate the effects of the backwash effluent? Particularly in the future as capacity increases.
- At what point do we connect the new wells?

A report regarding the above items would be appreciated at the September meeting.

MUNICIPAL CORPORATION OF CAPE CHARLES

CASH POSITION

JUNE 30, 2013

<u>On Hand</u>	<u>5/31/2013</u>	<u>6/30/2013</u>
Bank of America Checking	233,951	100
Shore Bank	209,530	230,610
Local Government Investment Pool - New Library Funds from CD *	68,461	68,467
Local Government Investment & Restricted Funds	440,342	440,379
Total Cash On Hand	\$ 952,284	\$ 739,556

<u>Restricted Cash Balance</u>	<u>5/31/2013</u>	<u>6/30/2013</u>
LGIP - Rural Development	97,241	97,249
Shore Bank Savings Account - Police Funds	1,181	1,231
US Bank - VRA Interest Free Loan	257,581	257,585
Total Cash Held in Reserve	\$ 356,003	\$ 356,065

Tax Collection Comparison - JUNE 30, 2013 (YTD Unaudited Figures):

<u>Tax Category</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>Difference</u>
Admission Taxes	21,367.53	20,234.51	(1,133.02)
Business License Tax	83,054.61	62,108.09	(20,946.52)
Consumer Utility Taxes	44,402.40	45,327.65	925.25
Electric, Gas & Telephone	51,137.72	50,565.89	(571.83)
Franchise License Taxes	27,349.64	-	(27,349.64)
Golf Cart Decals	4,280.00	6,696.00	2,416.00
License Tax **	17,870.03	10,457.25	(7,412.78)
Machinery & Tools	34,819.00	30,780.00	(4,039.00)
Meals Tax	173,452.80	195,682.72	22,229.92
Penalties & Interest - All Property Taxes	18,796.32	33,018.15	14,221.83
Penalty & Interest - Miscellaneous Taxes	218.46	30.93	(187.53)
Personal Property Taxes **	76,033.31	88,606.36	12,573.05
Prior Year Real Estate & Personal Property Taxes	43,284.70	59,124.52	15,839.82
Real Estate Taxes	1,007,519.27	1,049,878.62	42,359.35
Short Term Rental Tax	3,820.67	4,288.32	467.65
Transient Occupancy Tax	36,326.20	48,717.09	12,390.89
Total	\$ 1,643,732.66	\$ 1,705,516.10	\$ 61,783.44

* Funds will be transferred to Shore Bank account and a portion used for the reserve amount related to the Library Grant

** Currently researching totals to be sure everything has been linked to correct line item

The Finance Department is in the process of closing out the FY2013 Fiscal Year with various journal entries & payables. Unaudited reports will be available around the end of September 2013.

MUNICIPAL CORPORATION OF CAPE CHARLES
 TREASURER'S REPORT
 JUNE 30, 2013
 REVENUE VS. EXPENDITURES (Unaudited)

<u>FUND</u>	<u>ANNUAL BUDGET</u>	<u>CURRENT MONTH</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>INCREASE/ DECREASE YTD</u>	<u>% REALIZED/ EXPENDED FY13</u>
GENERAL						
REVENUES	1,975,357	59,938	2,107,908	2,276,488	(168,580)	106.71%
EXPENDED	1,975,357	141,403	1,952,196	2,169,130	(216,934)	98.83%
PUBLIC UTILITIES						
REVENUES	3,535,654	821,246	2,428,292	5,204,536	(2,776,244)	68.68%
EXPENDED	3,535,654	1,038,675	2,678,135	5,718,545	(3,040,410)	75.75%
HARBOR						
REVENUES	2,047,874	107,379	950,689	1,644,722	(694,032)	46.42%
EXPENDED	2,047,874	44,027	1,026,629	1,570,747	(544,118)	50.13%
SANITATION						
REVENUES	188,300	13,333	178,443	188,712	(10,270)	94.77%
EXPENDED	188,300	2,544	131,779	159,699	(27,920)	69.98%

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FY 2013 Capital Improvement Project (CIP) Five-Year Projection

General Fund	FY11	FY11	FY12	FY12	FY13	FY13
	actual	budgeted	actual	budgeted	actual	budgeted
CBDG Broadband	\$ 207,410	\$ 512,300	\$ 254,742	\$ 209,703	\$ -	\$ -
Cape Charles Multi-Use Trail	\$ 351,814	\$ 165,000	\$ 55,486	\$ -	\$ -	\$ -
Public Works Building	\$ 28,293	\$ 30,000	\$ 36,277	\$ 24,795	\$ -	\$ -
New Library Building	\$ -	\$ -	\$ -	\$ -	\$ 207,633	\$ 207,633
4WD Gator with Sides	\$ -	\$ -	\$ 12,000	\$ 12,000	\$ -	\$ -
Cape Chas Multi-Use Trail Phase 2	\$ -	\$ 433,026	\$ -	\$ 96,000	\$ 51,725	\$ 96,000
Public Works Pickup	\$ 20,437	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000
Street Sweeper	\$ -	\$ -	\$ -	\$ -	\$ 19,089	\$ 15,000
Central Park Restrooms - Town Portion	\$ -	\$ -	\$ -	\$ -	\$ 15,000	\$ 15,000
subtotal	\$ 607,954	\$ 1,160,326	\$ 358,504	\$ 342,498	\$ 293,447	\$ 338,633
Water Fund	\$ 120,906	\$ 280,000	\$ 26,650	\$ 325,000	\$ 5,083	\$ 117,367
Infrastructure 2 Wells	\$ 25,183	\$ 20,000	\$ -	\$ -	\$ -	\$ -
Water Production Expansion	\$ 3,060	\$ 4,613	\$ 2,576	\$ 3,339	\$ -	\$ -
Project Consultant/Management	\$ -	\$ -	\$ -	\$ 120,000	\$ 114,809	\$ 120,000
Control Panel**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
New Generator Water Plant	\$ -	\$ -	\$ -	\$ -	\$ 1,433	\$ 2,500
New Utility Trailer (50% Cost)	\$ -	\$ -	\$ -	\$ -	\$ 24,750	\$ 50,000
Softener Media	\$ -	\$ -	\$ -	\$ -	\$ 9,950	\$ 10,000
Stainless Steel Walkway	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Stainless Steel Racks	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Asset Management System Software	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
subtotal	\$ 149,149	\$ 304,613	\$ 29,226	\$ 448,339	\$ 156,025	\$ 324,867
Sewer Fund	\$ 45,000	\$ 45,000	\$ -	\$ -	\$ -	\$ -
Wastewater Generator Replacement	\$ 779,889	\$ 1,200,000	\$ 722,664	\$ 325,000	\$ -	\$ -
Inflow & Infiltration Project	\$ 9,721,278	\$ 13,041,519	\$ 3,620,370	\$ 6,100,000	\$ 1,107,066	\$ 1,783,944
WWTP Plant Construction (1)	\$ 36,081	\$ 41,519	\$ 24,047	\$ 30,049	\$ -	\$ -
Project Consultant/Management	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -
New Generator Mason Ave	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
New Vehicle for Department	\$ -	\$ -	\$ -	\$ -	\$ 1,433	\$ 2,500
Utility Trailer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Asset Management Design/Population	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
subtotal	\$ 10,582,248	\$ 14,328,038	\$ 4,367,081	\$ 6,490,049	\$ 1,108,499	\$ 1,821,444
Harbor Fund	\$ 122,485	\$ -	\$ -	\$ -	\$ -	\$ 500,000
Offshore Breakwater Phase 1	\$ 1,540,370	\$ 1,643,977	\$ 75,378	\$ -	\$ -	\$ -
Marina Inshore Floating Slips	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -
Surveillance Cameras	\$ -	\$ -	\$ 343,300	\$ 343,977	\$ -	\$ -
Bathhouses	\$ -	\$ -	\$ 60,368	\$ -	\$ 1,711	\$ -
Site Work *	\$ -	\$ -	\$ 62,043	\$ 20,000	\$ 720	\$ -
Walkways West Dock *	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
subtotal	\$ 1,662,855	\$ 1,648,977	\$ 541,990	\$ 363,977	\$ 2,431	\$ 500,000

* Site Work and Walkways are funded by VPA grant ** Capital Project Carryover

TOTAL	\$ 13,002,206	\$ 17,441,954	\$ 5,295,901	\$ 7,644,863	\$ 1,560,402	\$ 2,984,944
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MUNICIPAL CORPORATION OF CAPE CHARLES
 NEW LIBRARY BUILDING
 JUNE 30, 2013

DATE	DOLLARS SPENT TO DATE	DOLLARS
	Maintenance	
11/16/2012	Moving Furniture	\$ (700.00)
11/21/2012	Larry Burkhard - Cleaning of Building	\$ (250.00)
11/23/2012	Professional Heating & Cooling - Contract Annual Preventative Maintenance	\$ (2,186.64)
11/26/2012	Professional Heating & Cooling - Carrier Fan Coil Unit Repair	\$ (1,333.23)
12/5/2012	The Daily Times - Advertise Silent Auction	\$ (57.60)
12/11/2012	Crawford Door Sales of Maryland - Contract Door Removal & Replacement	\$ (2,545.00)
12/11/2012	Watson's Hardware - Safety Glasses	\$ (12.87)
12/21/2012	Q.S., LLC - Deposit Paint Removal	\$ (1,437.50)
12/21/2012	Q.S., LLC - Contract Paint Removal Remainder Due + Extra Work	\$ (4,662.50)
1/15/2013	B&B Plumbing - Labor & Materials for Bathroom & ADA Compliance	\$ (2,940.00)
1/16/2013	VML - Flood Insurance	\$ (2,504.00)
1/28/2013	Q.S., LLC - Contract Switch 2 Doors, Paint Walls & Ceiling	\$ (1,900.00)
1/29/2013	Carpet	\$ (2,608.00)
1/29/2013	Cleaning Prior to Opening	\$ (300.00)
1/29/2013	Melos, Inc. - Library Shelving	\$ (24,118.10)
1/29/2013	Library Circulation Desk	\$ (1,000.00)
1/29/2013	Chapman Electric	\$ (1,035.00)
2/28/2013	Bagwell Oil - Fuel through 2/15/2013	\$ (2,195.47)
3/14/2013	Supplies from Hardware Store	\$ (36.98)
4/12/2013	Heat/AC for Library Storage	\$ (414.60)
3/8/2013	Lecato Interiors - Replace Trim & Replace Trim	\$ (120.00)
5/2/2013	Eastern Shore Signs - Signs for New Library	\$ (132.27)
5/10/2013	Onancock Building Supply - Matching Paint	\$ (81.17)
5/17/2013	Moving Boxes for Library	\$ (280.00)
5/17/2013	Temporary Library Mezzanine Rail	\$ (494.75)
5/31/2013	Baycreek Communications - Information Systems Services	\$ (4,867.89)
6/13/2013	Professional Heating Service - Work Done	\$ (622.50)
7/18/2013	Town Match for USDA Rural Development Library Grant	\$ (8,375.00)
	TOTAL DOLLARS SPENT TO DATE	\$ (67,211.07)
DATE	REVENUE/BANK \$ TO DATE	DOLLARS
11/27/2012	Eastern Shore Recycling - Recycled Steel	\$ 922.00
12/1/2012	Auction / Sale of Items	\$ 970.75
12/18/2012	CD Transferred to LGIP Account plus Interest Earned to Date	\$ 68,467.04
TBD	USDA Rural Development Library Grant to be Deposited at Later Date	\$ 25,000.00
	TOTAL REVENUE/BANK \$ TO DATE	\$ 95,359.79
	DIFFERENCE	\$ 28,148.72

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MUNICIPAL CORPORATION OF CAPE CHARLES
 VARIANCES IN BUDGET
 JUNE 30, 2013

REVENUES	Description	Budgeted	YTD Revenue	Variance	Notes
	Disaster Relief - FEMA	\$ -	\$ 7,440.77	\$ 7,440.77	FEMA proceeds for Earthquake Damage to Pine Street Pump Station
	USDA Library Grant	\$ -	\$ 25,000.00	\$ 25,000.00	USDA Rural Development Grant Portion from USDA to Town of Cape Charles

BUDGET	Description	Budgeted	YTD Budget	Variance	Notes
	USDA Library Grant	\$ -	\$ 8,375.00	\$ (8,375.00)	Town of Cape Charles Match Toward USDA Rural Development Library Grant



*Municipal Corp. of
Cape Charles*

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

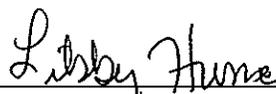
1. A meeting of the Council of the Town (the "Council") was duly called and held on July 19, 2013 (the "Meeting").
2. Attached hereto is a true, correct and complete copy of Ordinance 20130718 (the "Ordinance") of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a 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 Ordinance 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>
Dora Sullivan, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
Tom Godwin		X			
Joan Natali	X		X		
Mike Sullivan	X		X		
Frank Wendell	X		X		

4. The Ordinance 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 18th day of July 2013.

(Seal)



Clerk of the Council
Town of Cape Charles, Virginia

ORDINANCE NO: 20130718

**AN ORDINANCE TO ADOPT
AMENDMENTS TO THE CODE OF VIRGINIA §46.2 AND
TITLE 16.1, CHAPTER 11, ARTICLE 9 (§18.2-278 ET SEQ.) AND TITLE 18.2,
CHAPTER 7, ARTICLE 2 (§ 18.2-266 ET SEQ.), IF ANY, FOR INCORPORATION
INTO THE CAPE CHARLES TOWN CODE
CHAPTER 42-MOTOR VEHICLES AND TRAFFIC**

WHEREAS, it is necessary to follow the guide set by the Code of Virginia to protect the safety and welfare of residents and guests of the Town of Cape Charles;

WHEREAS, from time to time, the Code of Virginia is amended to protect those traveling the highways, streets and roads of the Commonwealth;

WHEREAS, in order to have the authority to enforce these new laws, the Town Council of the Town of Cape Charles must adopt any and all amendments made by the Commonwealth of Virginia; therefore

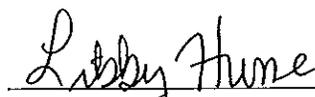
BE IT ORDAINED: That pursuant to the authority of the Code of Virginia, 1950, as amended, § 46.2-1313, all of the provisions and requirements of the laws of the State contained in Code of Virginia, Title 46.2 and Code of Virginia, Article 9 (§ 18.2-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 into ordinances as in force and effect on the date of the adoption of this Code, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutadis mutandis*, and made a part of this chapter as fully as though set forth at length herein. It shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision or requirement which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under the Code of Virginia.

Adopted by the Town Council of Cape Charles on July 18, 2013.



Mayor Dora Sullivan

ATTEST:



Town Clerk