



**TOWN COUNCIL
Regular Meeting
Civic Center
June 18, 2015
6:00 p.m.**

At approximately 6:00 p.m. Mayor George Proto, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Brown, Godwin, Wendell and Councilwoman Natali. Councilman Bennett arrived at 6:13 p.m. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Treasurer Deborah Pocock and Town Clerk Libby Hume. The Department Heads were in attendance as well as 20 members of the public.

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

RECOGNITION OF VISITORS/PRESENTATIONS:

There were no presentations.

PUBLIC COMMENTS:

Miriam Elton, 548 Madison Avenue, brown dog ice cream

Ms. Elton addressed Council expressing her objections regarding the contract award for the CapeCharlesbytheBay.com website. (Please see attached.)

Tammy Holloway, 403 Tazewell Avenue, Bay Haven Inn

Ms. Holloway addressed Council expressing her objections to the contract award for the CapeCharlesbytheBay.com website. (Please see attached.)

Speakers also included the following business owners: Mr. Eyre Baldwin, 1001 Bayshore Road, Cape Charles Yacht Center; Ms. Cynthia Dempster, 11 Park Row, Sea Grass Floral Shop; Ms. Ellen Moore, 223 Mason Avenue, Ellen Moore Gallery; Mr. Andrew Follmer, 9 Kings Bay Drive, The Boardwalk; Mr. David Lee, 109 Tazewell Avenue, Cape Charles Boat Tour Company; Mr. Jon Dempster, 33 Marina Road, The Shanty; Mr. Bruce Evans, 645 Tazewell Avenue, Cape Charles House B&B; Ms. Carol Evans, 645 Tazewell Avenue, Cape Charles House B&B; Mr. Shane Hayward, 713 Randolph Avenue and 33 Marina Road, Eastern Shore Custom Carts; Mr. Malcolm Hayward, 325 Troon Court, Eastern Shore Custom Carts; and Mr. Andy Buchholz, 704 Prestwick Turn, Eastern Shore Signs who also expressed their objections to the contract award for the CapeCharlesbytheBay.com website and their desire to remove their expanded and basic listings from the site as stated by Mss. Elton and Holloway.

Town Clerk Libby Hume read emails from the following: Mr. Edward Brinkley, 124 Peach Street; Mr. George & Ms. Dorie Southern, Cape Charles Wave, LLC; and Ms. Nan Bennett, 100 Creekside Lane. (Please see attached.)

There were no other public comments to be heard nor any other 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 vote.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the May 21, 2015 Regular Meeting, the June 4, 2015 Public Hearing, the June 4, 2015 Work Session, and the June 4, 2015 Executive Session.

Mayor Proto noted that a correction had been made to the May 21, 2015 Regular Meeting minutes. Libby Hume added that the change was made to Old Business, Item A – PSA/Regional Wastewater Update, item i) where the base price per gallon was corrected to 1.2¢ vs. 81.2¢.

Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to approve the minutes from the May 21, 2015 Regular Meeting as amended and the June 4, 2015 Public Hearing, the June 4, 2015 Work Session, and the June 4, 2015 Executive Session as presented. The motion was approved by unanimous vote.

DEPARTMENT REPORTS:

A. *Treasurer’s Report:*

Treasurer Deborah Pocock reviewed the Treasurer’s report dated May 31, 2015 which showed the Total Cash on Hand of \$1,436,481, the Total Cash Held in Reserve was \$1,464,336 and the Total Cash – All Accounts was \$2,900,818. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the Capital Improvement Project Tracking Report, the YTD 2014 Real Estate, Personal Property, Machinery and Tools Tax & 2015 License Tax Collections, the FY 2015 YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections, and the 3-Year Revenue Comparison Graph.

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

B. *Planning Commission and Boards:*

Town Planner Larry DiRe reported the following in addition to his written report: i) The Planning Commission Comprehensive Plan Review Meeting was scheduled for July 13, 2015 at 6:00 p.m.; and ii) The drawings regarding the proposed reverse angle parking area along Bay Avenue were delivered this morning. The Planning Commission would review the plan at their July 7, 2015 regular meeting. The Mayor and Council was invited to come into the office to review the plan and provide input. If deemed appropriate, the restriping of the proposed area of Bay Avenue would not occur until the fall.

C. *Other Departments:*

Code Enforcement:

Code Official Jeb Brady stated that he had nothing new to add to his written report and asked whether Council had any questions. There were no questions.

Town Harbor:

Harbor Master Smitty Dize stated that he had nothing new to add to his written report and asked whether Council had any questions.

Mayor Proto asked about the success of the Tall Ships Festival to which Smitty Dize replied that he felt the festival went well despite the hot temperatures.

Cape Charles Memorial Library:

Librarian Ann Rutledge reported that the summer programs had started and 139 kids had signed up to read books over the summer.

Vice Mayor Bannon asked if the second floor of the library had been completed to which Ann Rutledge replied that the work would be done soon.

Mayor Proto asked about the plans for the computers. Ann Rutledge responded that the RAM would be updated in the computers in the lab and \$2,400 was included in the FY 2015-2016 budget to begin replacing computers. The computer problem had not been a big issue since many patrons bring their own devices and connect to the library's WiFi.

Police Department:

Police Chief Jim Pruitt stated that he had nothing new to add to his written report and asked whether Council had any questions.

Public Utilities/Public Works Departments:

Public Utilities/Public Works Director Dave Fauber was not in attendance. Mayor Proto asked Town Manager Brent Manuel to review some of the highlights in the report.

Brent Manuel reported the following: i) Staff was working with GHD in preparation for upgrades to the Plum Street and Pine Street Pump Stations; ii) The engineering for the pipeline from the Keck Wells was about 90% completed and had been submitted to the Virginia Department of Health (VDH); iii) Staff was working with Virginia Department of Transportation (VDOT) engineers on the new road from Route 184 to Bayshore Road; iv) Staff was compiling updated Standard Operating Procedures for the water plant and a draft had been completed for the filter backwash; v) Water fountains would be installed in Central Park, at the library and the beach bathrooms; and vi) The Auto-Flush System would be installed on Creekside Lane.

Recreation Department:

Recreation/Community Events Coordinator Jen Lewis reported the following in addition to her written report: i) She was working on the July 4th activities. A decision had been made to close the street fair at 8:00 p.m. for safety purposes; and ii) The summer assistant would be starting next Tuesday and a fitness activity would be offered at the beach from 8:00 a.m. – 8:30 a.m. as well as a number of other outdoor activities.

OLD BUSINESS

A. FY 2015-2016 Proposed Budget & Appropriation:

Deborah Pocock stated that the budget consisted of four separate funds – the General Fund, Harbor Fund, Sanitation Fund and Water/Wastewater Fund. The General Fund was supported by real estate taxes along with other taxes and revenues. The Harbor, Sanitation and Water/Wastewater Funds were Enterprise Funds and should be self-sustaining through fees for services and other charges. Town Council and staff held numerous work sessions since March to prepare the proposed Fiscal Year (FY) 2015-2016 Budget. The Public Hearing on the proposed budget was held on June 4, 2015 pursuant to § 15.2-2506 of the Code of Virginia with one citizen providing comments.

Councilman Bennett requested that Council receive a copy of the written response to Mr. Heinz Sommer's questions which were submitted at the public hearing.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to adopt Resolution 20150618 Approving the Budget for FY 2015-2016 and Making Appropriations for the Fiscal Year. The motion was approved by unanimous vote. Roll Call Vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Natali, yes; Wendell, yes.

B. Cape Charles Community Trail Phase 2:

Assistant Town Manager Bob Panek stated that the bids for Phase 2 construction came in over budget. Land Studio PC, the Town's consultants, reviewed the low bid and believed that sufficient cost could be removed by deferring the portion of the trail along Washington Avenue from Peach Street to Fig Street to a future construction phase. Clearance of this change was received from VDOT which confirmed the need to rebid the project. The scope of the contract

with Land Studio included construction administration to cover daily inspection, materials testing, responding to contractor requests, evaluating proposed changes, reviewing pay requests, preparing VDOT reimbursement requests, etc. and a contract change order was necessary to authorize the new scope of work and rebid the construction contract. Based on the anticipated construction contract of \$1.35M and the VDOT guideline of 12% for administration, the value of the change order was \$162K which was a “not to exceed” amount with work to be billed on an hourly basis. Sufficient funds were included in the FY 2015- 2016 budget.

There was some discussion regarding the anticipated timeframe to contract award. Bob Panek stated that the bid would have to be advertised for a minimum of 21 days and it would be approximately two to three months.

Motion made by Councilman Godwin, seconded by Councilman Brown, to authorize the Town Manager to execute the Land Studio PC contract change order in the amount of \$162K for construction administration. The motion was approved by unanimous vote.

NEW BUSINESS:

A. Harbor Breakwater Project:

Bob Panek stated that the FY 2015-2016 included funding for the third section of breakwater at the harbor which would be constructed to the south of the other two sections and was estimated to cost about \$860K, including construction engineering. The harbor engineering firm, Langley & McDonald, provided a contract change order to add the necessary construction engineering and administration in the amount of \$39.5K, which included hydrographic survey of the bottom to determine the changes that may have occurred since the construction of the first two breakwaters, construction plans and specifications, bid assistance, inspections, review of contractor submittals and pay requests, etc. Langley & McDonald also requested assignment of the existing contract from LM/ECH JV, a previous partnership of Langley & McDonald (LM) and East Coast Hydrographic (ECH) as the principal of ECH had passed away. Hydrographic surveys for this project would be obtained on a subcontract basis.

Motion made by Councilman Bennett, seconded by Councilman Brown, to authorize the Town Manager to execute the contract assignment from LM/ECH JV to Langley & McDonald and the contract change order in the amount of \$39,500 for construction engineering and administration. The motion was approved by unanimous vote.

B. Code 42.3 – Adoption of State Law:

Brent Manuel stated that from time to time, the Code of Virginia was amended regarding safety tactics to protect those traveling the highways, streets and roads in the Commonwealth. Each year a new ordinance must be adopted accepting 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.

Motion made by Councilman Brown, seconded by Councilwoman Natali, to adopt Ordinance 20150618 to Adopt Amendments to the Code of Virginia § 46.2 and Title 16.1, Chapter 11, Article 9 (§ 16.1-278 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. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Natali, yes; Wendell, yes.

C. Parking Ordinance:

Brent Manuel stated that as a result of the reverse angle parking plan along Mason Avenue it was necessary to add language to the Town Code specifically in regards to parking in general. A

new code section had been drafted for Council review and if deemed appropriate, needed to be adopted by ordinance.

There was some discussion regarding pull-in parking not being permitted by VDOT, the possibility of longer vehicles encroaching into the travel lane and the expedition of the overflow parking lot off Mason Avenue and the possibility of future land purchase(s) for additional parking.

Motion made by Vice Mayor Bannon, seconded by Councilman Brown, to adopt Ordinance 20150618A to Adopt Town Code § 42.61 Parking on Town Streets. The motion was approved by majority vote with Councilman Wendell opposed. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Natali, yes; Wendell, no.

MAYOR AND COUNCIL COMMENTS

Vice Mayor Bannon and Councilmen Bennett, Brown, Godwin and Wendell did not have any additional comments.

Councilwoman Natali thanked everyone in attendance who took the time to come and share their opinions and added that she would do her best to see the issue remedied.

Mayor Proto began by stating that his June 23, 2015 Office Hours were cancelled. He went on to thank the attendees for their comments adding that the Town would look into the issue.

ANNOUNCEMENTS

- June 23, 2015 – Mayor’s Office Hours, 6:00 PM – 7:00 PM has been canceled.
- July 3, 2015 – Town Offices Closed in Observance of Independence Day.
- July 4, 2015 – July 4th Celebration & Fireworks Display.
- July 9, 2015 – Town Council Work Session, 6:00 PM.
- July 14, 2015 – Mayor’s Office Hours, 2:00 PM – 3:00 PM.
- July 16, 2015 – Town Council Regular Meeting, 6:00 PM.

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

Mayor Proto

Town Clerk

June 18, 2015 Town Council Regular Meeting
Public Comments Provided in Writing

Miriam Elton, 518 Madison Avenue

I am the owner of three businesses in Cape Charles but I am here tonight on behalf of brown dog ice cream.

I am here to object to the town's decision in regard to awarding the contract for CapeCharlesBytheBay web site. The concept of CapeCharlesBytheBay.com is to promote local businesses and attract commerce to Cape Charles.

I do not want my business represented by an entity that has a history of bias and inaccurate reporting including defamatory statements regarding local Cape Charles businesses.

Based on these grounds, I have requested to have my expanded listing removed and also my free basic listing. I hope that the Council will take this info consideration as we each have taken significant personal risks in order to help grow business in our community and I only hope that the current positivity continues.

Thank you.

Tammy Holloway, 403 Tazewell Avenue

We, Tammy and Jim Holloway, as owners of the Bay Haven Inn of Cape Charles are here to express our objections to the decision to award the contract to manage the CapeCharlesBytheBay.com website to the company who has a significant role in the management of the Cape Charles Wave. The concept of CapeCharlesBytheBay.com is to be a landing ground for potential visitors to learn and be enticed to visit the town of Cape Charles with the end result promoting local business and enhancing the Cape Charles economy. Therefore adding a significant impact to the bottom line to the town's budget via business license fees, transient occupancy and food taxes.

The Cape Charles Wave has a history of bias and inaccurate reporting including defamatory statements against Cape Charles' businesses and individuals. We have had many guests call and question their interest in visiting Cape Charles because of the way the Wave portrays Cape Charles. And even more guests who have come interested in relocating to Cape Charles and have a long list of concerns raised because of unfair and biased reporting in the Wave. I do think the Wave has been working to mix in positive human interest stories in the last year and for that we are grateful, however the overall negative, unfound reporting still portrays an unfavorable view of our wonderful community. How can this same organization have been awarded the contract to manage our website to entice visitors to our community?

Based on this decision, we have requested to have our expanded listing removed. I don't believe it is a good business practice to support an entity that places political bias over supporting clientele and I do not have confidence that the positive message the CapeCharlesBytheBay.com website will continue with the new management. This is a difficult decision because our Google Analytics for our business shows CapeCharlesBytheBay.com is one of our highest percentages of traffic to our website, which very often turns into bookings.

We are some of Cape Charles biggest cheerleaders and are very happy with the life decision we made to start a business in this town. I hope the Council will take this into consideration as we each have taken significant personal risks in order to help grow our business community.

Thank you.

Edward Brinkley, 124 Peach Street

To the Town Council of Cape Charles,

I would like to add my voice to those of the other townsfolk and town merchants who have expressed dismay at the selection of the manager for the CapeCharlesBytheBay.com website.

I was part of the original committee that selected Steve Van Leeuwen's company, Ciniva, to create the site and also assisted with concept and content for the site. Hotel Cape Charles has had an expanded listing on the site since it was launched and is paid in full for such through next year already.

It is our wish that the manager selected for this website have the following qualities and qualifications:

- Demonstrated facility and fluency with all major social media platforms.
- Year-round resident of Cape Charles.

- Dossier of past work in promotion of tourism sites, venues, and/or destinations.
- Demonstrated positive attitude toward local businesses; cooperative spirit; truthful.

It appears to us that the candidate selected to manage the website does not reside in Cape Charles; does not reside year-round on the Eastern Shore; does not have a solid background in tourism, marketing, or development of websites aimed at such; and has demonstrated an antagonistic set of behaviors toward many individuals and business entities via a highly tendentious blog that purports to be journalistic. In short, it would be difficult to locate a less desirable candidate for this sort of work. A desirable candidate would be present in town 12 months of the year and able to feed content to social media year-round, using photographs taken at many sorts of events/occasions; would be able to work cooperatively and cheerfully with business owners and individuals in town, not just with a very small subset of citizens; and would have demonstrated ability to use social media of all types.

If a suitable replacement candidate cannot be located, we request to be removed from the website altogether and to have our \$165 refunded in full to us. Any manager or editor of content on this website needs to have the trust and faith of the community and the business community at the outset. We will be willing to work with such a person and will be willing to remain a part of the website if such a person is retained for this work.

Yours very sincerely,
Edward Brinkley

George & Dorie Southern, Cape Charles Wave

Dear Cape Charles Town Council,

We were very pleased to be notified that our family company, Cape Charles Wave, LLC, was awarded the contract for Cape Charles By the Bay Website Maintenance, Support and Social Media Marketing. A contract was signed with the town on June 10, and we have already begun selling advertising. Our goal is to double the number of ads currently on the website.

I would like to take this opportunity to point out that Cape Charles Wave LLC should not be confused with the online newspaper we publish under the name *Cape Charles Wave*. This is important to understand, because the *Wave* newspaper will have no connection to the Cape Charles By the Bay tourism website. The two websites will be wholly separate endeavors, albeit both under the management of Cape Charles Wave LLC.

The situation is similar to this past year when Cape Charles By the Bay was serviced by Flash of G Marketing, owned by the Kohlers, who also own Fig Street Inn. That did not mean that the Fig Street Inn was in charge of Cape Charles By the Bay. In some way, our online *Wave* newspaper will not be running Cape Charles By the Bay.

In winning the bid for web services, we noted that our family company's editor and publisher are professionally trained journalists. The webmaster is a Ph.D. candidate in computer engineering with work experience both at Apple headquarters in Cupertino, California, and Samsung's computer headquarters in San Jose. Graphics expertise is provided by a former graphics artist for Walt Disney World. We want to make it clear that our family operation is well qualified to assume this contract.

During its three years of operation *Cape Charles Wave* has publicized some 400 events in and near the town of Cape Charles. We are also experienced in social media, using Facebook to promote stories and readership.

We are excited about the opportunity to invigorate the Cape Charles By the Bay website by greatly increasing the advertising contained on it. As owners of vacation rental property in Cape Charles, we are particularly desirous of seeing the town attract more visitors, and appreciate this opportunity to be part of that effort.

Sincerely,
George & Dorie Southern

Nan Bennett, 100 Creekside Lane

I think the signage for Cape Charles at the corner of Route 13 and Stone Road does nothing to promote us as a vacation destination. It could serve a more useful purpose to the business community if it stated something like "Shop, Stay, Play."

Thank you.

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

CASH POSITION

Cash on Hand	4/30/2015	5/31/2015	Increase/(Decrease)
Shore Bank Checking Account	\$ 1,024,671	\$ 790,165	\$ (234,506)
Shore Bank Money Market Account	\$ -	\$ 250,007	\$ 250,007
LGIP Account 1 - Unrestricted	\$ 97,437	\$ 97,448	\$ 11
LGIP Account 2 - Unrestricted	\$298,827	\$298,861	\$ 34
Total Cash On Hand	\$ 1,420,935	\$ 1,436,481	\$ 15,546

Restricted and Reserved Cash Balances	4/30/2015	5/31/2015	Increase/(Decrease)
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,446	\$234,446	0
Shore Bank Checking Account - Police Funds	\$431	\$431	0
LGIP Account 2 - Restricted for USDA Police Vehicle loans	\$10,875	\$10,875	0
PNC Account- 2013 Bond Proceeds - Principal	\$958,993	\$958,993	0
PNC Account- 2013 Bond Proceeds - Interest	\$1,868	\$2,009	141
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,587	\$257,582	(5)
Total Cash Held in Reserve	\$ 1,464,200	\$ 1,464,336	\$ 136
Total Cash - All Accounts	\$ 2,885,135	\$ 2,900,818	\$ 15,683

DEBT SERVICE

<u>Next Debt Service Payments:</u>	<u>Due Date</u>	<u>Amount</u>
2006B VML/VACO	7/20/2015	\$121,963.75

REVENUE VS. EXPENDITURES

<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY15</u>
GENERAL						
REVENUES	84,588	2,152,704	2,225,611	72,907	3,707,715	60.03%
EXPENDED	173,790	1,954,870	1,760,613	(194,257)	3,707,715	47.49%
NET	(89,202)	197,834	464,998	267,164	0	
PUBLIC UTILITIES						
REVENUES	146,069	1,370,833	1,516,106	145,272	1,648,921	91.95%
EXPENDED	69,643	1,307,377	1,378,081	70,705	1,648,921	83.57%
NET	76,426	63,457	138,025	74,568	0	
HARBOR						
REVENUES	96,793	799,049	723,699	(75,350)	1,157,987	62.50%
EXPENDED	48,977	962,522	782,288	(180,235)	1,157,987	67.56%
NET	47,816	(163,473)	(58,588)	104,885	0	
SANITATION						
REVENUES	15,196	157,317	161,920	4,603	171,800	94.25%
EXPENDED	14,288	140,334	141,381	1,046	171,800	82.29%
NET	908	16,982	20,539	3,557	0	

MUNICIPAL CORPORATION OF CAPE CHARLES
May 31, 2015

YTD 2014 Real Estate Tax Collections

Total Land Value	\$	206,709,800	
Total Improvement Value	\$	<u>203,219,700</u>	
Total Real Estate Value	\$	409,929,500	

5/31/2015

Total Budgeted	\$	1,073,856	
Total Bills Mailed	\$	1,140,276	
Total Collected per Budget	\$	<u>1,063,544</u>	99%
Amount Due	\$	76,732	

**YTD 2014 Personal Property Tax, Machinery and Tools Tax, &
2015 License Tax Collections**

Total Personal Property Value	\$	13,577,500	
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5/31/2015

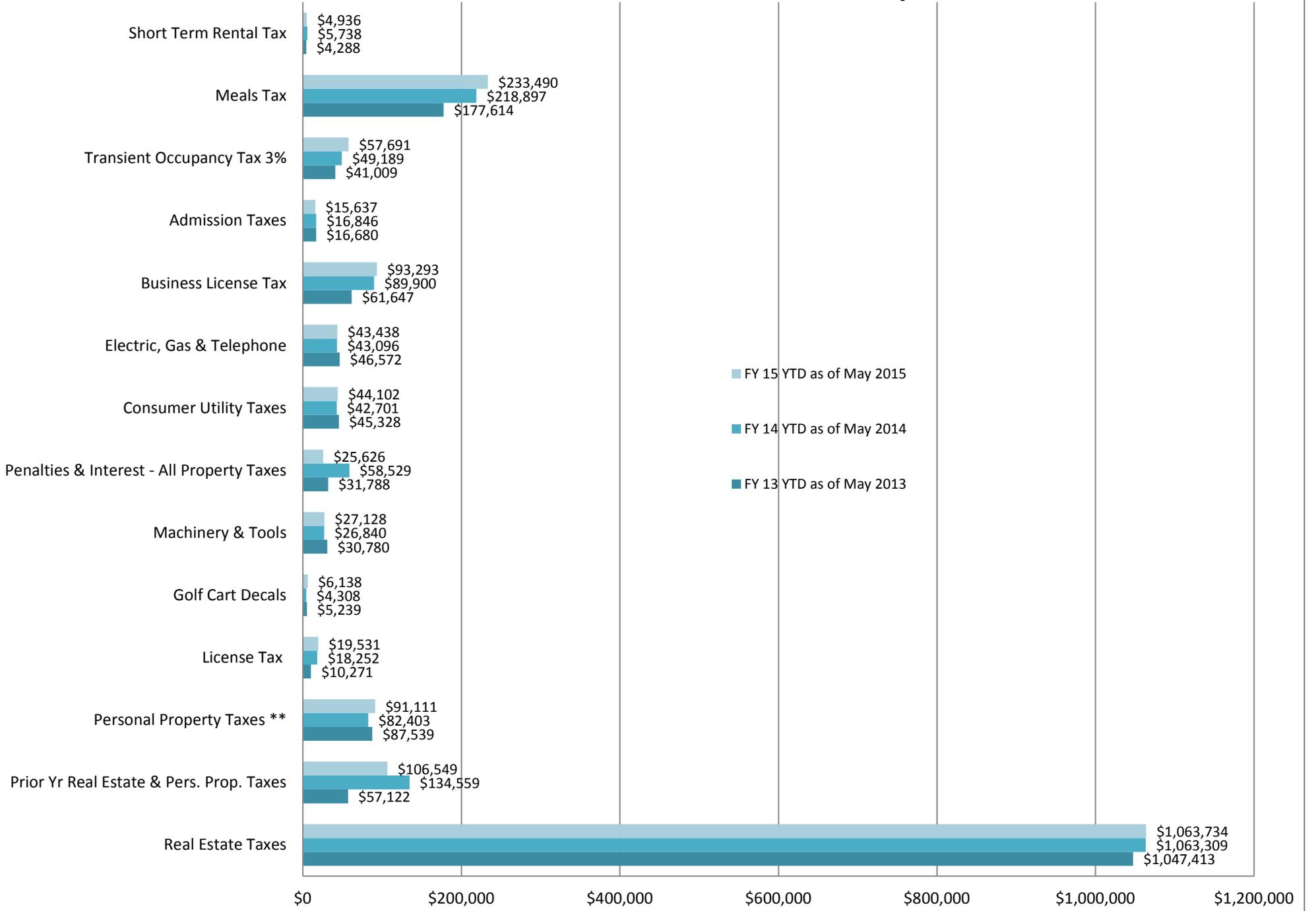
Total Budgeted FY14	\$	160,000	
Total Bills Mailed	\$	173,253	
Total Adjusted	\$	(6,179)	
Total Collected per Budget	\$	<u>137,331</u>	89%
Amount Due	\$	29,742.86	

**FY 2015 YTD Prior Year Real Estate Tax, Personal Property Tax,
Interest and Penalty Collections**

5/31/2015

Total Budgeted FY 2015	\$	125,000	
Total Collected	\$	<u>131,849</u>	105%
Amount Anticipated/Over	\$	(6,849)	

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 June 18, 2015 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20150618 (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		X		
Steve Bennett	X		X		
Charles Brown	X		X		
Tom Godwin	X		X		
Joan Natali	X		X		
Frank Wendell	X		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 19th day of June 2015.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20150618

APPROVING THE BUDGET FOR FISCAL YEAR (FY) 2015/2016 AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR

WHEREAS, the Council of the Town of Cape Charles has prepared a budget for FY 2015/2016 pursuant to Section 15.2-2503 of the Code of Virginia; and

WHEREAS, the budget has been advertised and a public hearing has been held pursuant to Section 15.2-2506 of the Code of Virginia; now

THEREFORE BE IT RESOLVED, by the Town Council of Cape Charles, this 18th day of June 2015 that the budget for FY 2015/2016 be approved as follows:

REVENUES	2015-2016	EXPENDITURES	2015-2016
General Fund		General Fund	
Real Estate Taxes	1,079,374	Legislative	25,858
Personal Property Tax	91,000	Town Clerk	137,465
Prior Year Tax Collections	100,000	Town Manager	355,425
Motor Vehicle License Tax	19,500	Finance	205,994
Machinery & Tools Tax	25,000	Police	361,625
BPOL Tax	117,680	Code Enforcement	107,056
Admissions, Short-term Rental, Trans. Occ. Taxes	93,000	Public Works	390,832
Meals Tax	250,000	Parks & Recreation	65,754
Other Taxes	98,700	Library	124,298
Building Permits & Code Enforcement	75,675	Town Planner	73,720
Recovered Costs & Miscellaneous Income	122,225	Fire Department – State Pass Thru	10,000
Library Revenues	1,000	Debt Service	135,078
Financing Proceeds	465,892	Capital Projects	1,941,971
Grants and Local/State/Federal Aid	1,619,409	Contingency Fund-General	115,438
Total General Fund	4,158,455	Total General Fund	4,050,514
Sanitation Fund	175,300	Sanitation Fund	175,300
Harbor Fund		Harbor Fund	
Operating Revenue	1,105,837	Operating	1,019,262
Financing Proceeds	215,000	Debt Service	184,516
Grant Revenue	645,000	Capital	870,000
Total Harbor Fund	1,965,837	Total Harbor Fund	2,073,778
Water/Wastewater Fund		Water/Wastewater Fund	
Operating Revenue	1,338,646	Water Operations	333,309
Penalties and Late Fees	28,000	Wastewater Operations	535,824
Grant Revenue	0	Meter & Utility Billing, Administration	122,227
Connection Fees	27,065	Debt Service	375,351
Financing Proceeds	165,000	Capital	192,000
Facility Fees	164,300	Facility Fees moved to Reserve	164,300
Total Water/Wastewater Fund	1,723,011	Total Water/Wastewater Fund	1,723,011
TOTAL REVENUES ALL FUNDS	8,022,603	TOTAL EXPENDITURES ALL FUNDS	8,022,603

The following tax rates and user fees are established:

- Vehicle Tax \$31.00 per vehicle subject to Virginia State Registration (Trailers \$18.00) and Golf Cart Decal is \$31.00.

- Real Estate \$.2759 per \$100; Personal Property Tax \$2.00 per \$100; Boat Tax \$0.01 per \$100
- Transient Occupancy Tax: 3.7% Monthly; Meals Tax: 5% Monthly; Admissions Tax: 3% Quarterly; Short Term Rental Tax: 1% Quarterly
- Water Rate –Residential 0-2,000 gal.: \$31.16 minimum; 2,001 to 5,000 gal.: \$2.63 per 1,000; 5,001 to 10,000 gal: \$3.75 per 1,000; 10,001 to 15,000 gal: \$5.00 per 1,000; over 15,000 gal: \$7.50 per 1,000; Commercial 0-2,000 gal: \$31.16 minimum; 2,001-10,000 gal: \$2.50 per 1,000; 10,001-15,000 gal: \$3.75 per 1,000; over 15,000 gal: \$5.00 per 1,000
- Wastewater Rate –Residential 0-2,000 gal.: \$63.00 minimum; 2,001 to 5,000 gal.: \$4.11 per 1,000; 5,001 to 10,000 gal: \$5.85 per 1,000; 10,001 to 15,000 gal: \$7.80 per 1,000; over 15,000 gal: \$11.70 per 1,000; Commercial 0-2000 gal: \$63.00 minimum: 2,001-10,000 gal: \$3.90 per 1,000; 10,001-15,000 gal: \$5.85 per 1,000; over 15,000 gal: \$7.80 per 1,000
- Trash Collection Fee: \$13.76 per month; and

BE IT FURTHER RESOLVED, that pursuant to Section 15.2-2506 of the Code of Virginia, funds are appropriated from all sources of revenue for expenditures during the period July 1, 2015 through June 30, 2016 as follows:

General Fund - \$4,050,514
 Sanitation Fund - \$175,300
 Harbor Fund - \$2,073,778
 Water/Wastewater Fund - \$1,723,011

and that the Town Manager is authorized to transfer amounts among Funds with advance notification to the Town Council.

Adopted by the Town Council of Cape Charles on June 18, 2015.

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 June 18, 2015 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20150618 (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>
George Proto, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
Charles Brown	X		X		
Tom Godwin	X		X		
Joan Natali	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 19th day of June 2015.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE NO: 20150618

**AN ORDINANCE TO ADOPT
AMENDMENTS TO THE CODE OF VIRGINIA §46.2 AND
TITLE 16.1, CHAPTER 11, ARTICLE 9 (§16.1-278 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 (§ 16.1-278 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. This ordinance will take effect July 1, 2015.

Adopted by the Town Council of Cape Charles on June 18, 2015.

Mayor George Proto

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 June 18, 2015 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20150618A (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>
George Proto, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
Charles Brown	X		X		
Tom Godwin	X		X		
Joan Natali	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 19th day of June 2015.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE NO: 20150618A

**AN ORDINANCE TO ADOPT
TOWN CODE §42.61 PARKING ON TOWN STREETS**

WHEREAS, with the sale of the former grocery store property and associated parking lots to a private entity, the Town was tasked with developing a parking plan to accommodate parking in the Mason Avenue business corridor; and

WHEREAS, the Cape Charles Planning Commission researched parking plans and discovered that although pull-in angled parking was not permitted by the Virginia Department of Transportation, reverse angle parking was permissible; and

WHEREAS, the Town Council requested VDOT consideration of reverse angle parking along Mason Avenue to increase the number of parking spaces vs. parallel parking; and

WHEREAS, the Town received VDOT approval for reverse angle parking along Mason Avenue after the initiation of VDOT's milling and paving project and VDOT was able to accommodate the Town's request when restriping the parking space lines; and

WHEREAS, it is necessary to include language in the Cape Charles Town Code regarding reverse angle parking; now

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles, this 18th day of June, 2015, that Section 42.61 be added to the Town Code regarding parking and regulations as follows:

42-61. Parking on town streets.

No vehicle shall be parked except parallel to the right-hand edge curb or edge of the roadway, and not more than eighteen (18) inches therefrom, except that a vehicle may be parked at a reverse (back-in/head-out) angle where permitted by signs or markers. It shall be unlawful for any person to park a vehicle front-first in any parking space designated by signs or markers for reverse (back-in/head-out) angle parking.

Adopted by the Town Council of Cape Charles on June 18, 2015.

Mayor George Proto

ATTEST:

Town Clerk