



TOWN COUNCIL
Regular Meeting
Civic Center
June 16, 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, Treasurer Deborah Pocock, Police Chief Jim Pruitt, Planner Larry DiRe, Town Clerk Libby Hume, Councilman-elect Andy Buchholz and Councilwoman-elect Dora Sullivan. The majority of the Department Heads were in attendance as well as 16 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. *Oaths of Office for the Newly Elected Council Members – Ms. Traci Johnson, Clerk of the Court*

Ms. Traci Johnson gave the oaths of office to Councilmen-elect Steve Bennett and Andy Buchholz, and Councilwoman-elect Dora Sullivan. Their terms would begin July 1, 2016 and expire June 30, 2020.

B. *John Burdiss – Crabby Blues Festival and Joint IDA Updates*

Mr. John Burdiss stated the following: i) Although the Crabby Blues Festival had to be rescheduled due to the weather, about \$10K was raised. The event would be held the third week in May next year. Mr. Burdiss thanked the Public Works crew and other Town staff and volunteers for their assistance; and ii) The Joint IDA met monthly in Eastville and meetings were open to the public. The Mayor and Council members could be added to the mailing list for agendas and minutes. If anyone was interested, Mr. Burdiss asked that they notify the Clerk who would forward the information to him. Recently, the Northampton County Joint IDA met with the Accomack County Joint IDA. The Eastern Shore was a small place and everyone needed to work together. Mr. Burdiss informed the Council of a recent study by the Accomack-Northampton Planning District Commission (ANPDC) regarding the economy's strengths and weaknesses and added that he would send a link so the Council could review the report. Accomack County had almost three times the population and twice the geographical size of Northampton County. Some of the economic strengths of Northampton County were retail and commercial businesses, agriculture and aquaculture, and tourism, which was seasonal with low paying jobs. The total economic impact of poultry farming in Northampton County was \$15M vs. \$1.5B in Accomack County. Homebuilding was not the highest in the last 10 years. Retirees were moving here but were looking for healthcare which was an issue with the hospital moving. Eastern Shore Community College (ESCC) was working to train a workforce. Building a workforce was a major issue. The ESCC also offered training for tourism, healthcare, etc. and were anxious to work with other organizations. Sunset Beach was undergoing a major renovation with private funding, but if it wasn't already in place, it was doubtful that a new project of this type would occur. The Eastern Shore needed to work with its assets and do the best it could in regards to economic development which was so incumbent on trained workers. Mr. Burdiss concluded by stating that he would come back to address Council whenever they asked and would be available to answer any questions from Council after they reviewed the ANPDC study.

Mayor Proto thanked Mr. Burdiss for the update and suggested he return every three to six months to update the Council.

PUBLIC COMMENTS:

Stephen K. Fox, 1 Monroe Avenue

Mr. Fox stated that he had a long history with the Eastern Shore and Cape Charles but was a new resident of the town and went on to address the Council regarding the management of the sand dunes. (Please see attached.)

Ed DeAngelis, 609 Mason Avenue

Mr. DeAngelis addressed the Council regarding his correspondence over a period of five months with the Code Enforcement office pertaining to structural conditions of a neighboring property which appeared to be in a seriously dangerous condition. He expressed his concern of possible damage to his property and added that he had not received any response from the Town. Mr. DeAngelis continued to state that he served 30 years in the military and knew that respect was a two-way street and that the tax payers of Cape Charles deserved answers and the respect of the elected and paid officials.

Bill Prickett, 210 Tazewell Avenue

Mr. Prickett addressed the Council regarding the dredging and beach adding that he was grateful for the Wetlands Board public information session last night. He now had a good picture of the delay which was due to the back and forth discussions between the Town and the Army Corps of Engineers regarding the scope of the project. The Town needed to improve its communications to the citizens and also needed a beach management program. The beach was a treasure of the Town and was enjoyed by the residents and tourists. Mr. Prickett announced that the playground was open and thanked the Public Works crew for all their hard work and members of the Police Department who volunteered their off duty time to help with the playground. The Citizens for Central Park Summer Concerts were kicking off this Saturday with the Navy band at 7:00 p.m. Mr. Prickett concluded by thanking Jen Lewis for helping to promote the events.

George Ferguson, 2 Madison Avenue

Mr. Ferguson thanked the Council for their service adding that the Council members received a lot of criticism but did a lot of good for the Town. He went on to state that a lot of facts were presented at the Wetlands Board public information meeting and the Board was trying to obtain input from the citizens in order to make their presentation to the Town Council. The Town was blessed to have such a nice beach. He moved back to Cape Charles four years ago and most of the Town was no longer in the flood plain. Mr. Ferguson went on to state that the sand dunes were a pet peeve of his and added that they were so high and sand blew into everyone's yard. The Town needed a sand management plan with the possible installation of sand fencing in the median to collect the sand and remove it.

Tammy Holloway, 405 Tazewell Avenue

Ms. Holloway began by thanking the Town Council for all they did and added that she attended the Wetlands Board public information meeting as well. She stated that the information provided at the meeting was helpful and noticed that the Town was doing more to communicate with the residents and respected that. She expressed her concern of the impact of the dredging on the tourism this summer. The delay would push the start of the dredge project into the middle of tourist season. There was a safety issue as well as the issue of damaging the Town's image to the visitors. Ms. Holloway continued to speak regarding mosquito spraying and timing of the water flushes. It was difficult to have to tell her guests that they couldn't shower after 9:00 p.m. on a water flush night and she asked if the flush could be done after midnight or around 2:00 a.m. She asked that the mosquito spraying also be done after midnight. (Please see attached for further comments submitted in writing.)

There were no other 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 Councilwoman Natali, 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 19, 2016 Regular Meeting, June 2, 2016 Work Session, June 2, 2016 Executive Session, and June 9, 2016 Public Hearing.

Motion made by Councilwoman Natali, seconded by Councilman Godwin, to approve the minutes from the May 19, 2016 Regular Meeting, June 2, 2016 Work Session, June 2, 2016 Executive Session, and June 9, 2016 Public Hearing 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, 2016 which showed the Total Cash on Hand of \$1,721,462, the Total Cash Held in Reserve was \$1,467,880 and the Total Cash – All Accounts was \$3,189,341. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the FY 2016 Capital Improvement Project Tracking Report, the YTD 2016 Real Estate, Personal Property, Machinery and Tools Tax & 2016 License Tax Collections, the YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections and the Three Year Revenue Comparison.

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

B. *Planning Commission and Boards:*

Town Planner Larry DiRe reported that the Board of Zoning Appeals granted a variance for parcel 83A3-A-7 to allow for 39 off-street parking spaces, reducing the Open Space requirement to allow for two additional parking spaces.

C. *Other Departments:*

Code Enforcement:

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

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

Councilman Wendell asked about the delay in responding to Mr. DeAngelis' complaints. Jeb Brady responded that he had been working on other more urgent issues and would review Mr. DeAngelis' issues and contact him.

Town Harbor:

Harbor Master Charlie Farlow reported that the Harbor bath house had a sewage problem before the Memorial Day holiday. The problem was repaired and was due to sand in the drains. Staff was looking into the possible installation of an external shower for visitors coming from the beach to help alleviate the problem.

Cape Charles Memorial Library:

Librarian Ann Rutledge reported the following) The Summer Reading Program would be starting next Monday and bags would be given to the first 100 children to sign up. ; and ii) The Majority of the work in the program room were completed and the room looked great.

Councilman Wendell asked for a timeframe for the repairs to the road which was patched to repair the problems with the library's bathrooms. Brent Manuel stated that he had spoken to Public Works/Utilities Director Dave Fauber and he was obtaining bids to repair this area as well as several other areas in Town.

Police Department:

Chief Jim Pruitt reported that there had been reports of theft from unlocked cars. A few minor items had been taken and he reminded everyone to lock their car doors at night. The officers had increased their patrolling at night. It seemed that the thefts were being committed by the same people that had been targeting cars in the county.

There was much discussion regarding this issue and Chief Pruitt stated that everyone could assist the police department by locking their car doors. The best number to contact the police department was 678-0458 which was the Northampton County dispatch number. Calls would be dispatched to officers and also heard by the County's deputies who could assist if needed. Councilwoman Natali suggested a possible article in the Gazette regarding the best way to contact a police officer.

Public Utilities/Public Works Departments:

Public Works/Public Utilities Director Dave Fauber was not in attendance. Brent Manuel noted that the phosphorus and nitrogen averages looked good. There was much discussion regarding the ongoing issues with the mixers at the wastewater treatment plant and the fines paid by the Town over the last three years. Brent Manuel would obtain the contact information for the Virginia Rural Water Association and reach out to them.

Recreation Department:

Recreation Coordinator Jen Lewis reported the following: i) The ribbon cutting for the playground was being postponed to the next concert in the park. She would be meeting with Mr. Bill Prickett to discuss the details; and ii) The circus was scheduled to come to Town on September 5th and would be performing two shows on that day.

OLD BUSINESS

A. *Proposed FY 2016-2017 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) 2016-2017 Budget. The Public Hearing on the proposed budget was held on June 9, 2015 pursuant to § 15.2-2506 of the Code of Virginia with one citizen providing comments.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to adopt Resolution 20160616 Approving the Budget for FY 2016-2017 and Making Appropriations for the Fiscal Year.

Mayor Proto moved for adoption of Resolution 20160616 as noticed and forewent reading of the resolution. The motion was approved by unanimous vote. Roll Call Vote: Bannon, yes; Bennett, yes; Brown, yes; Natali, yes; Wendell, yes.

NEW BUSINESS:

A. *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 Bennett, seconded by Councilwoman Natali, to adopt Ordinance 20160616 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.

Mayor Proto moved for adoption of Ordinance 20160616 as noticed and forewent reading of the ordinance. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Natali, yes; Wendell, yes.

B. Conditional Use Permit Application – 530 Randolph Avenue – Set Public Hearing

Larry DiRe stated that a conditional use permit (CUP) application was received to operate a bed and breakfast with a swimming pool at 530 Randolph Avenue. The CUP process was outlined in Article IV, Section 4.3 of the Cape Charles Zoning Ordinance and required that the Planning Commission and Town Council hold a public hearing prior to approval. The Planning Commission reviewed the application at their June meeting and recommended scheduling a joint public hearing on July 18, 2016.

Motion made by Councilman Bennett, seconded by Councilman Brown, to schedule a joint public hearing with the Planning Commission on Monday, July 18, 2016, to hear public comment regarding the conditional use permit application. The motion was approved by unanimous vote.

C. Petition for Zoning Amendment

Brent Manuel stated that a letter was submitted by Cape Charles Yacht Center requesting a zoning classification amendment for parcel 83A3-11-2, which was the 20-acre tract of land between Cape Charles Yacht Center and Bayshore Concrete Products, from Harbor District to Industrial. Sections 2.7.1 and 2.7.2 of the Cape Charles Zoning Ordinance outlined the zoning amendment process stating that a property owner must petition the Town Council requesting an amendment and the Town Council would then refer the petition to the Planning Commission for its recommendation. The Commission would review the potential uses and, after holding a public hearing, forward their recommendation to the Town Council for their public hearing prior to taking action. The public hearing could be a joint hearing.

Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to refer the request from Cape Charles Yacht Center to the Planning Commission for their review and recommendation. The motion was approved by unanimous vote.

VICE MAYOR AND COUNCIL COMMENTS

Councilwoman Natali invited everyone to attend the first Concert in the Park scheduled for June 18th at 7:00 p.m. The U.S. Navy Fleet Forces Band would be performing. The Mark Alan Linton Band would be performing on June 25th and Hoppie Vaughan and the Ministers of Soul would be performing on July 16th.

Councilman Bennett commented as follows: i) He thanked Councilmen Wendell and Godwin for their service on the Town Council for four years adding that they had not always seen eye to eye but healthy discussions resulted from their differences; and ii) He wanted to get his perspective of the dredging issue on record and continued to state that he had spent a lot of time working on this issue for a number of reasons. A number of inaccurate comments were made at last night's meeting. In response to Mr. Fox's recommendation, the Wetlands and Coastal Dune Board were already working on a dune management plan. The delay in the project was not caused by the Town but by the U.S. Army Corps of Engineers extension of the first two phases and their delay in awarding the contract. Summer was not typically dredge season. When he received the initial information, he was concerned with the amount of sand proposed for the beach and the upland sites. The USACE had about 200K cubic yards (CY) of sand to dredge and the upland site had about 100K CY of capacity remaining and he had concern regarding placement of another 100K CY of sand on the beach in light of the complaints received about the blowing of sand from last year's sand placement. The blowing of sand was the larger issue and needed to be addressed to keep it from blowing over the jetty into the channel. At a work session, it was confirmed that the original USACE contract called for placing a total of 93K CY of sand on the Town beach. Since Phase 1 placed approximately 70K CY on the beach, Council decided an additional 30K CY would bring the total amount of sand to approximately what was originally intended. After being notified the USACE intended to place an

additional 100K CY, he contacted Senator Lynwood Lewis and Congressman Scott Rigell, who both contacted the USACE. The USACE's most recent plans were to place 30K CY on the Town beach, 118K CY in the upland spoil site and to narrow the width of dredging in a portion of the channel. From his perspective the communications between the USACE and the Town was poor. A drawing of this phase was never provided to the Town.

Mayor Proto thanked Councilman Bennett for his explanation of the USACE dredge project and agreed that the delays were almost entirely due to the USACE.

Vice Mayor Bannon commented as follows: i) He noted that this was Zika season and suggested that the Town do something to inform the citizens of the information on the Virginia Department of Health's website; and ii) He asked Council to consider mowing the grass at the Cape Charles Museum. The Farmer's Market was becoming very popular and the Museum would appreciate assistance with the mowing of the grass.

There were no other comments.

Mayor Proto presented a gift from the Town to Councilman Wendell, thanked him for his service and wished him the best in his future endeavors.

Councilman Wendell stated that he had travelled to lots of places but Cape Charles was his hometown and his passion. He liked to see the Town make good decisions and brought issues to the Council when he didn't agree. He thanked Council for the last four years.

Mayor Proto stated that Councilman Godwin was not in attendance but he wanted everyone to know how much he appreciated Mr. Godwin's presence on Council and the wisdom he brought.

Mayor Proto proceeded to read the Announcements.

ANNOUNCEMENTS:

- June 22, 2016 - Virginia Main Street Presentation at the Civic Center at 6:30 p.m. The former Main Street Coordinator from Woodstock was the guest speaker. She ran the program in Woodstock for 14 years and it would be valuable to hear her lessons learned. Councilwoman Natali added that the Virginia Main Street initiative could not survive with only the businesses. The residents of Town also needed to be active participants in the program and she invited the residents to attend the presentation as well.
- June 28, 2016 Mayor's Office Hours, 6:00 p.m. -7:00 p.m.
- July 4, 2016 - Town offices closed for July 4th holiday.
- July 4, 2016 - July 4th Celebration and Fireworks.
- July 7, 2016 - Town Council Work Session, 6:00 p.m. - tentative.
- July 12, 2016 - Mayor's Office Hours, 2:00 p.m. - 3:00 p.m.
- July 21, 2016 Town Council Regular Meeting, 6:00 p.m.
- July 26, 2016 - Mayor's Office Hours, 6:00 p.m. - 7:00 p.m.

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

Mayor Proto

Town Clerk

**Comments submitted in writing
June 16, 2016 Town Council Regular Meeting**

Stephen K. Fox, 1 Monroe Avenue

Mr. Mayor and members of the Council, my name is Stephen Fox. I now live permanently at 1 Monroe Avenue, a property I have owned and frequented since 1995. Over the years, I have witnessed the “transformation” of the Cape Charles Beach to what it is today. I remember when there were sections of the beach where the seawall was completely exposed, and the beach area was much narrower. I do not think anybody could argue convincingly that the beach we have now is not far superior than that which existed several years ago.

The evolution of the beach was not accomplished without significant effort and expense. First, truckloads of sand were imported on to the beach. In storms which occurred thereafter, a significant amount of sand migrated to Bay Avenue and the lots which front on Bay Avenue. Many residents installed silt fencing to prevent further sand in their yards. Removal of the sand, which choked yard grasses, was costly.

More recently, the Army Corps of Engineers has deposited many cubic yards of sand as part of the Harbor Dredging project. The Corps will now deposit more sand. It is apparent that the dunes formation, though occurring through natural processes after the sand is deposited, is unchecked and unmanaged. The Corps will not take responsibility for managing the dunes beyond the depositing of sand, and planting of sprigs to stabilize its project. The immediate and long term management of the dunes and the Beach rests with the Town.

There are several competing issues presented. Beach sand will erode from weather and water conditions; it will require replenishment at some point. A significant amount of sand is displaced by these natural occurrences, becoming very high dunes. Whether one views the height of the dunes from the perspective of preserving a water view from the land side, or views the height as a protective barrier, the dunes can be managed in a manner which serves both objectives.

I am not necessarily an “anti-dunes” advocate as I suspect that some level of dune formation will be part of the Cape Charles Beach in the future. I can say that from the land side, the water view from my lot has been severely compromised in recent years. At the same time I understand that dunes formation is a natural corollary of depositing on the beach. I would strongly advocate:

- The Town should adopt a consensus baseline of dunes height/profile which addresses water view issues and safety issues; the baseline would only be adopted after professional study and public hearings;
- The baseline profile should be part of the Town’s regulations and Comprehensive Plan;
- When the dunes height/profile exceeds the adopted profile by a percent which is part of the adopted regulation (e.g. 20%), the protocol should be to re-dress the dunes to bring them within the adopted profile. Any excess material could be re-deposited on the beach toward the Bay. The latter procedure would limit (perhaps not eliminate) the necessity of importing sand to fill the beach.

Thank you for allowing me to comment on this issue.

Stephen K. Fox

Tammy and Jim Holloway, 403 Tazewell Avenue

We would like to ask the town to look into the scheduling times of the monthly water flush and the mosquito spraying. Both occur at a time of day when the town is still very active. We are sure there are reasons behind the timing but we ask that it be looked in to.

As Bed and Breakfast owners it is difficult to have to ask guests to not flush, take showers or brush their teeth at 9pm when they are paying to stay in a B&B. I would think this has an impact on restaurants and other businesses as well. And using the same logic. The town is still very active at 8pm and people are out and about enjoying the town, sitting on porches and enjoying the beach and park. Can mosquito spraying take place after dark? Could this also be pushed to either early morning or later at night? We appreciate both of

these services and hope this does not come across as critic as it is not our intent. Our town has evolved to a place where we need to be more conscious of the impact routine maintenance procedures have on the positive image of our town residents and tourism industry.

On a separate note and on behalf of New Roots Youth Garden we would like to thank the town for their ongoing support in mowing the grass at the kids garden. We have a volunteer team that manages the weeding and push mower places and appreciate the assistance. We kick off our summer garden club with our new garden club coordinator at the helm, Brooke Binard. The program will be Thursdays, June 23rd-August 11th 5-6:30pm. Please bring your children, grandchildren or visitors between the ages of 5-13, under 5 must be accompanied by an adult throughout the program. Also make note to come out and support the Guppie Challenge, a FREE youth fishing tournament, sponsored by NRYG, the TOCC and Solstice Environmental on July 4th at 12:30 (registration at 11:00 am). All children welcome, this event has grown from 50 to 127 last year! So if you have a few hours on the 4th and want to head down after the parade and give a helping hand, we welcome the support!

As always, we thank the Town Council and Town staff for your commitment to making Cape Charles the best it can be! We try our best to do our part and appreciate all you do.

With appreciation,
Tammy and Jim Holloway

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

CASH POSITION

Cash on Hand	4/30/2016	5/31/2016	Increase/(Decrease)
Shore Bank Checking Account	\$ 821,416	\$ 846,472	\$ 25,056
Shore Bank Money Market Account	\$ 477,273	\$ 477,482	\$ 209
LGIP Account 1 - Unrestricted	\$ 97,695	\$ 97,734	\$ 40
LGIP Account 2 - Unrestricted	\$ 299,647	\$ 299,773	\$ 126
Total Cash On Hand	\$ 1,696,031	\$ 1,721,462	\$ 25,431

Restricted and Reserved Cash Balances	4/30/2016	5/31/2016	Increase/(Decrease)
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,559	\$234,559	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	\$4,834	\$5,277	442
Shore Bank Checking Account - E-Summons Revenue Reserved	\$135	\$155	20
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,589	\$257,590	1
Total Cash Held in Reserve	\$ 1,467,416	\$ 1,467,880	\$ 464
Total Cash - All Accounts	\$ 3,163,447	\$ 3,189,342	\$ 25,895

DEBT SERVICE

<u>Next Debt Service Payments:</u>	<u>Due Date</u>	<u>Amount</u>
FY 2017 VML VACO 2006B	7/20/2016	\$149,890

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	54,973	2,226,129	2,291,597	65,468	4,158,455	55.11%
EXPENDED	135,387	1,760,424	2,008,073	247,649	4,050,514	49.58%
NET	(80,414)	465,705	283,524	(182,181)	107,941 surplus to harbor	
PUBLIC UTILITIES						
REVENUES	124,891	1,516,335	1,616,545	100,210	1,723,011	93.82%
EXPENDED	75,341	1,379,081	1,300,412	(78,669)	1,723,011	75.47%
NET	49,550	137,254	316,133	178,879	0	
HARBOR						
REVENUES	209,734	724,720	1,424,684	699,964	1,965,837	72.47%
EXPENDED	42,347	782,469	1,604,728	822,260	2,073,778	77.38%
NET	167,388	(57,749)	(180,044)	(122,295)	(107,941)	
SANITATION						
REVENUES	15,260	161,933	170,318	8,384	175,300	97.16%
EXPENDED	14,086	141,381	142,956	1,576	175,300	81.55%
NET	1,175	20,553	27,362	6,809	0	

FY 2016 Capital Improvement Project Tracking Report

As of:
5/31/2016

			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	55%	\$ 20,000	\$ -	\$ -	\$ 231	\$ 10,741	\$ -	\$ -	\$ 10,972	\$ 9,028	
Pine St Parking/Waste Mgmt Design	In progress	14%	\$ 60,000	\$ -	\$ 5,517	\$ 2,669	\$ 315	\$ -	\$ -	\$ 8,502	\$ 51,498	
Strawberry Street Plaza Purchase/Improvements	Pending	0%	\$ 70,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000	
ArtWalk - Wayfinding Signage	Pending	4%	\$ 10,000	\$ -	\$ -	\$ -	\$ 375	\$ -	\$ -	\$ 375	\$ 9,625	
Central Park Playground Equipment (phase 1)	In progress	%	\$ 30,000	\$ 46	\$ 58	\$ 37,297	\$ 9,221	\$ -	\$ -	\$ 46,621	\$ (16,621)	
Cape Chas Multi-Use Trail Phase 2	In progress	1%	\$ 1,570,000	\$ 4,486	\$ 3,677	\$ 4,210	\$ 2,100	\$ -	\$ -	\$ 14,474	\$ 1,555,526	
Security Cameras for Beach, Park, Civic Center	Research phase	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000	
subtotal			\$ 1,941,971	\$ 39,873	\$ 69,795	\$ 44,408	\$ 22,752	\$ 176,827	\$ 1,765,144			
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	\$ 387	\$ -	\$ -	\$ 9,691	\$ 155,309	
Manhole Rehab	Near completion	82%	\$ 41,792	\$ 17,396	\$ 16,896	\$ -	\$ -	\$ -	\$ -	\$ 34,292	\$ 7,500	
subtotal			\$ 210,292	\$ 23,491	\$ 18,793	\$ 4,712	\$ 387	\$ -	\$ -	\$ 47,383	\$ 162,909	
Harbor Fund												
Breakwater	Preconstruction mtg. Nov 24	99%	\$ 860,000	\$ 20,396	\$ 9,416	\$ 737,492	\$ 80,776	\$ -	\$ -	\$ 848,081	\$ 11,919	
Truck	Transferred from Code Enf.	100%	\$ 10,000	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000	\$ -	
subtotal			\$ 870,000	\$ 30,396	\$ 9,416	\$ 737,492	\$ 80,776	\$ -	\$ -	\$ 858,081	\$ 11,919	
TOTAL		39%	\$ 2,835,471	\$ 86,040	\$ 79,784	\$ 781,913	\$ 103,529	\$ 1,098,649	\$ 1,947,114			

MUNICIPAL CORPORATION OF CAPE CHARLES
May 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	

5/31/2016

Total Budgeted	\$	1,079,374	
Total Bills Mailed	\$	1,131,950	
Total Adjustments	\$	6,385	
Total Collected YTD	\$	<u>1,056,044</u>	98%
Amount Due	\$	82,290.36	

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

Total Personal Property Value	\$	14,603,900	
--------------------------------------	-----------	-------------------	--

5/31/2016

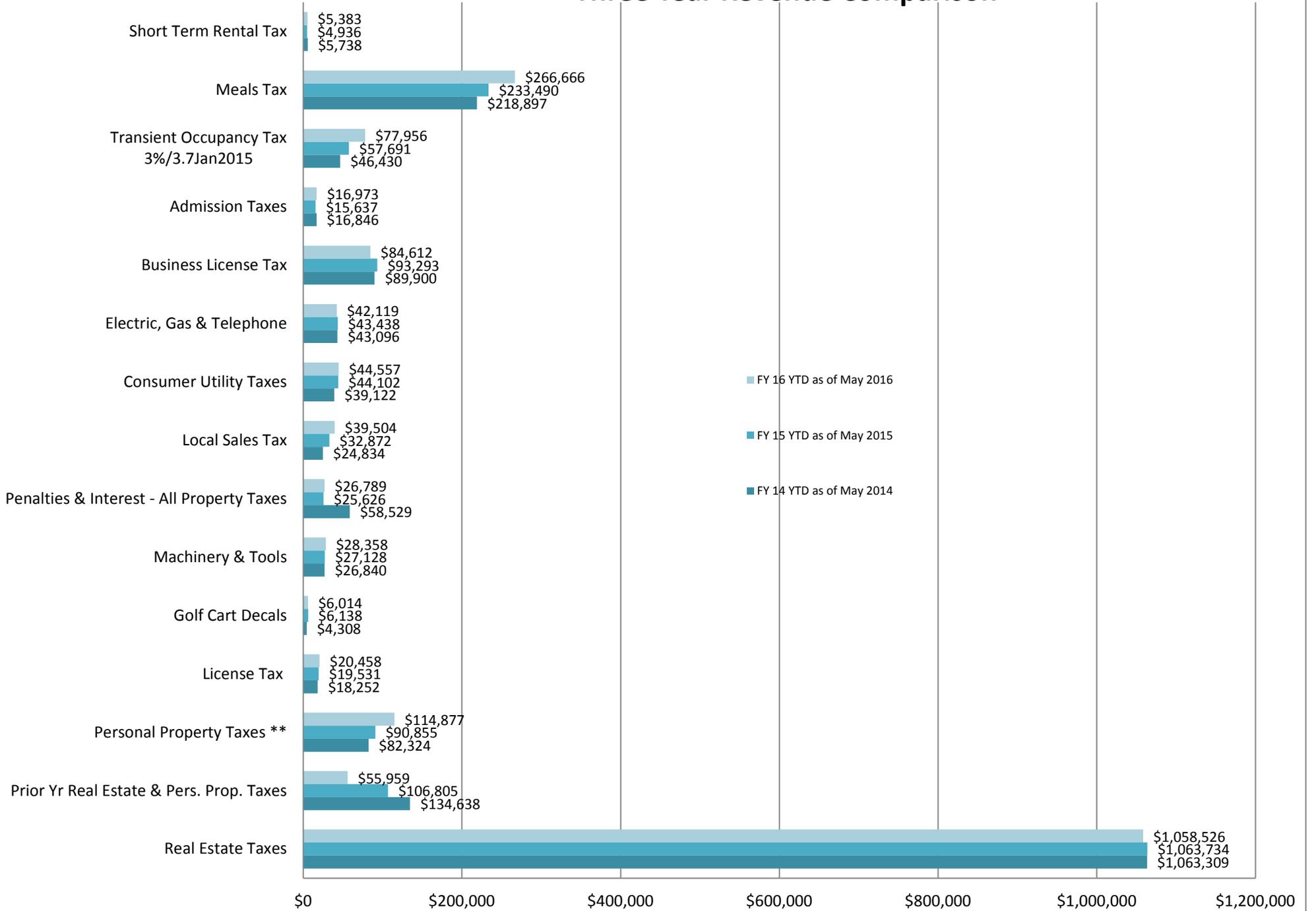
Total Budgeted	\$	135,500	
Total Bills Mailed	\$	212,676	
Total Adjustments	\$	(5,203)	
Total Collected YTD	\$	<u>141,453</u>	104%
Amount Due	\$	66,020	

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

5/31/2016

Total Budgeted	\$	100,000	
Total Collected	\$	<u>61,064</u>	61%
Amount Anticipated/(Over)	\$	38,936	

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 16, 2016 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Resolution 20160616 (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			
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 17th day of June 2016.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

RESOLUTION 20160616

APPROVING THE BUDGET FOR FISCAL YEAR (FY) 2016/2017 AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR

WHEREAS, the Council of the Town of Cape Charles has prepared a budget for FY 2016/2017 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 16th day of June 2016 that the budget for FY 2016/2017 be approved as follows:

REVENUES	2016-2017	EXPENDITURES	2016-2017
General Fund		General Fund	
Real Estate Taxes	1,098,777	Legislative	20,606
Personal Property Tax	115,000	Town Clerk	138,675
Prior Year Tax Collections	60,000	Town Manager	395,095
Motor Vehicle License Tax	20,500	Finance	228,509
Machinery & Tools Tax	27,500	Police	403,041
BPOL Tax	116,680	Code Enforcement	113,618
Admissions, Short-term Rental, Trans. Occ. Taxes	116,050	Public Works	407,352
Meals Tax	315,000	Parks & Recreation	81,078
Other Taxes	126,200	Library	131,958
Building Permits & Code Enforcement	89,741	Town Planner	78,545
Recovered Costs & Miscellaneous Income	43,925	Fire Department – State Pass Thru	10,000
Library Revenues	1,300	Debt Service	201,458
Financing Proceeds	346,550	Capital Projects	1,423,600
Grants and Local/State/Federal Aid	1,226,975	Contingency Fund-General	90,000
Reappropriate from Fund Balance	78,000		
Total General Fund	3,782,198	Total General Fund	3,723,535
Sanitation Fund		Sanitation Fund	
	175,960		175,960
Harbor Fund		Harbor Fund	
Operating Revenue	683,800	Operating	658,825
Financing Proceeds	12,000	Debt Service	176,526
Grant Revenue	693,750	Capital	937,000
Reappropriate from Fund Balance	324,139		
Total Harbor Fund	1,713,689	Total Harbor Fund	1,772,351
Water/Wastewater Fund		Water/Wastewater Fund	
Operating Revenue	1,502,440	Water Operations	331,679
Penalties and Late Fees	23,300	Wastewater Operations	546,703
Grant Revenue	125,000	Meter & Utility Billing, Administration	118,951
Connection Fees	19,250	Debt Service	443,352
Financing Proceeds	515,696	Capital	745,000
Facility Fees	116,600	Facility Fees moved to Reserve	116,600
Total Water/Wastewater Fund	2,302,286	Total Water/Wastewater Fund	2,302,286
TOTAL REVENUES ALL FUNDS	7,974,132	TOTAL EXPENDITURES ALL FUNDS	7,974,132

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 \$.3260 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, 2016 through June 30, 2017 as follows:

General Fund - \$3,723,535
 Sanitation Fund - \$175,960
 Harbor Fund - \$1,772,351
 Water/Wastewater Fund - \$2,302,286

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 16, 2016.

By: _____
 Mayor

ATTEST:

 Town Clerk



*Municipal Corp. of
Cape Charles*

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

1. A meeting of the Council of the Town (the “Council”) was duly called and held on June 16, 2016 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20160616 (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:

Member Name	Present	Absent	Voting		
			Yes	No	Abstaining
George Proto, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
Charles Brown	X		X		
Tom Godwin		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 17th day of June 2016.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE NO: 20160616

**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, 2016.

Adopted by the Town Council of Cape Charles on June 16, 2016.

Mayor George Proto

ATTEST:

Town Clerk