



TOWN COUNCIL
Regular Meeting
Civic Center
April 21, 2016
6:00 p.m.

At approximately 6:00 p.m. Mayor George Proto, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown and Wendell, and Councilwoman Natali. Councilman Godwin was not in attendance. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Treasurer Deborah Pocock, Planner Larry DiRe and Event Coordinator Jen Lewis. The majority of the Department Heads were in attendance as well as seven members of the public.

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

RECOGNITION OF VISITORS / PRESENTATIONS

A. There were no guest speakers/presentations.

PUBLIC COMMENTS:

Kris Tucker, Economic Development Northampton County

Mr. Tucker presented the Council with a resolution supporting planning for the development of a small business incubator or community kitchen in Machipongo, Virginia. Mr. Tucker explained there was no request for money, just support for the old middle school as a viable space. There was a grant involved and the Accomack-Northampton Planning District Commission was offering the matching funds. The grant deadline was May 20, 2016. Mayor Proto stated Council would review the request and vote on the resolution at the next council meeting on May 19th. Councilman Wendell asked Mr. Tucker if the existing gym would be retained. Mr. Tucker responded that it was a budget issue but the odds were good as the existing gym was in good condition with minor maintenance issues. Without support, the gym would no longer be available, which would take basketball, volleyball and some summer programming away from Northampton County Parks and Recreation.

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 Brown, to approve the agenda format as presented. The motion was approved by unanimous vote.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the March 10, 2016 Budget Work Session, the March 17, 2016 Regular Meeting, the March 31, 2016 Budget Work Session, the April 7, 2016 Budget Work Session, and the April 7, 2016 Executive Session.

Motion made by Councilman Brown, seconded by Councilman Bennett, to approve the minutes from the March 10, 2016 Budget Work Session with a modification regarding the Keck Wells that there would be continued discussion regarding a relative need for the wells and a plan put together of when they would be needed, and the March 17, 2016 Regular Meeting, the March 31, 2016 Budget Work Session, the April 7, 2016 Budget Work Session, and the April 7, 2016 Executive Session as presented. The motion was approved by unanimous vote.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Treasurer Deborah Pocock reviewed the Treasurer's report dated March 31, 2016 which showed the Total Cash on Hand of \$1,622,979, the Total Cash Held in Reserve was \$1,466,959 and the Total Cash - All Accounts was \$3,089,939. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the FY 2016 Capital Improvement Project Tracking Report, the YTD 2016 Real Estate, Personal Property, Machinery and Tools Tax & 2016 License Tax Collections, the YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections and the Three Year Revenue Comparison.

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

B. *Planning Commission and Boards:*

Town Planner Larry DiRe updated Council regarding the next phase of the U.S. Army Corps of Engineers (USACE) Harbor Dredge Project. The notice to proceed would be issued April 29, 2016.

There was much discussion regarding the sand placement on the beach. There was concern of the project running into the tourist season. The Town Planner will continue to keep Council updated with the hopes that this phase of the project would be done in a timely manner. Council questioned how much sand would be placed on the beach and were informed there would be 100,000 cubic yards.

C. *Other Departments:*

Code Enforcement:

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

Town Harbor:

Harbor Master Charlie Farlow reported the following: i) Blessing of the Fleet went well with about 100 in attendance. Thank you to Ron West and Jen Lewis for their assistance; and ii) The Harbor staff continued to work on debt collections.

Cape Charles Memorial Library:

Librarian Ann Rutledge reported the following: i) The plumbing was working; ii) Tween Night went well and there would be another Tween Night held on April 22, 2016.

Police Department:

Councilman Steve Bennet expressed his concern regarding the number of felony arrests. Councilman Wendell asked Chief Jim Pruitt if all counts were separate. Chief Pruitt responded that 42 counts were on one individual.

Public Utilities/Public Works Departments:

Public Works/Public Utilities Director Dave Fauber informed Council that the playground would be finished within one to one and a half weeks.

Councilman Bennett stated he was very concerned about the operation of the waste water plant and asked that Dave Fauber include the amount of rain fall in his monthly report.

Councilman Wendell expressed concern for the lack of bio-filters for the Fig Street location and Wendell asked Dave Fauber to look into having replacements in Town and ready to go. Dave Fauber responded that this was a last minute decision as the proper equipment was here to move forward.

Councilman Wendell also asked whether our proposed fines had indeed become assessed fines. Town Manager Brent Manuel replied that the fines were \$70,000.

Mayor George Proto asked Dave Fauber if he felt everything was fixed. Dave Fauber responded affirmatively.

Councilman Wendell asked if the LOVE installation could be angled to catch the sunset to which Dave Fauber responded affirmatively.

Councilman Bennett asked for an update on the Public Works Foreman position and Councilwoman Natali stated the application deadline was April 22, 2016.

Recreation Department:

Recreation Coordinator Jen Lewis invited everyone to the Blessing of the Worms on April 24, 2016 at 3:00 p.m.

OLD BUSINESS

A. *Cape Charles Trail Project Phase 2 Update*

Bob Panek stated there was no change from the report. There was some discussion regarding the Cape Charles Trail Project Phase 2 Update as follows: i) DEQ was continuing their review of the stormwater management plan; and ii) A Filtera system would be installed on Washington Avenue. The cost would be less than \$50K.

NEW BUSINESS:

A. *National Police Week*

Mayor Proto read Proclamation #20160421 In Honor of Peace Officers' Memorial Day and National Police Week.

Proclamation #20160421 was adopted by the Town Council on April 21, 2016 by a roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Natali, yes; Wendell, yes.

B. *National Public Works Week:*

Mayor Proto read Proclamation #20160421A In Honor of National Public Works Week..

Proclamation #20160421 was adopted by the Town Council on April 21, 2016 by a roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Natali, yes; Wendell, yes.

C. *National Building Safety Month:*

Mayor Proto read the Proclamation #20160421B for Building Safety Month.

The Proclamation was adopted by the Town Council on April 21, 2016 by a roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Natali, yes; Wendell, yes.

D. *Harbor Delinquent Accounts Update:*

Bob Panek updated Council on the status of seriously delinquent accounts at the Town Harbor. Mayor Proto thanked Bob Panek and Charlie Farlow for their efforts with collections.

There was much discussion regarding the current billing process and the Harbor Master reassured Council that the current policy was standard for other Harbors and there were no current problems with the billing system.

E. *Harbor Development Certificate – Lot 19*

Larry DiRe presented the application for Harbor Development Certificate at Lot 19 for locating a 464 square foot, single-story, wood frame building for a dock master station and new construction of a 160 square foot bath/shower house on the lot. The proposed uses conformed to the Harbor District Zoning Ordinance.

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

F. *Harbor Development Certificate – Lot 20.*

Larry DiRe presented the application for Harbor Development Certificate at Lot 20 for locating a two-story, wood frame building on a permanent foundation on the lot. The building would be used for general merchandise retail and short-term stay accommodation. The proposed uses conformed to the Harbor District Zoning Ordinance.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to approve the application for Harbor Development Certificate for Lot 20 as presented. Motion was approved by unanimous vote.

G. *USDA-RD Grant/Loan*

Deborah Pocock presented a request for adoption of Resolution #20160421 to accept the terms of the US Department of Agriculture – Rural Development (USDA-RD) Grant/Loan for a new police vehicle, Public Works tractor and financial management software. The USDA-RD's current interest rate was 2.875% for five years with annual payments of \$16,537. The first annual payment would be due in FY 2016-2017. Adoption of Resolution #20160421 was required stating the Town Council's agreement to abide by the covenants and to execute the forms required by the USDA-RD.

Motion made by Councilman Bennett, seconded by Councilman Brown, to adopt Resolution #20160421 to accept the terms of the USDA-RD Grant/Loan for a new police vehicle, Public Works tractor and financial management software. The motion was unanimously approved by roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Natali, yes; Wendell, yes.

H. *FY 2017 VRS Rate Election*

Deborah Pocock presented information regarding the biennial Virginia Retirement System (VRS) employer contribution rate. The certified rate, which was also the default rate, for the Town of Cape Charles for fiscal years 2017 and 2018 was 4.49%. Council could also choose the alternate rate of 7.15% as the biennial employer contribution rate. Resolution #20160421B would have to be adopted if Council opted for the alternate rate, but no action was necessary if the default rate was chosen. Council agreed to the default rate of 4.49%.

VICE MAYOR AND COUNCIL COMMENTS

Councilwoman Natali reminded everyone of the following: i) The Candidate Forum would be held at the Cape Charles Civic Center on Wednesday, April 27, 2016 at 7:00 p.m.; and ii) The Blessing of the Worms would take place at the New Roots Youth Garden on Sunday, April 24, 2016 at 3:00 p.m.

There were no other comments.

Mayor Proto proceeded to read the Announcements.

ANNOUNCEMENTS:

- April 26, 2016 – Mayor's Office Hours, 6:00 p.m. – 7:00 p.m.
- April 28, 2016 – Town Council Budget Work Session, 6:00 p.m.
- May 5, 2016 – Town Council Budget Work Session, 6:00 p.m.
- May 10, 2016 – Mayor's Office Hours 2:00 p.m. – 3:00 p.m.
- May 12, 2016 – Town Council Work Session, 6:00 p.m. (tentative)
- May 19, 2016 Town Council Regular Meeting, 6:00 p.m.
- May 24, 2016 Mayor's Office Hours, 6:00 p.m. -7:00 p.m.

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

Event Coordinator

**MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT**

March 31, 2016

CASH POSITION

Cash on Hand	2/29/2016	3/31/2016	Increase/(Decrease)
Shore Bank Checking Account	\$ 481,366	\$ 748,715	\$ 267,349
Shore Bank Money Market Account	\$ 826,838	\$ 477,084	\$ (349,754)
LGIP Account 1 - Unrestricted	\$ 97,619	\$ 97,656	\$ 38
LGIP Account 2 - Unrestricted	\$ 299,405	\$ 299,525	\$ 120
Total Cash On Hand	\$ 1,705,227	\$ 1,622,979	\$ (82,248)

Restricted and Reserved Cash Balances	2/29/2016	3/31/2016	Increase/(Decrease)
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,530	\$234,559	29
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	\$3,939	\$4,399	460
Shore Bank Checking Account - E-Summons Revenue Reserved	\$50	\$115	65
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,586	\$257,587	1
Total Cash Held in Reserve	\$ 1,466,404	\$ 1,466,959	\$ 555
Total Cash - All Accounts	\$ 3,171,631	\$ 3,089,939	\$ (81,693)

DEBT SERVICE

Next Debt Service Payments:
FY 2017

Due Date

Amount

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY15
GENERAL						
REVENUES	220,342	2,055,320	2,146,817	91,497	4,158,455	51.63%
EXPENDED	149,389	1,458,911	1,664,193	205,282	4,050,514	41.09%
NET	70,953	596,409	482,624	(113,785)	107,941 surplus to harbor	
PUBLIC UTILITIES						
REVENUES	148,501	1,259,482	1,369,700	110,218	1,723,011	79.49%
EXPENDED	223,624	1,108,176	1,016,584	(91,592)	1,723,011	59.00%
NET	(75,123)	151,307	353,116	201,809	0	
HARBOR						
REVENUES	250,220	570,628	884,814	314,186	1,965,837	45.01%
EXPENDED	366,155	706,369	1,443,266	736,897	2,073,778	69.60%
NET	(115,935)	(135,741)	(558,452)	(422,711)	(107,941)	
SANITATION						
REVENUES	15,010	133,636	140,522	6,887	175,300	80.16%
EXPENDED	14,283	112,805	114,785	1,981	175,300	65.48%
NET	727	20,831	25,737	4,906	0	

FY 2016 Capital Improvement Project Tracking Report

As of:
3/31/2016

	FY16 Status or Start Date	Percent of Completion	FY16 Budgeted	FY16 QTR 1 Expended	FY16 QTR 2 Expended	FY16 QTR 3 Expended	FY16 QTR 4 Expended	FY16 YTD Expended	(Over)/Under Budget
General Fund									
Enterprise Management System (Finance)	Remainder due in July	35%	\$ 55,069	\$ -	\$ 19,000	\$ -	\$ -	\$ 19,000	\$ 36,069
Replacement Police Vehicle	Complete	100%	\$ 26,000	\$ -	\$ 26,668	\$ -	\$ -	\$ 26,668	\$ (668)
Police vehicle cameras & software	Complete	100%	\$ 10,600	\$ -	\$ 9,640	\$ -	\$ -	\$ 9,640	\$ 960
Code Enforcement Vehicle	Complete	100%	\$ 25,302	\$ 26,125	\$ -	\$ -	\$ -	\$ 26,125	\$ (823)
Public Works Tractor	Postponed pending USDA Grant	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Mason St Parking Improvements	Almost complete	72%	\$ 20,000	\$ 9,216	\$ 5,235	\$ -	\$ -	\$ 14,451	\$ 5,549
Sidewalk Repair Program (VDOT grant 50%)	Research phase	1%	\$ 20,000	\$ -	\$ -	\$ 231	\$ -	\$ 231	\$ 19,769
Pine St Parking/Waste Mgmt Design	In progress	14%	\$ 60,000	\$ -	\$ 5,517	\$ 2,669	\$ -	\$ 8,187	\$ 51,813
Strawberry Street Plaza Purchase/Improvements	Pending	0%	\$ 70,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000
ArtWalk - Wayfinding Signage	Pending	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Central Park Playground Equipment (phase 1)	In progress	%	\$ 30,000	\$ 46	\$ 58	\$ 37,297	\$ -	\$ 37,401	\$ (7,401)
Cape Chas Multi-Use Trail Phase 2	In progress	1%	\$ 1,570,000	\$ 4,486	\$ 3,677	\$ 4,210	\$ -	\$ 12,374	\$ 1,557,626
Security Cameras for Beach, Park, Civic Center	Research phase	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
subtotal			\$ 1,941,971	\$ 39,873	\$ 69,795	\$ 44,408	\$ -	\$ 154,075	\$ 1,787,896
Water Fund									
Automatic Flush (2 & 3 of 5)	1st complete, 2nd pending	65%	\$ 20,000	\$ 12,371	\$ 573	\$ 13	\$ -	\$ 12,958	\$ 7,042
Valve Exerciser (shared cost)	Complete	100%	\$ 3,500	\$ 3,400	\$ -	\$ -	\$ -	\$ 3,400.00	\$ 100
subtotal			\$ 23,500	\$ 15,771	\$ 573	\$ 13	\$ -	\$ 16,358	\$ 7,142
Sewer Fund									
Valve Exerciser (shared cost)	Complete	100%	\$ 3,500	\$ 3,400	\$ -	\$ -	\$ -	\$ 3,400	\$ 100
Plum & Mason Pump Station Engineering	In progress	6%	\$ 165,000	\$ 2,695	\$ 1,897	\$ 4,712	\$ -	\$ 9,304	\$ 155,696
Manhole Rehab	Near completion	82%	\$ 41,792	\$ 17,396	\$ 16,896	\$ -	\$ -	\$ 34,292	\$ 7,500
subtotal			\$ 210,292	\$ 23,491	\$ 18,793	\$ 4,712	\$ -	\$ 46,996	\$ 163,296
Harbor Fund									
Breakwater	Preconstruction mtg. Nov 24	89%	\$ 860,000	\$ 20,396	\$ 9,416	\$ 737,492	\$ -	\$ 767,305	\$ 92,695
Truck	Transferred from Code Enf.	100%	\$ 10,000	\$ 10,000	\$ -	\$ -	\$ -	\$ 10,000	\$ -
subtotal			\$ 870,000	\$ 30,396	\$ 9,416	\$ 737,492	\$ -	\$ 777,305	\$ 92,695
TOTAL		35%	\$ 2,835,471	\$ 86,040	\$ 79,784	\$ 781,913	\$ -	\$ 994,733	\$ 2,051,030

MUNICIPAL CORPORATION OF CAPE CHARLES
March 31, 2016

YTD 2015 Real Estate Tax Collections

Total Land Value	\$	204,870,500	
Total Improvement Value	\$	205,290,456	
Additional Assessments	\$	<u>6,819,000</u>	
Total Real Estate Value	\$	416,979,956	

3/31/2016

Total Budgeted	\$	1,079,374	
Total Bills Mailed	\$	1,131,950	
Total Adjustments	\$	6,385	
Total Collected YTD	\$	<u>1,052,057</u>	97%
Amount Due	\$	86,277.39	

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

Total Personal Property Value	\$	14,603,900	
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3/31/2016

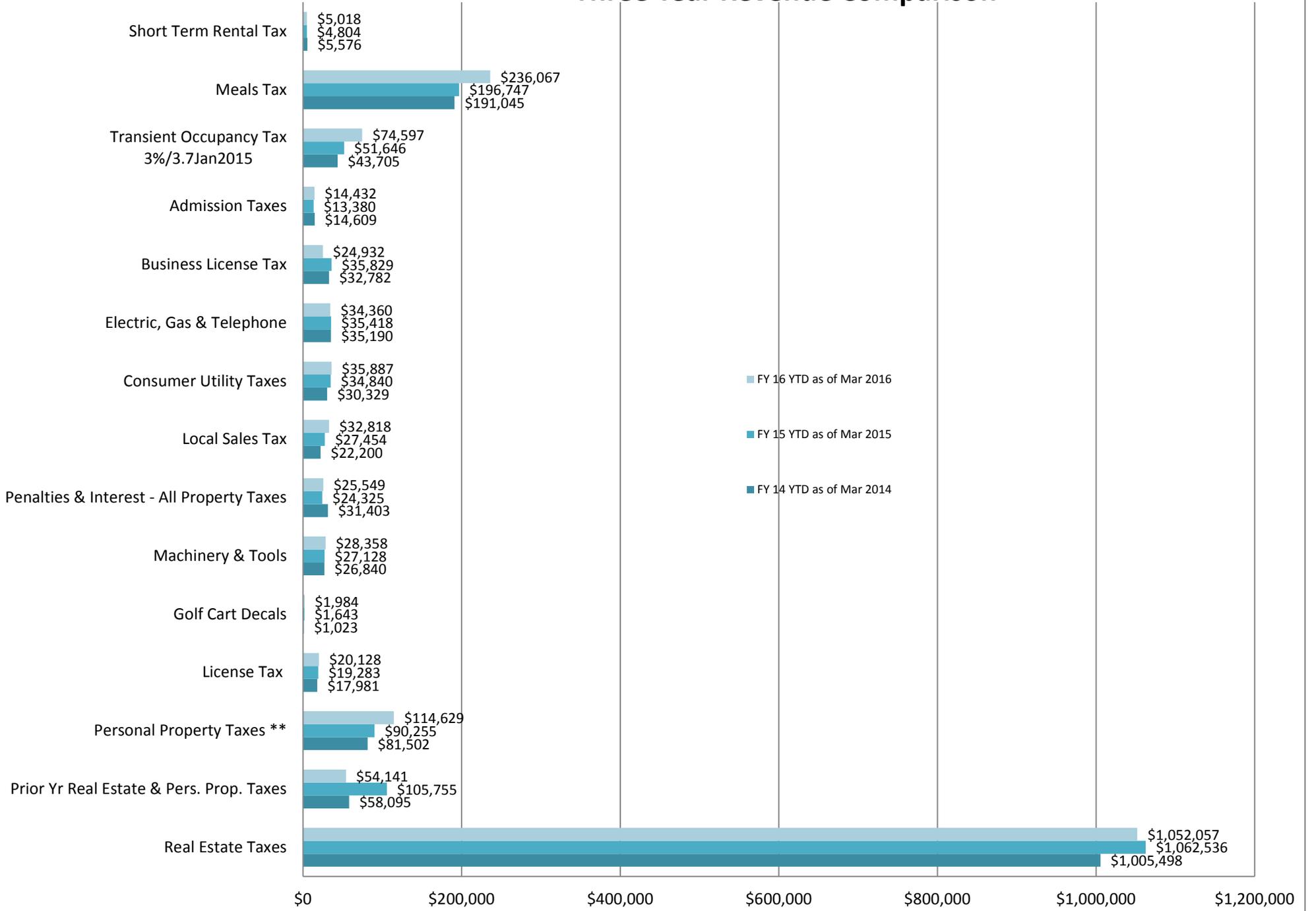
Total Budgeted FY15	\$	135,500	
Total Bills Mailed	\$	212,676	
Total Adjustments	\$	(5,203)	
Total Collected YTD	\$	<u>140,978</u>	104%
Amount Due	\$	66,495	

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

3/31/2016

Total Budgeted FY 2015	\$	41,798	
Total Collected	\$	<u>58,652</u>	140%
Amount Anticipated/(Over)	\$	(16,854)	

Three Year Revenue Comparison



**TOWN OF CAPE CHARLES
PROCLAMATION #20160421**

**IN HONOR OF PEACE OFFICERS' MEMORIAL DAY
AND NATIONAL POLICE WEEK**

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Cape Charles Police Department;

WHEREAS, there have been 15,725 assaults against law enforcement officers in 2014, resulting in approximately 13,824 injuries;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 28th Annual Candlelight Vigil on the evening of May 13, 2016;

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 15-21;

WHEREAS, May 15 is designated as Peace Officers Memorial Day in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT PROCLAIMED that the Cape Charles Town Council formally designates May 15-21, 2016 as Police Week in the Town of Cape Charles and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Adopted by the Town Council of Cape Charles on this 21st day of April, 2016.

Mayor George Proto

ATTEST: _____
Clerk of the Council

PROCLAMATION #20160421A

IN HONOR OF NATIONAL PUBLIC WORKS WEEK

WHEREAS, public works infrastructure, facilities, and services are of vital importance to sustainable communities, and to the health, safety, and well-being of the people of the Town of Cape Charles; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works managers and employees; and

WHEREAS, the Town is thankful to all those who plan, design, build, operate, and maintain the public buildings, structures, facilities and properties essential to our people; and

WHEREAS, it is critical that the people of the Town are educated about and participate in the shaping of public works programs in the community; and

WHEREAS, the year 2016 marks the 56th annual National Public Works Week sponsored by the American Public Works Association;

NOW, THEREFORE, BE IT PROCLAIMED, the Town Council of Cape Charles hereby recognizes May 15-21, 2016 as National Public Works Week in the Town and call this observance to the attention of all our citizens.

Adopted by the Town Council of Cape Charles on this 21st day of April, 2016.

Mayor George Proto

ATTEST: _____
Clerk of the Council

**TOWN OF CAPE CHARLES
PROCLAMATION 20160421B**



BUILDING SAFETY MONTH — MAY, 2016

WHEREAS, our Town’s continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound; and

WHEREAS, our confidence is achieved through the devotion of vigilant guardians – building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry – who work year-round to ensure the safe construction of buildings; and

WHEREAS, these guardians – dedicated members of the International Code Council – use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play; and

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities’ largely unknown guardians of public safety – our local code officials – who assure us of safe, efficient and livable buildings; and

WHEREAS, “Building Codes: Driving Growth through Innovation, Resilience and Safety” the theme for Building Safety Month 2016, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, water safety and conservation; energy efficiency and new technologies in the construction industry. Building Safety Month 2016 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property;

NOW, THEREFORE, BE IT PROCLAIMED that the Cape Charles Town Council formally designates the month of May 2016 as Building Safety Month in the Town of Cape Charles.

Adopted by the Town Council of Cape Charles on this 21st day of April, 2016.

Mayor George Proto

ATTEST: _____
Clerk of the Council

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE _____
OF THE _____
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the _____
(Public Body)
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of _____
pursuant to the provisions of _____; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

