1. Call to Order
   A. Roll Call
   B. Establish quorum

2. Moment of Silence and Pledge of Allegiance

3. Recognition of Visitors / Presentations / Recognitions
   A. None

4. Public Comments (3 minutes per speaker)

5. *Consent Agenda
   A. Approval of Agenda Format
   B. Approval of Minutes
   C. Approval of April 30, 2019 Financial Report
   D. Monthly Department Reports

6. Unfinished Business
   *A. Fiscal Year 2019/2020 Proposed Budget & Appropriation

7. New Business
   A. Leash Law
   *B. Appointment of Board of Zoning Appeals Representative to Planning Commission
   *C. Appointment of Historic District Review Board Representative to Harbor Area Review Board
   *D. Appointment of Town Attorney for WWI Memorial Plaque Issue
   E. Water/Wastewater System Potential Expansion
   *F. Buskey Cider Blanket Peddler’s License

8. Town Manager Comments

9. Mayor & Council Comments (5 minutes per speaker)

10. Announcements
    • July 4-5, 2019 – Town Offices Closed in Observance of Independence Day
    • July 4, 2019 – Independence Day Celebration
    • July 20, 2019 – Town Council Regular Meeting, 6:30 PM, Civic Center

11. Recess to Closed Session

   **Code of Virginia § 2.2-3711-A, Paragraph 7:** Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probably litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

   **Specifically:** Update on pending litigation case

   **Code of Virginia § 2.2-3711-A, Paragraph 3:** Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

   **Specifically:** Potential Acquisition of Real Property

12. Return to Open Session

Certification to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote.

13. Adjournment
Consent Agenda Items
#5B-5D
At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Regular Meeting & Executive Session of the Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwomen Burge and Holloway. Also, in attendance were Town Manager Larry DiRe, Police Chief Jim Pruitt and Town Clerk Libby Hume. There were 11 members of the public in attendance.

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

**RECOGNITION OF VISITORS**

A. **Cape Charles Rosenwald School Restoration Initiative – Tevya Griffin**
   Town Clerk Libby Hume stated that Ms. Griffin had informed her that she was unable to attend tonight’s meeting. The Rosenwald School presentation had been added to the June 20, 2019 meeting agenda.

B. **National Safe Boating Week Proclamation**
   Mayor Dize moved to adopt Proclamation 20190516 Proclaiming May 18-May 24, 2019 as National Safe Boating Week as noticed and forewent reading of the Proclamation. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

C. **National Public Works Week Proclamation**
   Mayor Dize moved to adopt Proclamation 20190516A Designating May 19-May 25, 2019 as National Public Works Week as noticed and forewent reading of the Proclamation. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

**PUBLIC COMMENTS:**

*Bishop James Davis, 533 Mason Avenue*
Bishop Davis suggested that Council needed to designate space for the youth to skateboard and play basketball.

*Brian Martin, 206 Jefferson Avenue*
Mr. Martin addressed Council regarding an altercation that he had with Sandy Mayer on March 24th which escalated in warrants being filed against both parties. The case was heard earlier in the day by the General District Court of Northampton County. Mr. Martin was found guilty of a class 4 misdemeanor and Ms. Mayer was found guilty of a class 1 misdemeanor. (Please see attached.)

*Terry Strub, 522B Washington Avenue*
Ms. Strub addressed Council regarding several issues in Central Park and the children's playground. (Please see attached.)

*Michael Strub, 522B Washington Avenue*
Mr. Strub thanked the residents of the town who were working to ensure the town's responsiveness to the economic growth opportunities while maintaining its unique charm. (Please see attached.)
Diane D’Amico, 602 Jefferson Avenue
Ms. D’Amico addressed Council regarding the lawn mowing practices of many in the town who mow shooting the grass clippings into the street. It was unsightly, collected in the gutters and went into the storm sewers and into the bay. An easy fix would be for them to turn around and shoot the grass clipping onto their grass and there would be no more problems. She requested Council to include a letter in the water bills advising property owners that the town’s ordinance would be enforced with penalties being assessed which should resolve the problem.

Libby Hume read comments submitted by Ms. Karen Jolly Davis into the record. (Please see attached.)

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

**CONSENT AGENDA:**
A. Approval of Agenda Format
B. Approval of Minutes:
   i. April 4, 2019 Town Council Budget Work Session
   ii. April 11, 2019 Town Council Public Hearing & Regular Meeting
   iii. April 25, 2019 Town Council Budget Work Session & Executive Session
   iv. May 2, 2019 Town Council Special Meeting & Executive Session
C. Approval of March 31, 2019 Financial Report
D. Monthly Department Reports
E. Appointment of Planning Commission Representative to Historic District Review Board
F. Appointment to Historic District Review Board

Motion made by Councilman Bannon, seconded by Councilman Grossman, to approve the Consent Agenda items as presented. The motion was approved by unanimous vote.

**UNFINISHED BUSINESS:**
A. **VPA Grant Award Update:**
   Larry DiRe read the staff report for this item into the record since it was not included in the initial agenda packet for review. (Please see attached.)

B. **Zoning Ordinance Text Amendments – Historic District Review Board:**
   Councilman Grossman stated that over the past four to five months, Council had been discussing the possibility of expanding the size of the Historic District Review Board (HDRB) and recommended moving this item forward so it could be referred to the Planning Commission incorporation into the zoning ordinance and the HDRB by-laws could be amended.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the expansion of the Historic District Review Board to seven members with one member being a representative from the Town Council and requiring a minimum of four members being residents of the historic district. The motion was approved by unanimous vote.

It was noted that the Council representative’s term on the HDRB would be concurrent with their term on Council.

**NEW BUSINESS**
A. **Code 42-3 – Adoption of State Law:**
   Larry DiRe 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. The ordinance would be effective July 1, 2019.
Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Ordinance 20190516 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 Dize moved for adoption of Ordinance 20190516 as noticed and forewent reading of the ordinance. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

B. June Town Council Regular Meeting Location:
Larry DiRe stated that the Civic Center was due for some interior repairs which were included in the FY 2019 budget. The interior work had been on hold until after the roof repairs were completed. The roof work was done last month. The town put out an advertisement for bids and one responsive submittal was received. The vendor could do the work during the week of June 17, which would impact the June 20 Town Council Regular Meeting. The Council meeting would be moved from the Civic Center to the Cape Charles Volunteer Fire Company. Pursuant to § 15.2-1416 of the Code of Virginia, the location of a regular meeting could be changed by the adoption of a resolution and posting of the resolution on the door of the regular meeting location and newspaper at least seven days prior to the meeting date.

Motion made by Councilman Bannon, seconded by Councilman Buchholz, to adopt Resolution 20190516 Changing the Location of the June 20, 2019 Cape Charles Town Council Regular Meeting. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

TOWN MANAGER COMMENTS
Larry DiRe commented as follows: i) He received the parking survey plat for Mason Avenue and forwarded an electronic version to the engineers for their review prior to preparation of the cost estimate which was another essential part for the application to VDOT which had to go to their regional office in Suffolk. He and Town Planner Zach Ponds also met briefly with VDOT’s Resident Engineer Dale Pusey, who was in town yesterday. They reviewed the four-page survey plat which showed the parking pattern and signage. Mr. Pusey had a few questions which staff would describe in the narrative for the application. Most of Mr. Pusey’s questions were regarding the roadway between Nectarine and Fig Streets and the grade of existing non-conforming curb cuts which didn’t meet current VDOT standards. If the application was denied by VDOT, the surveyor was aware that the town would be pursuing parallel parking in the central business district. If that was the case, another survey plat would have to be drawn, and new cost estimates would have to be obtained; ii) The current year-to-date (YTD) budget detail report was generated by the treasurer this morning. He went on to review the revenue numbers. $150K was budgeted and YTD collections were $123,464 or 82%; $145K was budgeted for transient occupancy tax and YTD collections were $121,459 or 84%; $500K was budgeted for meals tax and YTD collections were $372,092 or 74%; and iii) Staff was keeping an eye on short term/vacation rental compliance such as business licenses, inspections, and adherence to occupancy limits. The building and finance departments were working together to check advertisements to ensure everyone had a safe experience when renting in Cape Charles.

MAYOR AND COUNCIL COMMENTS
Councilwoman Burge commented as follows: i) She was looking forward to the Rosenwald School presentation and hoped that Ms. Tevya Griffin would be able to attend in June to provide an update; ii) She agreed with Ms. D’Amico regarding grass cutting being a problem. The Town had an ordinance (§ 46-17) which stated a civic penalty of $50 for the first offense and $200 for subsequent offences. The Town needed to enforce the current ordinance; iii) She preferred that board appointments be handled as separate agenda items in the future so that Council could recognize the individuals who were willing to serve the Town in this capacity; and iv) She thought Mr. Martin’s concern regarding dogs and cats was valid. Both convictions were for misdemeanors and the case was treated as cross warrants civilly. She suggested that Mayor Dize, Town Manager Larry DiRe and/or Chief Jim Pruitt meet with Sheriff Doughty to discuss the appropriate ordinances of the Town (§§ 50-191, 50-192, and 50-194) and County (§§ 95-04, 95-20, 95-23, and 95-29) to see if we could work cooperatively.
to tackle this issue. We had ordinances dealing with dogs running loose and cats regarding shots and licenses which needed to be enforced. The Town identified the County’s Animal Control office as the primary animal control office. We needed to stop talking about it and start enforcing it.

Councilman Grossman commented as follows: i) If someone observed an individual blowing grass into the streets, who should they contact to report the issue? How would it be enforced? Mayor Dize stated that the Code Official should be notified. Councilwoman Holloway asked how this information would be communicated to the residents. Councilwoman Burge stated that the Town had a good communications process in place with newsletters, social media, etc., and added that it could be lawn care contractors who were violating the ordinance; and ii) He thanked Ms. Terry Strub for all her work on the Historic District Review Board (HDRB) and welcomed Planning Commission representative Diane D’Amico and new member Edward Wells to the board. He thanked them for volunteering to serve on the board.

Councilman Bannon asked whether all the lawn maintenance contractors had business licenses and how the issue could be enforced. He suggested having the police officers asking the contractors whether they had licenses.

Vice Mayor Bennett commented as follows: i) He agreed with Councilwoman Burge’s comments regarding cats and noted an error in the submitted letter that was read into the record, which stated that Ms. Sandy Mayer was a citizen of Cape Charles when she no longer lived in the town; and ii) He encouraged continuing with the inflow and infiltration efforts as this month’s report showed a 25M gallon delta in water vs. wastewater.

Councilwoman Holloway commented as follows: i) Regarding communications on the grass issue, a notice could be placed in the Gazette, but people didn’t read it. A notice needed to be included with the water bill and put on Facebook; ii) She agreed with Councilman Bannon regarding business licenses; iii) She hoped everyone had seen the new benches in Strawberry Street Plaza. Some of the benches would be moved to other locations. A group of volunteers helped put the benches together; iv) The lamp posts were supposed to arrive this week. The banners were ready to install. She would like to schedule a ceremony when the banners were hung, and the town needed to honor some of the citizens who took the pictures for the banners; v) She encouraged everyone to stop in and welcome the new businesses in Town; vi) She agreed with Ms. Strub’s comments regarding the language in Central Park. It was so bad last weekend that she couldn’t stay outside in her garden. She didn’t know what to do about it. She encouraged everyone to report it. The Central Park Gazebo was also being terribly abused; vii) She would be giving a report from Cape Charles Main Street on the wayfinding signage. Although the signage did not need Council approval, she wanted Council to see the work that had been done. Larry DiRe, Zach Ponds and staff were wonderful in helping with the project; and viii) She asked if staff would look to see if there was any money available in this year’s budget to open the bathrooms in the library to the public before July 1.

Councilman Buchholz commented regarding the repairs at the harbor adding that the monthly report seemed to be a mimic of last month’s report. The harbor would be getting crowded very soon and the work needed to be completed. He added that he hoped money was included in next year’s budget for contracting out some of the repairs. Larry DiRe stated that some work was still needed on the harbor master’s building and would ask for specific updates to the projects.

Mayor Dize commented as follows: i) He agreed that the board appointments should be separate agenda items so everyone could be recognized; ii) He thanked Ms. Terry Strub for the time she served on the HDRB; iii) He thanked the police department for setting up the memorial display in Central Park and thanked the officers for all they did for the Town; iv) He thanked the Public Works crew for all they did. Some people he grew up with came into the Town and commented on how nice the Town looked; v) Regarding cats, dogs and other animals, the Town had ordinances on the books which needed to be enforced. All dogs and cats must be licensed and have current shots; vi) The Town Code stated that dogs must be under the owner’s control. He wanted Council to discuss this issue and make it an actual leash law; vii) The Town needed to enforce grass cutting issues that were brought up tonight. A notice needed to be included in the utility bill; viii) If something is in the Town Code, it
needed to be enforced or removed; ix) Regarding business licenses for contractors, the Town needed to obtain stickers to distribute with the business licenses for the contractors to put on each of their vehicles. It would make it easier to identify the licensed contractors. If they didn't display a sticker on their vehicle, the job needed to be shut down; and x) He thanked Councilman Grossman for all his work on his presentation tonight.

Mayor Dize read the announcements.

**Motion made by Vice Mayor Bannon, seconded by Councilman Buchholz, calling for a short recess before going into executive session. The motion was approved by unanimous vote.**

The meeting recessed at 7:17 p.m. The members of the public and staff, with the exception of Larry DiRe, left the meeting.

At 7:37 p.m. Mayor Dize called the meeting back to order.

**Motion made by Councilwoman Burge, seconded by Councilman Buchholz, and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of:**

**Paragraph 3:** Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**Specifically:**

i. Potential Purchase of Real Property

ii. Review Unsolicited Proposal to Purchase Town-Owned Real Property

**Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to return to open session. The motion was approved by unanimous vote.**

Certification, to the best of each member’s knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote: Bannon, yes; Bennett, Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

**Motion made by Councilman Buchholz, seconded by Councilman Bannon, to adjourn the Town Council Regular Meeting and Executive Session. The motion was approved by unanimous vote.**

The meeting adjourned at 8:20 p.m.

______________________________

Mayor Dize

______________________________

Town Clerk
Brian Martin, 206 Jefferson Avenue

Mr. Larry DiRe and Cape Charles Town Council,

On March 24th, I had an altercation with a county resident by the name of Sandra Mayer while walking my dog on Strawberry Street in the town of Cape Charles. During this altercation Ms. Mayer struck my dog (Winston) with her foot. The following day I swore a warrant against Ms. Mayer for animal cruelty with the Northampton Magistrate. Shortly thereafter, Ms. Mayer filed a cross warrant for "dog at large."

Today, May 16th, I was found guilty of this Class 4 Misdemeanor by the General Districts Court of Northampton County, while Ms. Mayer was found guilty of the class 1 misdemeanor of animal cruelty. The Northampton judge stated that, while I and Winston have undergone extensive obedience training and we use an electronic training collar while on off-leash walks, that his was not enough to justify an exception to the "leash law" in town.

As the town ordinance (leash law) is written, (Sec 50-191) it shall be unlawful for the owner, custodian, or anyone who has control of an ANIMAL (later defined as "any mammal, bird or reptile") to permit the animal to run large at any time, the code goes on to state that running at large shall include roaming, running, or self hunting off the property of the owner outside of their immediate control. This ordinance is quoted for the record below.

As Ms. Mayer has testified in open court on May 16, 2019 that she provides these animals with medical care and food, as well as shelter in the form of cat houses located on the property of Mr. Pete Baumann at 239 Monroe Ave, it is reasonable to conclude that she has taken ownership, or, at the very least, custodianship of these animals and is therefore obligated to have them "under her immediate control," on her property, and licensed at all times pursuant to the “at large” ordinance with which I was convicted today.

Within the town ordinances of Cape Charles, duties of enforcing animal related laws is given to the county Animal Control officer (Sec 50-195, quoted below). Given these facts along with town and county codes, I would ask the town manager to charge Northampton County's Animal Control officers with enforcing this code equally across the board, starting with Ms. Mayer and Mr. Baumann. If the animal control officers are not willing to enforce the town code, I would ask that this duty be charged to the Cape Charles Police Department. To charge a town resident dog owner who is no more than 5 paces from his dog with "at large" while allowing a non-town resident to maintain a large population of feral cats within the town limits could certainly be seen as no less than discriminatory to dog owners and town residents.

William Brian Martin
206A Jefferson Ave
Cape Charles, VA 23310

Sec. 50-191. - Animals on beach and other public places.
(a) Animals prohibited during certain period.

(1) It shall be unlawful for any person owning, having control of any animal to permit such animal to be on the public sand beach, the boardwalk or the grassy area west of the boardwalk during the period from 9:00 a.m. through 9:00 p.m. between April 1 and Labor Day of each year, such period hereinafter referred to [as] the “season”.

(b) Defecation. (1) Any person who owns or has control of any animal shall not knowingly or willfully permit such animal to litter any public sand beaches or any other public areas within the Town at any time. In the event such animal shall defecate on the public sand beach or any other public properties, or private properties other than the animal owner’s property, the person who owns or has control of such animal shall immediately remove all feces deposited thereon by such animal and dispose of same in a sanitary manner approved by the department of public health, such as encasing same in an airtight wrapper or container and
placing same in a garbage receptacle. Failure to so remove said feces in accordance with the provisions of this subsection shall constitute a class 4 misdemeanor. (2) Notwithstanding the above, it shall be unlawful for any person who owns or has control of any animal to permit such animal to be on public properties within the town, at any time, unless such person shall have in his possession a container of sufficient size and adequate design to remove and dispose of all feces deposited thereon by such animal in accordance with the provisions of subsection (b)(1). (3) With the exception of subsections (b)(1) and (2), the provisions of this section shall not be applicable to a guide dog, hearing dog or service dog trained to accompany a person with a disability while being accompanied by such person.

(4) For purposes of this section, the term "animal" shall be deemed to include but not be limited to any mammal, bird, or reptile.
(Ord. No. 091404, 9-14-04; Ord. No. 20151217 , 12-17-15)

Sec. 50-194. – Animal control.
Pursuant to § 3.2-6555 of the Code of Virginia, as amended, the County of Northampton has created the position of animal control officer. The Town of Cape Charles hereby appoints the county animal control officer(s) as its agent to enforce the provisions of the animal control ordinance within the corporate limits of the town. The duties of the animal control officer shall be those provided for in Code of Virginia, § 3.2-6555 et seq., and in the Codified Ordinances of Northampton County, Chapter 95, as amended, and such other duties as may be provided for herein. The town hereby adopts and incorporates, by reference, the applicable state statutes and the applicable county ordinances, as amended. Whenever a conflict arises between the provisions of this chapter and the state code and/or county animal control ordinance provisions, the state code and county ordinance provisions shall prevail.
(Ord. No. 20151217 , 12-17-15)

Terry Strub, 522B Washington Avenue
My name is Terry Strub, I live at 522B Washington Avenue. I would like to begin by commending the Citizens for Central Park and the town Public Works crew for the superb job they do in improving and maintaining the park. I have a concern about three problems which appear to emanate from the same cause, namely, the presence of youth in the children's playground who are older than the age for which the playground equipment was designed. The problems are damage to the playground equipment, improper language, and litter. As a result, children are unable to use some of the equipment, children from the Christian school are not being allowed in the park in the presence of such language, and the litter could rapidly escalate. Hundreds of our citizens have contributed to the park and playground. I would request that anyone who observes this type of activity report same to a member of the Town staff. Thank you.

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Michael Strub, 522B Washington Avenue
My name is Michael Strub, I live at 522B Washington Avenue. I wish to thank the many right smart paid and unpaid residents of our town who are working so hard, with gusto and grit, compromise and consensus, to ensure that our town is responsive to the economic growth opportunities while maintaining its unique charm. Keep up the good work. Thank you.

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Karen Jolly Davis, 5 Randolph Avenue
To the town council:

For many years, Sandy Mayer has worked diligently to limit the town's feral cat population and prevent diseases that could spread among them. We have a small number of healthy feral cats, compared to places like Cheriton, where the cat population is exploding, and feline HIV is rampant.

Sandy traps the local cats and neuters them at her own expense. In the process, she becomes attached to them. Lately, some new residents have harassed Sandy for her completely harmless habit of feeding them. If those Newbies have their way, the partially domesticated, neutered cats will be caught and killed. But the truly feral cats will not be caught, because no one will have the patient dedication that Sandy has to trap and neuter them. As a result, rather than eliminating feral cats, the population will grow exponentially.
I have lived in Cape Charles for 22 years, and never had any problems with feral cats. Many have lived in my garden, or under my shed, and the only thing they do is keep the mice out of my house. What will Cape Charles do to keep rodents from overtaking our town once the cats are gone? And how will the cat killers differentiate between feral cats and wandering pets?

But the truly hurtful thing is the way certain people have treated Sandy Mayer. This woman has served our community faithfully for many years, neutering the feral cats at her own expense and preventing them from breeding. Instead, she has been treated like some kind of criminal. The town’s lack of compassion for this woman—and the attacks by new residents—are outrageous. I hope Cape Charles is not becoming a place where the lives of long-time citizens can be destroyed by Newbies who care more about their Precious Things than about our people.

Sandy is a kind and dedicated woman who does wonderful things for our community. Let her feed the cats.

********************************************************************************
Staff Report prepared by Capital Projects Manager Bob Panek

BACKGROUND:
The recent wave modeling study recommended building both off-shore breakwater #4 (north of the existing three) and an in-shore breakwater as the most cost effective solution to combatting long period waves from the north northwest (winter) and southwest (summer). These waves cause considerable damage to harbor infrastructure, particularly the floating docks, and create unsafe conditions for vessels and personnel.

Consequently, the Town requested that VPA approve:
1. Carry-over of $100K of previously awarded ALP grant funding for the off-shore breakwater now under construction.
2. A new ALP grant in the amount of $375K for a $500K project to build an in-shore fixed breakwater to replace the ineffective floating wave attenuator at the floating docks.

DISCUSSION:
The VPA Board will vote on the resolution approving ALP grant authorizations at their May 21, 2019 meeting. VPA posted the agenda information on their website this morning. The recommended resolution would approve our $100K carry-over request and provide $251.4K of new grant funding for the in-shore breakwater.

The $375K request for the in-shore breakwater was for the maximum authorization allowable for ALP; i.e., 75%. Council has included the $125K match in the draft FY 2020 budget. The $251.4K grant award would provide slightly more than 50% of the project estimate. There are two alternatives to construct the in-shore breakwater in a timely manner. First, Council could provide the remaining funding match, approximately another $125K. Second, we could work with Langley & McDonald to structure the project plans and bid package to break out certain components of the work as bid alternates. This might allow accomplishment of the most important component of the project (fixed, sheet pile breakwater) first, followed by other components at a later date. For example, reinstallation of the existing floating wave attenuator on the north side might be accomplished by Town personnel or could await additional grant funding, such as the Boating Infrastructure Grant.

RECOMMENDATION:
Provided for information only.
At 6:30 p.m., Mayor William “Smitty” Dize, having established a quorum, called to order the Special Meeting and Executive Session of Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman and Councilwomen Burge and Holloway. Also, present were Town Manager Larry DiRe, Harbor Master Charlie Farlow, Capital Project Manager Bob Panek, Treasurer Deborah Pocock, and Town Clerk Libby Hume. There were five members of the public in attendance.

**PUBLIC HEARING COMMENTS:**

*Tom Weaver, 702 Monroe Avenue*

Mr. Weaver began by stating that he had been a resident of Cape Charles for three weeks and thanked Council for allowing him the opportunity to speak. He was looking at the budget comparing FY 2018-2019 to the proposed FY 2019-2020 budget and noted a significant increase of over $224K in the town manager budget from the current year to next year and asked what constituted the increase.

Town Manager Larry DiRe responded that, without having the budget documents in front of him, the increase was probably in debt service.

Treasurer Deborah Pocock asked Mr. Weaver for his email address so she could get back to him with the information.

Mr. Weaver stated that he had reviewed a lot of budgets and suggested adding an extra column to show both the current and proposed years.

Larry DiRe responded that the complete information was available showing the comparisons and asked Mr. Weaver to contact the treasurer.

Mayor Dize welcomed Mr. Weaver to Cape Charles.

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

**Motion made by Vice Mayor Bennett, seconded by Councilman Bannon, to close the public hearing. The motion was approved by unanimous vote.**

The public hearing concluded at 6:33 p.m.

**PUBLIC COMMENTS (ON AGENDA ITEMS ONLY):**

There were no comments to be heard nor any comments submitted in writing prior to the meeting.

**ORDER OF BUSINESS:**

A. *Harbor Management Company Presentation – Oasis Marinas:*

Larry DiRe stated that several years ago the town received an unsolicited presentation from a private management company to provide professional services to the town. No action was taken at that time. Recently Council requested an updated presentation which had been arranged for this evening. Larry DiRe turned the meeting over to Oasis Marinas representatives, CEO Dan Cowens, Vice President of Business Development Brian Arnold, and Vice President of Marketing Margaret McDonnell.
Mr. Cowens stated that he had been coming back and forth to Cape Charles for approximately the last four to five years and was excited about making the marina the front door to Cape Charles to provide the first and last impression for visitors. He and Brian Arnold came from a customer service background in the hotel industry and were bringing that mentality to the marinas managed by Oasis Marinas. Messrs. Cowens and Arnold and Ms. McDonnell continued to present information to Council regarding their philosophy, marketing overview, operations, customer service approach, and staff training and development. (Please see attached.)

Vice Mayor Bennett stated the following: i) The harbor was one of the town’s most important assets and he wanted to see it developed and profitable; ii) He wanted to see beautification and a consistent level of service which he did not feel we were able to provide at this time. His goals seemed to be what Oasis was saying; iii) He liked that Oasis did actual infrastructure projects. The town had short- and long-term plans for harbor improvements. Mr. Cowens added that Oasis assisted in all waterfront design and operations as well as upland development, even for areas that they did not manage. Oasis would be able to assist the town in other areas as well; and iv) Cape Charles was a small town with limited opportunities to get people here to work. Currently the town had one person working on all the design at the harbor and it would be good to get other ideas. Ms. McDonnell stated that Oasis had analytics of types of boaters, properties, etc. which could assist with future planning.

Councilwoman Holloway stated that Mr. Cowens talked about development and duplication. Cape Charles was a unique town. How would Oasis make a differentiation for Cape Charles? Mr. Cowens stated that the development and duplication was in regard to the systems, processes and branding, not the actual properties. All properties were different, and it was important that they didn’t feel like other marinas. Ms. McDonnell added that their advertising strategy was to start from scratch for each property.

Councilman Buchholz asked about the difference in treatment between transient boaters and annual slip holders. Mr. Cowens stated that the annual slip holders ensured that “the lights were kept on” but the transients were the “icing on the cake” which generated a significant amount of profit. The team walked the docks and helped slip holders tie off and with provisions, etc. Annual slip holders could call or text when they were headed to the marina and the team would go to the store and pick up whatever the slip holders needed and everything would be charged to their house account so the boaters didn’t have to worry about payment, etc. Ms. McDonnel added that it was a goal to get this year’s transient boater to become next year’s annual slip holder. There was a list of benefits of being a member of Oasis, such as services at sister marinas with free nights, etc. Mr. Cowens stated that there were over 2K members of the club and it was encouraged that they travel to the other marinas.

Councilman Burge stated that i) The harbor was a great asset, but she felt it was time to ratchet the harbor to another level. She added that she was interested in knowing what the Oasis representatives saw as needing improvement. Mr. Arnold stated that so much of what was available in town was across the railroad tracks from the harbor. Boaters didn’t have cars and it was important to have a way to get people safely from the marina to the main street. It currently felt like different towns. Mr. Cowens added that previously when he came into the harbor, there was an abandoned building on the left and dilapidated docks and disheveled upland on the right. When he came in today, he noticed that a lot of work had been done during the previous year and it looked beautiful and a billion times better. It was exciting going through the town. When he first came to Cape Charles, many houses needed work. It was an area with stalled reconstruction. Now, renovations were being done everywhere. The hotel by the beachfront looked great. The
town was impressive; and ii) How many employees would it take to operate a harbor of our size? Mr. Cowens responded that there would be a general manager, possibly an assistant manager, a maintenance person and some seasonal workers, based on the business. When needed, during events or busy times, Oasis had the ability to pull workers from other marinas to work on weekends, during winter months, etc.

Councilman Grossman asked about Oasis’ experience with bringing in other businesses. Mr. Cowens stated that a number of boating-related businesses such as boat dealers, brokers, canvas shops and the Freedom Boat Club know the quality of Oasis marinas and followed them wherever they went.

Mayor Dize began by stating for the public record that he no longer worked for The Oyster Farm and would no longer recuse himself from discussions regarding the harbor and continued as follows: i) He asked whether Oasis had any marinas where they worked with commercial watermen adding that for him to buy into a management company, commercial watermen has to be part of the process. Mr. Arnold stated that Cambridge and Piney Narrows had commercial watermen; ii) He was initially opposed to having Oasis come to give their presentation but was impressed with the presentation that he read last night. Oasis did a lot of what he used to do as harbor master. He was opposed to leasing the harbor but would possibly agree to a management company. He thought Oasis could bring a lot of good to the harbor area, but it was Town Council’s decision. Initially, he reviewed the presentation expecting to rip it apart but couldn’t find anything. The presentation was great, and he appreciated Oasis for coming to Cape Charles this evening.

Vice Mayor Bennett asked that Harb or Master Charlie Farlow be given an opportunity to ask questions.

Charlie Farlow asked the following questions: i) On a percentage basis, how many employees were typically kept from the previous management and did Oasis try to maintain medical and retirement benefits? Mr. Cowens stated that Oasis was not in the business of putting people out of work. In Cambridge, all but one employee was still there. Oasis performed background checks and drug screening. Everyone would get an opportunity for a position; ii) He agreed that having multiple locations under one umbrella was better, especially for advertising. His cost for advertising in popular magazines such as Marina Life and Chesapeake Bay Magazine was about $20K per year and the cost for a small advertisement in Prop Talk was $11,250 per year. His annual advertising budget was about $4K; iii) The harbor staff did a lot of the things Oasis talked about. Much of the repairs had to be done by staff due to the budget. Mr. Cowens stated that the biggest difference was that they have a team of people to draw from; iv) There was a lot going on around the harbor and in town. Cape Charles had a large number of commercial watermen and this year, the crabbing had been amazing, the best year in about ten years. A movie about watermen was filmed at the harbor yesterday. He was trying to promote offshore fishing and the floating docks at the harbor had the draft to accommodate the biggest sailboats; and v) He appreciated Oasis’ presentation.

Mayor Dize stated that inner harbor basin in Cape Charles was a Federal harbor of refuge and asked whether Oasis had experience with that. The harbor master was recognized by the Federal government to keep rules and regulations in the inner harbor from the breakwater, to the fishing pier, to Bayshore Concrete. The harbor master had the authority to contact the U.S. Coast Guard to assist with security. Mr. Cowens responded that although he had not heard the terminology of a harbor of refuge, Oasis worked with the U.S. Coast Guard in Baltimore and Annapolis regarding security and evacuation points. They had regular meetings with the Department of Homeland Security and other Federal agencies.

B. **USDA Grant/Loan Resolution for Police Vehicle:**
Deborah Pocock stated that the town applied for a 32.35% grant/67.65% loan from the U.S. Department of Agriculture Rural Development (USDA-RD) for a police vehicle for FY 2019. The
application was approved and closing documents were being prepared. Council needed to adopt Resolution 20190606 to accept the grant and loan funding and the terms for each of the funding sources. The first debt service payment would not be due until FY 2020 and would be made once per year for five years. The grant amount was $11K and the loan amount was $23K with a maximum 4.25% interest rate.

Deborah Pocock continued to state that a police vehicle was not being purchased in FY 2020. There was some discussion regarding selling the older out-of-service police vehicles.

Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, to adopt Resolution 20190606 as presented to fund the purchase of a police vehicle. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

C. Homestay Regulations:
Larry DiRe stated that the issue of regulating homestay accommodations for all short-term rentals was discussed in 2017 by the Planning Commission and Town Council following the passing of state enabling legislation which granted greater regulatory and enforcement powers to local governments. The town took no action at that time. Recently, Council expressed interest in bringing the matter back for review. In recent years, Cape Charles experienced an increase in the number and variety of such accommodations. While obtaining business licenses, collecting and paying transient occupancy tax and passing health and safety inspections were currently imposed regulations, issues such as density per street/neighborhood, on and off-street vehicle and parking arrangements, including boats, RVs and various types of trailers, on-site advertising and signage, balcony inspections, and approved occupancy number limitations compared to those advertised by owners/agents deserve review and potentially new legislation. Staff did not expect any new legislation to be effective until early 2020.

There was much discussion regarding the following: i) Occupancy numbers – If the code officials issued a certificate of occupancy for eight people and eighteen people were staying in the house, it could pose serious problems in addition to parking issues, especially if there was a fire. Council needed to develop smart legislation regarding this issue; ii) Trash receptacles – The property owner or rental management company needed to take the responsibility of putting the trash cans out for pickup and putting them back in afterwards vs. letting them sit on the curb for a week; iii) The City of Charlottesville required home occupation provisional use permits for all homestay properties. It provided an opportunity for discussion regarding parking spaces, trash pickup, obtaining contact information of someone who could be reached if needed, etc.; iv) Short term rentals were an important piece of the town and supplemented the two boutique hotels and bed & breakfasts, but proper legislation and procedures needed to be developed; v) People going through the process to open a bed & breakfast had more restrictions than other homestay accommodations. The world and industry had changed with the inception of Airbnb, etc. and the regulations needed to be reviewed to level the playing ground; vi) There was some concern expressed regarding the number of investment properties in the town vs. second homes and the impact on the overall community or neighborhood; vii) Direction needed to be provided to staff to develop a draft ordinance and procedure which could potentially include maximum occupancy of a unit, parking requirements, a maximum number of units permitted based on density, possible designation of a rental district, and the required inspection process; viii) Enforcement was an issue needing to be discussed; ix) Property owners were renting their houses/rooms thinking they could make some money without checking with the state, county, etc. and some without notifying their insurance carriers; x) A good thing had gone wild with people coming from all areas. It would be difficult to control, but an application/registration process would be a good start; and xi) Any new legislation would not take effect until 2020, but the process needed to begin now.
Larry DiRe stated that Code Official Jeb Brady would provide information about the current inspection process at the July 11, 2019 special meeting and further discussion could be held regarding this item.

D. **FY 2019 Budget Appropriation:**
Deborah Pocock stated that the scope of the Breakwater 4 project increased due to engineering, advertising, permits, etc. Council voted in March 2019 to fund the increase from proceeds from the sale of lots 12 and 17. $180K of the proceeds was available to be allocated for spending in FY 2019, as the remainder of the funds was committed to the FY 2020 budget. Because the increase was below the 2% threshold, there was no requirement to hold a public hearing.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to appropriate $180K of the harbor lots 12 and 17 sales revenue in order to fund the addition to the FY 2019 Breakwater 4 project. The motion was approved by majority vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, no; Holloway, yes.

E. **Rainy Day/Stabilization Fund Policy:**
Larry DiRe stated that this item was a result of discussion at the budget meetings. A rainy-day fund was an emergency fund. The town currently relied solely on tax revenue, from real estate, transient occupancy, etc., which made the revenue stream vulnerable to economic changes, weather, beach closures, etc. The town needed to be able to sustain an impact to the revenue stream. He went on to review the draft resolution establishing a rainy-day/stabilization fund, which was a very sound document generated a number of years ago but never brought to Council. The resolution provides four years to fund rainy day/stabilization fund with a balance of no less than $500K. Council could work through the dollar amount, percentages, funding, etc. The town is nowhere near deficient in ready cash reserves but with the vulnerable nature of the town’s revenue stream, designation of a rainy day/stabilization fund would be a responsible response. Prior to the start of the FY 2021 budget process, staff would be presenting a capital project expenditure prioritization policy and staff reduction in force policy for Council review.

There was some discussion as follows: i) Councilman Grossman and Councilwoman Burge agreed that the draft process and documents would be reviewed again in the fall for finalization. Staff could review the FY 2019 budget after the year was closed out to determine the proper dollar amounts; ii) Mayor Dize noted that the town also had the line of credit with Union Bank; iii) Council thanked Larry DiRe for providing the document which was very well thought out; and iv) Deborah Pocock stated that she discovered that the reserved amounts for water and sewer had not been officially designated for that purpose.

Council reached a consensus to schedule further review and discussion regarding the establishment of the rainy day/stabilization fund and processes at the October special meeting.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adjourn the Town Council Public Hearing and Special Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 8:27 p.m.
We believe the marina should be the front door to Cape Charles.

- Who we are
- Our approach
- Discussion to build proposal
Our Team

- Dan Ciovens, CEO
- Kirk Gauthreau, CCO
- Jen Lavoie, CFO
- Margaret Mcdonnell
- VP of Marketing
- Brian Arnold
- VP of Business Development
- Eric Bradley
- VP of Operations
- Marc Le Gatte
- VP of Operations
- Dawn Voorhees
- Controller
- Jack Talton
- VP of Development
- Paul Goldsby
- Director of Talent

The Oasis Story

- 2013
- 2015
- 2016
- 2017
- 2019

SNAG SLIP

marina life

20+
The Oasis Story

“About the beginning of 2016, we had a tall order – build a best in class marina in Baltimore. The Oasis Marinas team is not only helping us accomplish this goal, but they are also providing the customer service to match.”

-Tim O’Donald, President, Harbor East Management Group

Serving Thousands of Boaters

| Cambridge Municipal Yacht Basin | Cambridge, MD |
| Colos Point Marina Resort | King George, VA |
| The Yards Marina | Washington, DC |
| District Wharf Marina | Washington, DC |
| District Wharf Market Docks | Washington, DC |
| Harbor East Marina | Baltimore, MD |
| Baltimore Yacht Basin | Baltimore, MD |
| The Pendry Hotel Marina | Baltimore, MD |
| Piney Narrows Yacht Haven | Chester, MD |
| Tappan Zee Marina | Piermont, NY |
| Annapolis Town Dock | Annapolis, MD |
| National Harbor | Oxon Hill, MD |
| Hope Springs Marina | Stafford, VA |
| Lighthouse Point Marina | Baltimore, MD |
| Inner Harbor Marina | Baltimore, MD |
| Point Lookout Marina | Ridge, MD |
| Thamesport Marina | New London, CT |
| Goose Bay Marina & Campground | Welcome, MD |
| Mears Great Oak Landing | Chestertown, MD |
| Port Covington | Baltimore, MD |
Serving Various Needs

Metro  Rural  Resort  Campground  Municipal  HOA Owned

Our Philosophy

We create a fun, welcoming and well-maintained environment for boaters looking to explore awesome destinations.

Bow To Bye  Activating The Waterfront  Marketing Ecosystem
Marketing Overview

Create Reasons To Visit
Maximize Revenue
Leverage Oasis’ Assets
Targeted Awareness
Full Service Marketing

Full Service Marketing

Strategy
Digital
Promotion

Dock & Dine
Targeted Awareness

Create Reasons to Visit

- fishing-tournament
- crafts
- holiday-themes
- fireworks
- poker-run
- music
- splashdown
- scavenger-hunt
- market
- patriotic
- international
- summer-sendoff
- homegrown
- car-show
- summer-kickoff
- cookout
Custom Publications

Approach to Operations

- Talent
- Facilities Master Plan
- Full Service Accounting
- Top Notch Service
- Standard Operations Procedures
- Vendor Management
- Training
- Marina & Grounds Maintenance
- Sustainability
- Emergency Preparedness Plan
- Capital Project Investment
- Technology
Customer Service: A Perfect Welcome

- Impeccable Presentation
- Welcome Bags
- Neighborhood Knowledge
- Dockside Check-In & House Accounts

Customer Service: The Experience

- 5 Diamond Concierge Services
- Regular Inspections
- Facilities Maintenance
- Intense Focus on Cleanliness
Technology: Reservation

What Sets Oasis Apart
Questions to Build Proposal

- How do you envision the marina and the town interacting?
- How would you measure our success?
- Are there any capital improvement projects in the works?
- Deal structure?

Thank you!
April Treasurer’s Report

Page 1 – Cash Position

• No comments

Page 2 – Revenue vs. Expenditures

Page 3 – Capital Projects

• The Tennis Court repair cost was $11,816.
• $12,550 was expended for the Civic Center new roof.
• Breakwater costs for the month were $7,625.
• The Trail project costs for April were $6,968.

Page 4 – Tax Collection Rate

• See notes on chart, percentages of increase.
• Harbor dockage is slightly decreased from last year, possibly due to a rainy March.

Page 5 – Tax Revenue Trends

• No comments.
<table>
<thead>
<tr>
<th>Cash on Hand</th>
<th>3/31/2019</th>
<th>4/30/2019</th>
<th>Increase/ (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xenith Bank Checking Account</td>
<td>$470,066</td>
<td>$594,176</td>
<td>$124,111</td>
</tr>
<tr>
<td>Xenith Bank Money Market Account</td>
<td>$1,143,359</td>
<td>$1,524,702</td>
<td>$381,344</td>
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<tr>
<td>LGIP Account 1 - Unrestricted</td>
<td>$101,757</td>
<td>$101,972</td>
<td>$215</td>
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<tr>
<td>LGIP Account 2 - Unrestricted</td>
<td>$293,791</td>
<td>$294,475</td>
<td>$685</td>
</tr>
<tr>
<td><strong>Total Cash On Hand</strong></td>
<td><strong>$2,008,972</strong></td>
<td><strong>$2,515,326</strong></td>
<td><strong>$506,355</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Restricted and Reserved Cash Balances</th>
<th>3/31/2019</th>
<th>4/30/2019</th>
<th>Increase/ (Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xenith Bank Savings Account - Facility Fees Reserved (Utilities)</td>
<td>$783,500</td>
<td>$783,500</td>
<td>$0</td>
</tr>
<tr>
<td>Xenith Bank Checking Account - Police Funds</td>
<td>$431</td>
<td>$431</td>
<td>$0</td>
</tr>
<tr>
<td>LGIP Account 2 - Restricted for USDA loans</td>
<td>$29,643</td>
<td>$29,643</td>
<td>$0</td>
</tr>
<tr>
<td>PNC SNAP Account- 2013 Bond Proceeds - Principal</td>
<td>$544,367</td>
<td>$544,367</td>
<td>$0</td>
</tr>
<tr>
<td>PNC SNAP Account- 2013 Bond Proceeds - Interest</td>
<td>$35,621</td>
<td>$36,863</td>
<td>$1,242</td>
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<tr>
<td>Xenith Bank Checking Account - E-Summons Revenue Reserved</td>
<td>$2,135</td>
<td>$2,192</td>
<td>$57</td>
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<tr>
<td>US Bank - Reserved per VRA Interest Free Loan Requirements</td>
<td>$259,612</td>
<td>$260,058</td>
<td>$446</td>
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<tr>
<td>Wells Fargo 2010 Debt Service pass through account #300</td>
<td>$2,813</td>
<td>$2,818</td>
<td>$5</td>
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<tr>
<td>Wells Fargo 2010 Debt Service pass through account #308</td>
<td>$622</td>
<td>$623</td>
<td>$1</td>
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<tr>
<td><strong>Total Cash Held in Reserve</strong></td>
<td><strong>$1,658,745</strong></td>
<td><strong>$1,660,497</strong></td>
<td><strong>$1,752</strong></td>
</tr>
</tbody>
</table>

| Total Cash - All Accounts                        | **$3,667,716** | **$4,175,823** | **$508,107** |

**DEBT SERVICE**

Net Long-Term Debt as of Current Reporting Month End

**Principal**

$7,525,255
# Revenue vs. Expenditures

**MUNICIPAL CORPORATION OF CAPE CHARLES**

**TREASURER'S REPORT**

*April 30, 2019*

<table>
<thead>
<tr>
<th>FUND</th>
<th>CURRENT MONTH</th>
<th>PRIOR YEAR-TO-DATE</th>
<th>CURRENT YEAR-TO-DATE</th>
<th>INCREASE/DECREASE YTD</th>
<th>ANNUAL BUDGET</th>
<th>% REALIZED/EXPENDED FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue - Operating</td>
<td>$165,883</td>
<td>$2,309,882</td>
<td>$2,433,975</td>
<td>-$124,092.15</td>
<td>$2,520,469</td>
<td>96.57%</td>
</tr>
<tr>
<td>EXPENDED - Operating</td>
<td>$199,319</td>
<td>$1,729,548</td>
<td>$1,717,712</td>
<td>-11,835.93</td>
<td>$2,520,469</td>
<td>68.15%</td>
</tr>
<tr>
<td><strong>NET</strong></td>
<td>(33,435)</td>
<td>580,334</td>
<td>716,262</td>
<td>135,928</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Revenue: Capital Grants &amp; Loans, Sale Real Property</td>
<td>580,000</td>
<td>194,412</td>
<td>602,402</td>
<td>407,990</td>
<td>1,844,191</td>
<td>32.66%</td>
</tr>
<tr>
<td>EXPENDED - Capital Projects &amp; Debt SVC &amp; Facility Fees</td>
<td>31,334</td>
<td>633,302</td>
<td>628,749</td>
<td>(4,553)</td>
<td>1,844,191</td>
<td>34.09%</td>
</tr>
<tr>
<td><strong>TOWN CONTRIB. &amp; PENDING GRANTS</strong></td>
<td>548,666</td>
<td>(438,889)</td>
<td>(26,346)</td>
<td>412,543</td>
<td>0</td>
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<tr>
<td><strong>PUBLIC UTILITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue - Operating</td>
<td>136,918</td>
<td>1,437,178</td>
<td>1,357,434</td>
<td>(79,744)</td>
<td>1,100,200</td>
<td>123.38%</td>
</tr>
<tr>
<td>EXPENDED - Operating</td>
<td>28,661</td>
<td>1,033,643</td>
<td>736,208</td>
<td>(297,435)</td>
<td>1,100,200</td>
<td>66.92%</td>
</tr>
<tr>
<td><strong>NET</strong></td>
<td>108,257</td>
<td>403,535</td>
<td>621,226</td>
<td>217,691</td>
<td>0</td>
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</tr>
<tr>
<td>Revenue: Capital Grants, Loans, &amp; Facility Fees</td>
<td>55,614</td>
<td>153,700</td>
<td>164,864</td>
<td>11,164</td>
<td>694,834</td>
<td>23.73%</td>
</tr>
<tr>
<td>EXPENDED - Capital Projects, Debt SVC &amp; Facility Fees</td>
<td>176,201</td>
<td>309,149</td>
<td>700,122</td>
<td>390,973</td>
<td>694,834</td>
<td>100.76%</td>
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<tr>
<td><strong>TOWN CONTRIB. &amp; PENDING GRANTS</strong></td>
<td>(120,587)</td>
<td>(155,449)</td>
<td>(535,258)</td>
<td>(379,809)</td>
<td>0</td>
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<tr>
<td><strong>HARBOR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Revenue - Operating</td>
<td>89,312</td>
<td>460,437</td>
<td>500,817</td>
<td>40,380</td>
<td>660,236</td>
<td>75.85%</td>
</tr>
<tr>
<td>EXPENDED - Operating</td>
<td>54,685</td>
<td>462,388</td>
<td>551,644</td>
<td>89,257</td>
<td>660,236</td>
<td>83.55%</td>
</tr>
<tr>
<td><strong>NET</strong></td>
<td>34,627</td>
<td>(1,951)</td>
<td>(50,828)</td>
<td>(48,876)</td>
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<tr>
<td>Revenue: Grants &amp; Loans</td>
<td>0</td>
<td>0</td>
<td>32,841</td>
<td>32,841</td>
<td>1,127,401</td>
<td>2.91%</td>
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<tr>
<td>EXPENDED - Capital Projects, Debt SVC</td>
<td>1,750</td>
<td>92,876</td>
<td>157,232</td>
<td>64,356</td>
<td>1,127,401</td>
<td>13.95%</td>
</tr>
<tr>
<td><strong>TOWN CONTRIB. &amp; PENDING GRANTS</strong></td>
<td>(1,750)</td>
<td>(92,876)</td>
<td>(124,391)</td>
<td>(31,516)</td>
<td>0</td>
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<tr>
<td><strong>SANITATION</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Revenue</td>
<td>16,792</td>
<td>148,889</td>
<td>164,594</td>
<td>15,704</td>
<td>189,322</td>
<td>86.94%</td>
</tr>
<tr>
<td>EXPENDED</td>
<td>16,872</td>
<td>152,004</td>
<td>148,163</td>
<td>(3,841)</td>
<td>189,322</td>
<td>78.26%</td>
</tr>
<tr>
<td><strong>NET</strong></td>
<td>(80)</td>
<td>(3,115)</td>
<td>16,431</td>
<td>19,545</td>
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</table>
## FY 2019 Capital Improvement Project Tracking Report

### General Fund

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Percent of Completion</th>
<th>FY19 Budgeted</th>
<th>FY19 QTR 1 Expended</th>
<th>FY19 QTR 2 Expended</th>
<th>FY19 QTR 3 Expended</th>
<th>FY19 QTR 4 Expended</th>
<th>FY19 YTD Expended</th>
<th>(Over)/Under Budget</th>
<th>Status or Start Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement Police Vehicle</td>
<td>0%</td>
<td>$34,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$34,000</td>
<td>Pending</td>
</tr>
<tr>
<td>Mason Avenue Street Lights (19)</td>
<td>0%</td>
<td>$47,500</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$47,500</td>
<td>Pending</td>
</tr>
<tr>
<td>Additional Light Poles for Central Park</td>
<td>100%</td>
<td>$18,000</td>
<td>$6,440</td>
<td>$5,888</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$12,328</td>
<td>Complete</td>
</tr>
<tr>
<td>Unbudgeted - Strawberry St Plaza Lights</td>
<td>100%</td>
<td>$-</td>
<td>$9,186</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$(10,186)</td>
<td>Pending</td>
</tr>
<tr>
<td>New Roof for Civic Center</td>
<td>126%</td>
<td>$10,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$12,550</td>
<td>$12,550</td>
<td>Pending, drainage project complete</td>
</tr>
<tr>
<td>Repair Exterior of Library Building Phase 1</td>
<td>19%</td>
<td>$50,000</td>
<td>$-</td>
<td>$9,350</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$9,350</td>
<td>Complete</td>
</tr>
<tr>
<td>Beach Sweeper</td>
<td>95%</td>
<td>$55,000</td>
<td>$52,500</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$52,500</td>
<td>$2,500</td>
<td>Complete</td>
</tr>
<tr>
<td>Rebuild East Entrance to Tazewell Alley</td>
<td>0%</td>
<td>$15,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$15,000</td>
<td>Pending</td>
</tr>
<tr>
<td>Strawberry Street Plaza Sidewalk Extension</td>
<td>0%</td>
<td>$5,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$5,000</td>
<td>Pending</td>
</tr>
<tr>
<td>Multi-Use Trail Phase 2 (80/20 VDOT)</td>
<td>43%</td>
<td>$500,000</td>
<td>$132,722</td>
<td>$76,997</td>
<td>$-</td>
<td>$6,968</td>
<td>$-</td>
<td>$216,687</td>
<td>Complete, except for billing</td>
</tr>
<tr>
<td>Multi-Use Trail Phase 3 (80/20 VDOT)</td>
<td>4%</td>
<td>$752,000</td>
<td>$-</td>
<td>$27,932</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$27,932</td>
<td>Engineering</td>
</tr>
<tr>
<td>Multi-Use Trail Phase 4 (80/20 VDOT)</td>
<td>0%</td>
<td>$181,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$181,000</td>
<td>Engineering</td>
</tr>
<tr>
<td>Tennis Court upgrade</td>
<td></td>
<td>#DIV/0!</td>
<td>#DIV/0!</td>
<td>#DIV/0!</td>
<td>#DIV/0!</td>
<td>#DIV/0!</td>
<td>#DIV/0!</td>
<td>#DIV/0!</td>
<td>Complete</td>
</tr>
<tr>
<td>Parking Lot Improvements - Harbor area</td>
<td></td>
<td>$1,667,500</td>
<td>$191,661</td>
<td>$121,003</td>
<td>$30,314</td>
<td>$31,334</td>
<td>$374,313</td>
<td>$1,293,187</td>
<td>Pending, used contingent funds</td>
</tr>
<tr>
<td>Water Fund</td>
<td></td>
<td>$37,500</td>
<td>$21,586</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$21,586</td>
<td>$914</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>Leak Detection Equipment</td>
<td>0%</td>
<td>$15,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$15,000</td>
<td>Pending</td>
</tr>
<tr>
<td>Vacuum Trailer - shared with WATER</td>
<td>100%</td>
<td>$22,500</td>
<td>$21,586</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$21,586</td>
<td>$914</td>
<td>Complete</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td></td>
<td>$48,500</td>
<td>$21,586</td>
<td>$25,760</td>
<td>$-</td>
<td>$-</td>
<td>$21,586</td>
<td>$914</td>
<td>#DIV/0!</td>
</tr>
<tr>
<td>4 New Mixers (Upgrades)</td>
<td>Complete</td>
<td>$26,000</td>
<td>$-</td>
<td>$25,760</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$25,760</td>
<td>$240</td>
</tr>
<tr>
<td>Vacuum Trailer - shared with WATER</td>
<td>Complete</td>
<td>$22,500</td>
<td>$21,586</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$21,586</td>
<td>$914</td>
<td></td>
</tr>
<tr>
<td>Harbor Fund</td>
<td></td>
<td>$1,013,000</td>
<td>$19,750</td>
<td>$14,144</td>
<td>$15,824</td>
<td>$1,750</td>
<td>$51,338</td>
<td>$961,662</td>
<td></td>
</tr>
<tr>
<td>Shade Sails - Bathhouse Front Deck</td>
<td>Pending</td>
<td>$8,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$8,000</td>
<td></td>
</tr>
<tr>
<td>Finger Pier Upgrade</td>
<td>Pending</td>
<td>$30,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$30,000</td>
<td></td>
</tr>
<tr>
<td>Upgrade Harbor Fuel System</td>
<td>Pending</td>
<td>$100,000</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$-</td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Breakwater # 4</td>
<td>Pending</td>
<td>$875,000</td>
<td>$19,750</td>
<td>$8,214</td>
<td>$15,824</td>
<td>$1,750</td>
<td>$45,538</td>
<td>$829,462</td>
<td></td>
</tr>
<tr>
<td>HVAC System for Office- NEW PROJECT</td>
<td>Complete</td>
<td>$100,000</td>
<td>$-</td>
<td>$5,800</td>
<td>$-</td>
<td>$-</td>
<td>$5,800</td>
<td>$(5,800)</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$2,766,500</td>
<td>$254,584</td>
<td>$160,777</td>
<td>$46,138</td>
<td>$33,084</td>
<td>$494,583</td>
<td>$2,256,677</td>
<td></td>
</tr>
</tbody>
</table>

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT*
### YTD 2018 Real Estate Tax Collections

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Taxable Land Value</td>
<td>$ 160,531,300</td>
</tr>
<tr>
<td>Total Improvement Value</td>
<td>$ 250,500,900</td>
</tr>
<tr>
<td>Exemptions</td>
<td>$(5,420,800)</td>
</tr>
<tr>
<td>Additional Assessments (SCC Utility)</td>
<td>$ 3,844,675</td>
</tr>
<tr>
<td><strong>Total Real Estate Value (taxable)</strong></td>
<td><strong>$ 409,456,075</strong></td>
</tr>
<tr>
<td>Total Budgeted</td>
<td>$ 1,151,000</td>
</tr>
<tr>
<td>Total Tax Billed</td>
<td>$ 1,205,849</td>
</tr>
<tr>
<td>Total Adjustments</td>
<td>$(636.02)</td>
</tr>
<tr>
<td>Total Collected YTD (percent of billed)</td>
<td>$ 1,161,569  96%</td>
</tr>
</tbody>
</table>

**Amount Due per Accounts Receivable**: $ 43,643.21

### YTD 2018 Personal Property Tax, Machinery and Tools Tax & 2018 License Tax Collections

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Personal Property Value</td>
<td>$ 13,716,500</td>
</tr>
<tr>
<td>2018 Initial Assesement Exonerations</td>
<td>$(38,600)</td>
</tr>
<tr>
<td>Total Personal Property Value</td>
<td>$ 13,677,900</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Budgeted</td>
<td>$ 167,000</td>
</tr>
<tr>
<td>Total Tax Billed less PPTRA</td>
<td>$ 225,757</td>
</tr>
<tr>
<td>Total Adjustments &amp; Additional Exonerations</td>
<td>$(29,280)</td>
</tr>
<tr>
<td>Total Collected YTD (percent of billed)</td>
<td>$ 175,312 89%</td>
</tr>
</tbody>
</table>

**Amount Due per Accounts Receivable**: $ 21,165.12

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Budgeted</td>
<td>$ 105,000</td>
</tr>
<tr>
<td>Total Collected (percent of budget)</td>
<td>$ 72,712    69%</td>
</tr>
</tbody>
</table>

**Amount Due Per Budget**: $ 32,288
Meals Tax - 22% increase over FY18
Transient Occupancy Tax - 23.3% increase over FY18
Sales & Use Tax - 5.8% increase over FY18
Monthly Department Reports
Code Enforcement
Month of May FY19

Building Permits Issued/Permit Fees Collected:
Permits this month: 44
Permits this year: 388
Total construction this month: $1,218,487  Total construction this year: $9,480,709
Permit fees this month: $23,746.12  Permit fees this year: $226,469.17
Connection & Facility Fees this month: $12,350
Connection & Facility Fees this year: $117,325
Fire Dept. levy this month: $892.51  Total Fire Dept. levies this year: $8,528.49
Miscellaneous Revenue: $900 Rental Inspection Fees
Grass cutting enforcement: 8
Grass cutting: 1

Other items of note:
1. Completed 117 inspections
2. Completed 6 courtesy residential inspections
3. Conducted 10 8 courtesy commercial inspection
4. Conducted 28 E & S control inspections
5. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
6. Completed 2 residential plan reviews
7. Completed 0 commercial plan review
8. Staff has had numerous inquiries regarding new construction and renovation regulations throughout the town.
9. Staff is continuing the process of scanning older documents to the cloud and destroying the paper copies to make room in the office for upcoming projects.
10. Reviewed budget expenditures/revenue for FY.
11. Reviewed permit fee estimates for upcoming budget FY.
12. Continued reviewing plans for new homes throughout the Town.
13. Received plans for a major commercial renovation project. Staff will be is reviewing them and should go to permit soon.
14. The partially collapsed deck on Mason Avenue has been stabilized and will soon be removed and a plan to rebuild will be submitted for review.
15. There was a fire in the utility room of Hotel Cape Charles on Friday. The fire was contained to the dryer with no damage to the structure. There was some smoke damage that occurred.
Town Harbor Town Council Report

May 2019

Items of Interest:

Prepared for Memorial Day, as expected a full house. Great weather and lots of fun had by all. Thanks for Old Point Comfort Yacht Club for allowing the Harbor to host their annual event. We plan to carry on the tradition offering our hospitality again for the 2020 season already in the works. Seasonal staff starting to work weekends and await the high school to end the school year to start work.

1. Crab season is going strong, local watermen and several Tangier remain in the harbor, most Maryland crabbers have headed back home. Crabbing has been very good month of May, best in many years. Harbor has sold 15,256 gallons of diesel and $2,548.00 in weekly dockage from our transient crabbers. The crab venders have hulled 4,674 bushels of crabs at the amount of $2,337.00.

2. All annual and seasonal slips are booked. All seasonal and annual slips on floating docks and inner harbor have returned for the season. Continue working with the commercial waterman assigning slips and areas to maintain crab pot storage as the season progresses.

3. Working with Pepup to utilize temporary approved fuel storage tanks while fuel system is repaired. We will have tanks in place and prepared before system is out of service. (in process)

4. Dept of Game and Inland Fisheries came to the Harbor to inspect the boat ramp this past week. Discussed the boat ramp and renewing the agreement for another term. If they proceed into another agreement, we will work out terms and upgrades. The area around the ramp and state dock is deteriorating and will need several thousands of dollars to rehab. (gathering statistics from area boat ramps, report from harbor focus grout to follow)

5. Kayak launch facility and storage area, both harbor location and on the beachfront being constructed. Pushed back to June time frame due to weather and staffing. CC yacht club will monitor and maintaining the area and assist with renters.

6. Blessing of the fleet was rescheduled for the following Friday May 3rd. Great event with proceeds going to benefit the Waterman’s Memorial. Great time had by all!

Maintenance/Repairs:

1. The harbor staff working on dock/facility/harbor office. Replacing CG dock rotten decking complete & CD dock and finger piers throughout inner harbor (work in progress), electrical components such as lighting under dock benches and electrical pedestal (work in progress), these parts are issues normal to marine facilities. (minimal staffing and projects are on-going). As work repair each pedestal, we move the pedestals inward from the edge of the docks to prevent future damage due to vessels hitting and breaking the plastic housings.
2. Office siding project continues, office deck complete, relocated the ice storage freezer, repairing rot complete on-going on boardwalk complete, Hardie Cement Clapboard siding being installed to be painted boat house white or to match bathhouse.

   **Capital Projects and Harbor improvements**

1. Shade sails for bath house front deck on hole due to the VML claim not approved.

2. Harbor Fuel System- BIG Tier I Grant: Oil Equipment Services as received all parts for repair, time frame will be set this week. Portable diesel and Reg gas will be placed on site to maintain customer service. Permits have been issued. June completion projected.

3. VPA Grant approved for fixed wave break wall in place of current A dock or close proximity. Report to follow from engineering firm.

   **Town Safety Committee**

   Meet for the first time, discussed looking at different ways to combat the issue to access town buildings and property, address town events, parking lots and DOT ramps all to ADA standards. Assigned areas of concern to each member to prioritize issues, address items that will make immediate impact and costs and funding for larger projects. Will proceed after budget process is complete, next meeting mid-June.
Next area of concern is the transformer not related to the storm. Notice the big white box is leaning, this transformer sets on the floating dock with not enough floatation to support the weight. We have purchased the materials and additional floats.
Cape Charles Memorial Library  
Monthly Report, May 2019

Youth Programs
Toddler Storytime (5 programs)  52  
Preschool Storytime (5 programs)  47  
Chess Club (4 programs)  38  
Yoga for Littles  17  

Adult Programs
Garden Knitters (1 program)  4  
Memoir Class w/ Mary Barrow  24  

100th Anniversary Programs
Celebration Friday w/ Thelma Peterson (1)  40  

Total  222

Library Services
• Book order 45 books were ordered this month.  
• Two driving tests were taken at the Library this month.  
• Our meeting room was used 13 times this month.  

Meetings
• Attended ESPL Trustee Meeting, Tuesday, May 14 at 3:30.  
• Attended Library Board Meeting on Wednesday, May 8 at 5:00.  

Marketing & Communication
• Flyers were made for upcoming programs.  
• Display of books for Mental Health Month (May)  

Facility
• The smell continued to be bad this month. Dave Fauber’s staff is in the process of fixing the problem of the blocked vents.  
• Our biannual window cleaning and carpet cleaning and floor waxing took place this month.  
• We received 4 new wooden shelves this month.  

Technology
• We received 2 new computers this month to replace older ones that were not working properly.  

Continuing Education
• Staff member Sharon Silvey attended the class, Adverse Childhood Experiences on May 21.
• Staff members Sharon Silvey and Bobby Harmon attended the Kids Count Forum on Wednesday, May 22 at Eastern Shore Community College. Bobby Harmon was the keynote speaker.

• Adult Programs
  • *Weaving History into Memoir and Creative Non-Fiction with Mary Barrow* began on Thursday, May 16 from 2:00 to 4:00 for 6 weeks.

• Youth Services
  • Toddler Storytime and Preschool Storytime were held at 10:30am on Thursday.
  • *Chess Club was held on Thursdays at 5:00.*

• Friends of Cape Charles Memorial Library & Cape Charles Memorial Library Board
  • Celebration Friday was held on May 10 at 7:00 and featured local singer and artist Thelma Peterson.
  • Cape Charles Century Trivia and Tales: Past, Present, and Future was held on Saturday, May 11, at the Palace Theatre.
  • Commemorative tote bags celebrating the 100th anniversary of the Library and raffle tickets for the 100th anniversary quilt continued to be sold this month.
  • Patrons can now purchase a book for the Library for $20.00 and it will have a Centennial book plate.
  • Computer Tutor help provided by the Friends. This help is free and they will accommodate your schedule.

• Volunteers
  • We had 151 volunteer hours.

**Upcoming Events**

• Friends Meeting, June 2, 5:00.
• Eastern Shore Public Library Trustee Meeting, June 11, 3:00.
• Library Board Meeting, May 12 at 5:00.
• Chess Club, Thursday 5:00
• Knitting Club, Friday, 10:30.
• 100th Anniversary Celebration Friday with global traveler Narelle Kelvin, June 14, 7:00
• 2019 Summer Reading program begins with sign up on Monday, June 24.
• Fantastic Beasts and Where to Find Them with Virginia Living Museum, Wednesday, June 26 at 10:30.
• Tween night on June 26. &;00 to 8:30.
• Storytime Crafts after Storytime beginning June 27.
<table>
<thead>
<tr>
<th>INCOME:</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copier/Prt</td>
<td>$63.40</td>
<td>$43.45</td>
<td>$50.10</td>
<td>$55.00</td>
<td>$60.15</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$272.10</td>
</tr>
<tr>
<td>Faxes</td>
<td>$17.50</td>
<td>$22.50</td>
<td>$36.00</td>
<td>$28.50</td>
<td>$24.10</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$128.60</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$80.90</td>
<td>$65.95</td>
<td>$86.10</td>
<td>$83.50</td>
<td>$84.25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$400.70</td>
</tr>
<tr>
<td>Total 2018</td>
<td>$54.80</td>
<td>$102.05</td>
<td>$97.35</td>
<td>$130.00</td>
<td>$102.60</td>
<td>$117.05</td>
<td>$78.70</td>
<td>$96.60</td>
<td>$75.65</td>
<td>$78.50</td>
<td>$70.05</td>
<td>$62.25</td>
<td>$1,065.60</td>
</tr>
</tbody>
</table>

| BOOK CIRC-ADLT | | | | | | | | | | | | | |
| Fiction | 549 | 461 | 466 | 513 | | | | | | | | | |
| Non-fiction | 268 | 171 | 139 | 91 | | | | | | | | | |
| DVDs | 333 | 265 | 211 | 178 | | | | | | | | | |
| TOTAL 2019 | 1150 | 897 | 816 | 782 | | | | | | | | | |
| Books Circ. 2018 | 873 | 983 | 980 | 1013 | 857 | 1125 | 1140 | 1214 | 959 | 1111 | 430 | 872 | 11557 | |

| BOOKS CIRC-JUV | | | | | | | | | | | | | |
| Fiction | 397 | 422 | 352 | 305 | | | | | | | | | |
| Non-Fiction | 23 | 102 | 64 | 79 | | | | | | | | | |
| DVDs | 74 | 93 | 89 | 45 | | | | | | | | | |
| TOTAL 2019 | 494 | 617 | 505 | 429 | | | | | | | | | |
| Books Circ 2018 | 420 | 475 | 637 | 623 | 597 | 1088 | 1070 | 768 | 593 | 694 | 840 | 552 | 6271 | |

| ATTENDANCE 2019 | 1644 | 1438 | 1514 | 1321 | 1211 | | | | | | | | | |
| Attendance 2018 | 1089 | 981 | 1181 | 1166 | 997 | 7128 | | | | | | | |

| PROGRAMS 2019 | 12 | 18 | 11 | 10 | 19 | 70 | | | | | | | | |
| Programs 2018 | 4 | 10 | 10 | 11 | 14 | | | | | | | | |

| PROG. ATTEND 2019 | 136 | 286 | 286 | 219 | 200 | | | | | | | | 1127 |
| Prog. Attend 2018 | 27 | 132 | 102 | 177 | 203 | 220 | 433 | 196 | 160 | 395 | 257 | 236 | 2538 | |

| AWE Usage | | | | | | | | | | | | | |
| Computer Assistance | 1 | 6 | 3 | 5 | 6 | | | | | | | | |
| Driver Improvement | 1 | 1 | 2 | 3 | 2 | | | | | | | | |
| Program Room | 7 | 8 | 4 | 6 | 13 | | | | | | | | |

| INTERNET USE 2019 | 235 | 234 | 272 | 263 | 279 | | | | | | | | 1283 |
| Internet use 2018 | 158 | 186 | 183 | 152 | 162 | 178 | 246 | 341 | 209 | 242 | 264 | 178 | 2499 |

| LIBRARY CARDS 2019 | 18 | 10 | 11 | | | | | | | | | | | |
| Library cards 2018 | 10 | 18 | 17 | 8 | 20 | 23 | 17 | 25 | 24 | 15 | 13 | 5 | 195 |

| Volunteer Hours 2019 | 44.50 | 111.00 | 151.00 | | | | | | | | | | |
| Volunteer hours 2018 | 148.5 | 143.5 | 166.5 | 92.5 | 124.5 | 163 | 150.5 | 168.5 | 22 | 259 | 153.25 | 147.50 | 1739.25 |
Historic District Review Board:
The Historic District Review Board held a joint work session with Planning Commission on May 7 to hear from consultant Tom Hall and discuss the Preservation Plan. The Historic District Review Board regular session was held on May 21 to review 10 applications for Certificates of Appropriateness. The meeting agenda, minutes, and video can be found here:
Sandra Salopek and Terry Strubb both stepped down from the Board. Four new members were appointed to the Board, including Diane D’Amico, Ed Eichman, Ed Wells, and Kerry Shackelford. Susan Eidam was appointed Chair and Kerry Shackelford was appointed Vice Chair at the May 21 meeting. A motion was made to recommend to Town Council that Kerry Shackelford be the Historic District Review Board representative on the Harbor Area Review Board at the May 21 meeting.

Harbor Area Review Board:
The Harbor Area Review Board had no business and did not meet in April.
The Historic District Review Board made a motion to recommend to Town Council that Kerry Shackelford become the HDRB representative on the Harbor Area Review Board to replace Sandra Salopek.

Board of Zoning Appeals:
The Board of Zoning Appeals had a regular session scheduled on May 21 to review one variance request, but due to an error by staff (letters were not sent to adjacent property owners 15 days in
advance of the meeting), the meeting was rescheduled to June 4.

**Wetlands and Coastal Dune Board:**
The Wetlands and Coastal Dune Board did not meet in April.

**Items of Interest:**

- The Town Planner and Town Manager attended a meeting with RAFT and VDOT on May 1 at the VIMS facility in Wachapreague to discuss how VDOT could assist local jurisdictions with stormwater management/resilience-related matters, specifically in the VDOT right-of-way. Cape Charles voiced their desire for an expedited review process when local jurisdictions apply for stormwater management-related projects, and it was well-received.

- The Town Planner, Councilman Paul Grossman, and Harbor Area Review Board member Russ Dunton attended the VIMS Tidal Wetlands Workshop at the VIMS facility in Gloucester Point on May 2. This workshop was primarily to discuss coastal resilience and how VIMS can assist local jurisdictions.

- The Town Planner has been meeting with Councilman Paul Grossman and Councilwoman Cela Burge to assess Article VIII regarding the Historic District Overlay and application/review process for the Historic District Review Board. A Historic District Review Board work session is scheduled for June 5 to discuss the possible changes to the Historic District Review Board process, receive input from the Board, and to then present to Town Council for possible delegation to the Planning Commission and staff to prepare any zoning ordinance updates that may be required.

- The Town Planner has been a part of the Eastern Shore Healthy Communities Walking Trails and Livable Communities Working Group. Through this group, the region was approved for a grant, along with four other regions, for funding assistance that will support attendance to and partition in the Virginia Walkability Action Institute, a group whose primary goal is to prepare local/regional multi-sector teams to pursue policy, systems and environmental changes and interventions to improve population health and reduce chronic disease risk and burden through increased access to physical activity, with a primary focus on walking and walkability. The grant is funded by VDH and the CDC. Staff is one of five local/regional multi-sector professionals and community leaders representing the Eastern Shore region, and attended the grant kickoff meeting in Richmond on May 6 through May 8.
• The Town Planner has been meeting with the Harbor Working Group to discuss zoning and land use within the Harbor District to ensure the regulations in the district match the vision of the town for the Harbor District.

• Staff has been working alongside Citizens for Central Park and the Parks and Recreation Department to discuss possible updates to Central Park.

• The Town Planner worked alongside the Deputy Clerk to apply for a DHR Certified Local Government Sub Grant, which was sent in on May 15. This grant could provide funds for CAMP (Commission Assistance and Mentoring Program) training for the Historic District Review Board members.
The following information is the monthly statistics regarding law enforcement activities for the Cape Charles Police Department.

- Calls for service in Cape Charles: 81
- Calls for service outside of Cape Charles (assist): 9
- Felony arrests: 0
- Misdemeanor Arrests: 6
- Traffic Summons: 30
- Traffic Warnings: 15 (written & verbal):
- Parking tickets: 3
- Building Checks: 28
- Assisted Northampton County Sheriff’s Office: 6
- Assisted Virginia State Police: 3
- Assisted Federal Agencies:
- Assisted Fire & Rescue: 5
- Foot Patrol Hours: 33
- Bay creek patrol hours: 31

The following took place in May:

- Training was completed in the following: behavior based safety, below 100, active shooter response,

**Arrests**

1. Possession of marijuana
2. Wanted subject
3. Assault and Batter family member
4. Assault and Battery
5. D.U.I.
6. Reckless driving (endanger life)
Production Summary

- Miss Utility Tickets: 16
- Sludge Tons: 40
- *Water: Total Production: 3,255,977 Gallons
  - High: 117,618
  - Low: 87,600

<table>
<thead>
<tr>
<th></th>
<th>Raw Water</th>
<th>Finished Water</th>
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<tbody>
<tr>
<td>Hardness</td>
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<tr>
<td>Manganese</td>
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<td>.005</td>
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</table>

All Data in PPM

- *Waste Water: Average Flow 178,800 gpd
  - Maximum: 305,900 Gallons
  - Total for Month: 5,890,800 Gallons

Nutrients:
- Phosphorus Average: .05 Limit .3 mg/l annual average
  - YTD: .03
- Nitrogen Average: .78 Limit 4 mg/l annual average
  - YTD: .41

(*Numbers are from previous month)

Personnel

- Water
  - Regular Staff:
    - Scottie Neville: Operator Class 3 Water, Operator in Charge
    - Freddie Meditz: Operator Class 4 Water
    - Jim Outland: Part Time Trainee
  - Available as needed:
    - Patrick Christman: Operator Class 3 Water,
    - Dan Dabinett: Operator Class 3 Water, Maintenance
    - Dehric Parker: Trainee

- Waste Water
  - Regular Staff:
    - Patrick Christman: Operator Class 2 WW, Operator in Charge
    - Dan Dabinett: Operator Class 2 WW, Maintenance
    - Billy Powell: Maintenance Supervisor
    - Gerald Elliott: Maintenance
    - Dehric Parker: Trainee
Public Utilities

Available as needed:
- Freddie Meditz  Operator Class 3 WW

Current Projects

- Replacing 2 collapsed water laterals on 500 block of Jefferson Ave.

Capital Projects

- Wastewater:
  - Replace four (4) 4620 mixers with larger 4630 mixers at waste water treatment plant $26,000. All have been installed
  - Purchase Ditch Witch Vacuum Excavation System split with Water Plant $45,000 (Done)

- Water
  - Purchase leak Detection Equipment $15,000
Personnel

John Lockwood  Foreman
Willie Lyons  Maintenance Worker
Dejohn Stratton  Maintenance Worker
Demetrius Spadey  Maintenance Worker
Rick Finley  Maintenance Worker

Completed Projects

1. Completed manager’s office/lunch room renovation
2. Mason Avenue Street lights installed.
3. Met with contractor for library exterior repairs
1. Clean the Bay Day Scheduled for June 1 was unfortunately cancelled to the public due to lightening. The Harbor Staff were kind enough to do their own cleanup once the weather cleared and removed 1500 pounds of debris.

2. Contacted several use of facility applicants to finalize paperwork to include all permits and liability insurance. Submitted street closures for two events to VDOT and have received permit back for one.

3. Capeville Baptist Church held their annual Mother’s Day Walk in Central Park on Saturday, May 11.

4. Worked with Main Street and Public Works to coordinate receiving shipments and having items delivered to Strawberry Plaza for area improvements.

5. Completed photos and descriptions of buildings on Mason Avenue for use by Main Street.

6. Update beach kiosk once a month with current events.

7. Met with members of Citizens for Central Park and Town Staff about Central Park improvements.

8. Working on the 4th of July events.

9. Weekend events include a concert in the Park May 24 and a wedding in the Park May 26.

10. May 31, 2019 Rehearsal dinner in Central Park from 5 p.m. to 11 p.m. (activities will shut down by 10 p.m.). 11 p.m. was posted to allow for any extra clean up that may be required.

11. June 1 – Crabby Blues Festival 3 p.m. to 8 p.m.

12. June 1 – Churchwide yardsale 8:30 a.m. to 12 p.m.

13. Cutoff for July 4 vendors is June 14 so staff is switching gears to focus more on organizing and staffing the event.

14. Participated in training with CCPD.

15. Met with Main Street in Central Park to finalize details for July 6 event. Met with GEAR to finalize details for Reel and Raw. Met with Peg Volk to finalized details for Uke festival.

16. Passed out flyers for 4th of July to businesses. Interesting note my normal copies I make were not enough.
From: Larry DiRe  
To: Town Council  
Date: June 1, 2019  
Subject: May 2019 monthly report of Town Manager activities  
Attachment: Preservation plan phase I literature review

**Fiscal Year 2019 Budget:**
1. Manager and treasurer reviewed all departments’ current fiscal year to date expenditures ending at April 30, 2019.  
2. Manager reviewed all revenue lines current fiscal year to date ended April 30, 2019.  
3. Manager, building department staff, and finance office staff tracked certain short-term vacation rental properties on-line to ensure compliance with town regulations.

**Current Capital Projects:**
1. Construction of the fourth off-shore breakwater has been completed. Reimbursement of about $190K of VPA grant funding will be requested after payment of contractor’s invoice.  
2. Requested a fee proposal from Tom Langley for plans, specifications and bidding documents for construction of the in-shore breakwater ($251K VPA grant).  
3. Meeting with Langley this week to review plans for inner harbor refurbishment.

**Document and Ordinance Review and Update:**
1. Town manager and faculty at the Christopher Newport University Public History Center discussed the phase I literature review (attached) and survey process of the preservation plan update.

**Community:**
1. Participated in several Citizens for Central Park working group meetings.  
2. Participated in several meetings with VDOT and VIMS on several matters.

**Correspondence:**
1. Manager met with, emailed, or called several residents and/or business owners on a variety of matters/Report A Concern follow up.
Historic Preservation Literature Review
for Cape Charles, Virginia

Executive Summary

This document consists of a review of academic and practitioner literature concerning historic plan preservation. We focus on papers and books from the last decade, but included older works with clear relevance to the preparation of historic preservation plans.

The first substantive section of the review relates to historians’ views on the importance of historic preservation.

The second substantive portion of the review relates to several themes relating to the socioeconomics of historic preservation. There, we outline issues related to housing affordability, the economics of historic preservation, home values, and resilience.

The third substantive portion of the paper relates to specific issues to be considered in writing a historic preservation plan. We discuss community involvement in, for example, historic survey mapping. In addition, financial aspects of historic preservation are discussed, including enactment of parking fees and of fines levied against homeowners who violate historic preservation ordinances.
Introduction

Over the past decade, the field of historic preservation has been revitalized by the growing number of citizens, academics, and professionals who are willing to tackle head-on the challenges of preserving historic homes and districts and in the 21st century.¹ One of the biggest challenges is relevance in the modern world. Why should we preserve historic properties? Why does preservation matter? As preservationist and public historian Bob Beatty stated: “Place is truly at the heart of how we see the past.”² Historic towns and cities not only contain properties that should be kept intact, but they are also full of voices and unique histories that need to be told. When districts are preserved properly, history can be brought to life to share with future generations. It is this local history that constitutes the connection between people and place. The countless stories from young and old that can be found throughout the country in these

¹ For purposes of this literature review, the term historic preservation is defined as a collective effort to purposefully preserve historic buildings, homes, and sites that have been deemed historically significant and qualify under the 50-year rule stipulated by the National Historic Preservation Act of 1966 (see https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf). We also use the term cultural heritage to include the preservation of associated practices, memories, ideas, and traditions of specific locales. Barry L. Stiefel and Amalia Leifeste, Sustainable Heritage: Merging Environmental Conservation and Historic Preservation (New York: Routledge, 2018), 1-3. For excellent introductions to the field of historic preservation, see: William J. Murtagh, Keeping Time: The History and Theory of Preservation in America (New York: John Wiley and Sons, Inc., 2005); Diane Barthel, Historic Preservation: Collective Memory and Historical Identity (New Brunswick, N.J.: Rutgers University Press, 1996); J. Myrick Howard, Buying Time for Heritage: How to Save an Endangered Historic Property (Preservation North Carolina, 2007); and Max Page and Randall Mason, “Rethinking the Roots of the Historic Preservation Movement,” in Giving Preservation a History: Histories of Historic Preservation in the United States, eds. Max Page and Randall Mason (New York: Routledge, 2004). For the history and modern trends of historic preservation in Virginia, see: Preserving the Old Dominion: Historic Preservation and Virginia Traditionalism (Charlottesville: The University Press of Virginia, 1993).

historic towns can act as microcosm to understanding our identity, the nation, and its legacies.

Given the rolling 50-year window of historic relevance for structures, only very few communities lack any need for historic preservation. Addressing municipalities’ historical legacies is therefore one of the most important aspects of town planning, yet periodically-updated comprehensive plans sometimes neglect recent trends and research findings relating to historic preservation plans. Indeed, statutory requirements call for more frequent updating of historic preservation plans than often actually occurs.

It is not surprising that historic preservation plans do not receive the attention they should, if for no other reason that few courses of study that prepare students for careers in the planning profession include a specialization in historic preservation (Brinkley and Hoch, 2018). Analysis of data from a national survey measuring supply and demand in the labor market for planners by Greenlee, et al, (2015) indicates that less than a tenth (8.9%) of about 300 surveyed United States-based planning faculty members specialize in historic preservation—and historic preservation is not even listed (their Table 5, p. 165) among the knowledge areas of their sample of 115 practitioners among the academics who completed the survey.

One recent finding in the planning literature is that academic discipline affiliation can affect policy design and implementation, for better or worse. Steiner (2011) comments on differences in a design approach as opposed to a planning approach. There is a tension, of course, between historic preservation (which by definition is about conservation or at least adaptive re-use of pre-existing resources) and urban design or architecture (which generally relates to creation of new structures, but of course often in
a context of the existing built environment); this tension constitutes the theme of an entire chapter in a reader on urban redevelopment (Hersch, 2018, chapter 2). The fact that we focus on historic preservation means our emphasis is on the socio-economic and policy orientation of planning, as opposed to the creative, architectural emphasis of much of the design literature (Gleye, 2015). That being said, a useful white paper considers how streetscape design can be integrated into a plan for historic preservation (Crankshaw, 2009). Minner (2016) identifies not only synergies, but tensions among preservation goals and planning emphases.

A review of historic preservation literature could easily grow to the point of being unwieldy (and, therefore, unread). As a matter of practicality, we have focused on books and academic studies published during the last decade. Every community is unique (Howell, et al, 2019), and case studies constitute a large part of the scholarship relevant to historic preservation, but we have attempted to focus on issues relevant to the cast of Cape Charles, including gentrification, derelict structures, industrial decline, housing affordability, tourism, and resilience (e.g., sea level rise). The final third of the paper is designed to identify specific policy directions and best practices that arise from the studies we examine—our focus is on historical and socio-economic studies, but we also include papers from those disciplines included in planning journals that are related to these practical policy recommendations, in the sense identified by Steiner (2011, p. 213) such that, “planning needs to practically convert knowledge into action.”

Our work is meant to contribute a view of preservation informed by history and economic thinking, and to provide socioeconomic context to recent comprehensive guides and handbooks that cover some or most aspects of preparing historic
preservation plans. This includes a planning and community development guide (Tyler and Ward, 2011) as well as a seminal handbook with a narrow focus on historic preservation plan preparation (White and Roddewig, 1994). Arendt (2015) provides an updated overview of planning, including some content on historic preservation, for non-urban areas. All three works are still excellent starting places for anyone tasked with writing such a plan, depending on the size of the municipality, and we strongly suggest anyone writing a preservation plan peruse those works as a companion to the themes we emphasize from more recent scholarship. A white paper produced in 2017 by the National Trust for Historic Preservation (or NTHP) considers how older structures can be re-used, despite barriers that might be posed by zoning, finances, parking, and codes. Another NTHP book written by Rypkema (1994) constitutes the seminal work on the economics of historic preservation. An encyclopedic approach to housing edited by Carswell (2012) contains useful information for the preparation of historic preservation plans. Leigh and Blakely (2013) include coverage of historic preservation as part of a general textbook on local economic development.

Some older works are still relevant to anyone writing a historic preservation plan. Crankshaw’s advice (2009) relating to historic district streetscapes remains relevant, as does the early analysis by Hamin, et al (2006) of “smart growth” plans and the Community Preservation Act. Two literature reviews related to legal issues include Beydoun and Pearlman (2001) as well as Susong and Pearlman (2000). They cover, respectively, governmental prohibitions on homeowners transforming their historic properties in ways that might violate ordinances, and how the “beauty” of physical
structures has been regulated. The focus of the rest of the paper, however, will be on works published during the last decade.

A Historical Perspective on Why Preservation Matters

Historic structures offer much to our understanding of our past: they constitute tangible evidence on how people once lived. Visitors and residents can physically see with their own eyes long-established communities. They are witnessing history. As Barthel (1996) reminds us, historical “ authenticity” is an important goal of preservationists. Experts judge historical sites based on structure, basis, and content. Has its historical character been kept intact, or has it been stripped of its patina and restored to an inauthentic state? Even authentic historic districts must make room for modern facilities used by tourists, such as parking lots, public restrooms, and gift shops. These can cause difficulties as city planners try to attract resources to construct these facilities and also try to fit them into sometimes constrained geographical footprints. Yet in the end, historic structures allow communities to maintain a collective memory.

For historic preservation to be successful, community members and experts need to band together and present a cohesive plan to confront those that advocate demolition. Bluestone (2011, page 15) reminds us that “preservation is anything but static.” What is deemed worthy of preservation? Who preserves it, the public, or private individuals? What does the preservation of a structure provide to the community, individuals, or group? These questions have changed over time and place, as identified by Sprinkle (2014), who covers the early history of the preservation movement in the United States; Tyler, et al (2009) also discuss these themes.
Yet the preservation movement has made positive steps forward in the last two decades. Meeks and Murphy (2016) see preservation as an engine that can revive American communities. Kackle and Sculle (2011) posit that it all comes to cost. As discussed further below, the rehabilitation of historic buildings and subsequent revitalization of historic districts and towns are often associated with an increase in profitability and property values; economic success equals an advance in the movement—from tax-credits given to owners of historic properties to the enhanced historic districts that bring in more tourist dollars. These economic benefits are part of the reason that over 2,300 local historical districts exist in the United States.³

Neglect of the built environment can eventually necessitate demolition.⁴ Newman and Saginor (2014) discuss policies that can be used to counter this tendency. They include state regulations, incentive zoning, transfer of development rights, and financial incentives. They enumerate (page 634),

“four key imperatives for the prevention of neglect: (1) carefully drafted local provisions led by powerful local political leaders, (2) a multi-scalar regulatory system that monitors heritage properties, (3) legislation which enforces substantial penalties on owners who allow neglect to occur and provides incentives for heritage maintenance; and (4) a combinational approach which is locally based but built into regional growth plans.”

The transfer of development rights are studied in more detail by Been and Infranca (2013), and are described in Chapter 5 of White and Kotval (2013). It is important to note that legislation and comprehensive plans, to the extent that they do focus on

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⁴ In fact, realities of option pricing may encourage landlords to delay the decision to tear down properties that might otherwise be renovated (McMillen and O’Sullivan, 2003).
historic preservation, can sometimes do so at the cost of considerations related to
cultural and artistic policy (Redaelli and Haines, 2014).

It is important to remember that historical neighborhoods and structures are
protected under codes that are byproducts of zoning decisions. The origin of zoning in
early 20th Century America is not unproblematic, and has been contrasted to that of
Europe (Hirt, 2013). In only the United States, zoning created the purely residential
district as well as the purely single-family residential district. This perspective corrects a
possible misinterpretation that U.S. zoning is merely a copy of earlier practices from
Germany and England.

Socio-Economic Aspects of Historic Preservation

Given the importance of the built environment and its role in preserving our
history, sociologists and economists have conducted rigorous statistical studies related
to how its preservation (or lack thereof) affects people living in and nearby historic
zones and structures.

Tourism and Historic Preservation

For “main street” historic districts in many towns across the United States,
tourism offers an economic engine that can make historic preservation financially
feasible (Ryberg-Webster and Kinahan, 2014). Often, battlefields and other geographic
aspects of military heritage encourage tourism to local historic districts. Although a
familiar pattern in the United States, where the National Park Service estimates
economic impact of battlefield historic parks, it exists in the European context as well
The town of Plymouth in the United Kingdom successfully marketed its historic core to serve as a driver of local tourism, with concomitant economic development for its downtown (Barrera-Fernandez, 2016). The fact that the cause of historic preservation can be ruined by the commercialization often associated with tourism was identified some time ago (Naser, 2003). Indeed, although tourism has this positive impact on commercial activity, it is not necessarily universally welcomed by local communities that must deal with potentially greater traffic congestion and other problems (Harrill, 2004).

**Economic Issues related to Historic Preservation**

A large number of studies relate to the economic implications associated with historic preservation, which can be considered a curb-appeal-enhancing amenity for residents above and beyond the pecuniary impact generated by tourism to historic areas. Historically authentic neighborhoods can also foster civic and community pride (Lawrence-Zuniga, 2016). An early study identified how historic districts contribute to economic development (Listokin, et al, 1998). More recently, McCabe (2019) examines the how preservation ordinances can foster gentrification. Historic amenities have been found to increase property values (Koster and Rouwendal, 2017); this study updates and contradicts previous a finding (Noonan and Krupka, 2009) that historic properties are less valuable, all else equal. One study even provided a quantitative estimate of the pecuniary benefits of neo-traditional architecture (Buitelaar and Schilder, 2017). Housing renovations seem to have network effects, whereby one renovation fosters
Characteristics of older neighborhoods, although not exclusively historic in nature, also benefit housing prices. Many times, older neighborhoods contain a larger variety of housing types. Chakroborty and McMillin (2018) find that higher levels of housing diversity lead to price stability, at least in the latest housing crisis. A study by Koster and Rouwendal (2012) reveals that mixed land use is appreciated by homeowners, and creates value through higher residential housing prices. Many older neighborhoods have public gardens, which have also been shown to increase local property values, especially in lower-income areas (Voicu and Been, 2008).

Although many of these studies consider how zoning rules create economic outcomes, an interesting study by Gabbe (2017) reverses the causal direction of that relationship, and looks at how zoning rules are changed over time by communities. He examines which neighborhoods “upzone,” that is, increase density, finding that such changes to zoning rules are more likely in real estate parcels initially designated for low-intensity, nonresidential use. Neighborhoods with more home ownership are resistant to upzoning, based on his analysis of 780,000 parcels in Los Angeles during the period from 2002 through 2014. In a similar vein of reverse causality (looking at what causes designation to be approved or considered rather than the effect on the community of such designation), Noonan and Krupka (2008) examine the determinants of historic and cultural landmark designation, not uncritically.

Historic preservation is related to the concept of regulatory “takings” if the government acts in a way to confiscate or constrain the ability of land owners to do as others nearby (Helms, 2009). A classic primer (Rypkema, 2000) provides practical tools and worksheets to assess the feasibility of re-using historic buildings.
they wish with their property. An interesting finding from a recent study (Mohamed, 2013) on the “endowment effect” (which predicts that people value losses more than gains) is that implementing plans (such as historical preservation guidelines and ordinances) helps to cement endowments. This means that judicial review is more likely to favor landowners than would be the case in the absence of plans.

**Housing Affordability**

Slate tiles are more expensive than modern roofing materials, and in many areas of the United States, drywall has replaced plaster. Window replacement is sometimes seen as too expensive for some owners of historic homes in communities where skills associated with rejuvenating old infrastructure has been lost over time. These are just some examples of a generally unintended consequence of historic preservation ordinances: households with lower income may not be able to conform to historic preservation guidelines and ordinances, leading to either derelict structures or repair costs that force relocation and subsequent gentrification (Bartolet, 2017; ). Meeks and Murphy (2016, page 201) characterize the potential negative impact of preservation on affordability as the “great inversion.”

To the extent that historic preservation constrains the supply of housing, it can lead to increased price points. Koster, et al (2012) find that supply restrictions do increase housing costs, as elementary economic theory would predict. This can take place even for low-end rental housing (Garboden and Newman, 2012), which exacerbates housing availability for the working poor (Casa del Pueblo Community Land Trust, 2013). Unsurprisingly, landlords tend to invest when economic returns to
renovation justify it (Mayer, 1981). Ellen, et al (2005) finds that federally subsidized rental housing does not depress neighborhood property values. On the contrary, spillover effects lead to positive externalities near subsidized housing (Schwartz, et al, 2005). A sophisticated econometric study by Koster and van Ommeren (2018) find that improvements to public housing increase the value of nearby houses. Paredes and Skidmore (2017) find that demolition of residential housing incurs costs to the tax base that are not recovered even five decades following the demolition, because vacant lots drag down property values just as derelict buildings do. The existence of a foreclosure, often the first step to a derelict structure, has a negative impact on neighboring properties (Anenberg and Kung, 2012).

Unfortunately, plans related to “smart growth” for affordable housing often neglect historic preservation—a recent literature review of the former does not include “preservation” as a category (Addison, et al, 2012). Edwards and Haines (2007) find that some communities do not fully integrate “smart growth” into their comprehensive plans, even when mandated to do so by the state. The Moderately Priced Dwelling Unit strategy encouraged housing affordability in Maryland (Dawkins, et al, 2017). Another study focuses on the legal aspects of inclusionary zoning in Maryland (Kelly, 2010).

Housing affordability in the United States has been harmed by a lack of federal leadership, although state housing finance agencies are attempting to fulfill this role (Scally, 2008).

Conflicting interests can create adversarial relationships among various interested parties including homeowners, building contractors, and preservationists. One collaborative program in Washington, DC led to cooperation among these interest
groups (Howell, 2017); this provides a useful model for how housing affordability need not be sacrificed on the altar of preservation. It is important for affordable housing schemes to be highly localized (Howell, et al, 2018). Even the definition of “uniqueness” can be problematic, however, whereby policies designed to preserve a distinctive built environment can be accused of promoting the opposite in practice (Rivero, 2019).

Zoning practices—including preservation guidelines—can also affect affordability, and this effect can have a disproportionately greater impact on minority households (Whittemore, 2017). Fair housing—and its relationship to racial justice in American cities—is examined by Goetz (2018). Pietila (2010) argues that bigotry was a major cause of how Baltimore neighborhoods were shaped over time. Logan (2017) discusses how race and preservation affected the history of neighborhoods in Washington, DC.

Resilience and Sustainability

In recent years, historic preservation has incorporated the importance of environmental conservation (Young, 2012; Stiefel, 2018; Moore, 2010; Steiner et al, 2016). Preservation has long been considered a national endeavor by many countries seeking to protect their heritage. Great Britain’s National Trust for Places of Historic Interest and Natural Beauty began revolutionary environmental protection policies in the early 20th century, which the United States modeled later in the National Trust for Historic Preservation. Both entities, and their counterparts in other countries, increasingly promote policies that focus on land conservation and sustainability as it
relates to historical properties. One study specifically examines the environmental policies being promoted in European cities (Beatley, 2012).

Meeks and Murphy (2016) argue that historic buildings are inherently “green” or environmentally friendly for the simple fact that they already exist and do not necessitate additional carbon emissions to be built, but even the “greenest” new structure requires them. Trends currently favor communities that re-use old buildings and homes—in many cases implementing adaptive use and rehabilitation procedures. Many local and state governments also are changing their preservation policies to meet the challenges of climate change, such as increasing the size of gutters and downspouts on historic houses to combat increased rainfall. Growing concerns about sea-level rising near historic towns and the uptick in damaging hurricanes have led to flexibility in preservation practices, including elevating buildings in danger of flooding (Stiefel, 2018).

The ecological concept of “resilience” ((Woodruff, et al, 2018, page 2) refers to, “the capacity of system to resist or ‘bounce back’ from a disruption.” Adaptation, on the other hand, relates to how to “limit the negative consequences of climate change.” (ibid., page 1). The authors argue that resilience plans can be superior to adaptation, but that even the former are in need of improvement, based on an examination of 10 town resilience plans and 44 adaptation plans related to climate change. Dyckman and Paulsen (2012) discuss water planning, finding that expanded federal authority under the Clean Water Act is not preferable to a federal-state-local partnership approach, and they cite the success of the latter in transportation as an example to be emulated.
Gough (2015) finds that livability can be complementary to sustainability based on analysis of 14 jurisdictions in the Mississippi Gulf Coast.

To study whether zoning rules can promote resilience, Gard (2018) contrasts the likelihood of LEED-ND criteria adoption among buildings in areas that use either form-based codes (FBCs) or conventional zoning regulations (CZRs). He finds that FBC structures are more likely to conform to LEED-ND criteria, providing evidence that resilience can be promoted through attention to zoning reform.

**Historic Preservation Plans in Practice: Recommendations and Suggestions**

Historic preservation plans, more often than not, are written by local government workers. Brinkley and Hoch (2018) discuss how different specializations in the planning discipline have ebbed and flowed over time, beginning as far back as 1909, before historic preservation had developed. In a chart documenting the prevalence of different specializations dating to 1950, historic preservation only enters the picture in the 1990s (their Figure 1). Based on their analysis of 332 specialization listings from individual planning education programs, historical preservation does not overlap any other specializations in a Venn diagram of different areas (their Figure 2). So one area of difficulty that confronts work on historic preservation may be the lack of specialists trained to do such work. Therefore, although our central purpose in this paper is to provide updated perspectives from our own academic disciplines (economics and history) on historic preservation, it would make little sense to ignore best practices identified in journals dedicated to planning. In this section, we provide some implications from the approaches we have described so far, and attempt to identify and
assess some practical approaches\textsuperscript{5} to how historic preservation plans and policies can positively affect the local community.

\textit{The Historic Buildings Survey and its Newest Incarnations}

Many historic preservation experts advise that preservation plans should include a list or characterization of which historic structures—and architectural aspects thereof—that are worth preserving (the classic yet still very relevant example is White and Roddewig, 1994). Generally, historic districts are delineated by maps, which are of equal legal footing to the preservation plan’s text. Such maps have generally been ignored by scholarship, although one study examines them to show that planning thought is embedded in planning tools (Moga, 2017). In addition to maps, pictures provide important, non-verbal data that can preserve historical details, as well as document changes over time (Ammon, 2018).

Many exciting trends have positively impacted communities, especially those incorporating digital technologies with public participation (Ciolfi, et al, 2018). The concept of “digital technologies” moves beyond basic information, and instead focuses on interactive media that engages the public; it includes online collections and archives that can be incorporated into websites to raise awareness of historic districts and their significance. Volunteers also can use digital technologies to create social media campaigns to increase community involvement and continually add information to their shared heritage with shared memories and oral histories. Consequently, this approach can result in documenting the histories of a community, preserving the artifacts

\textsuperscript{5} Chapter 3 and 4 of Meeks and Murphy (2016) provide useful strategies in this sense.
associated with them, as well as creating a diverse discussion that encourages participation.

Identified as “communities of practice”, cultural heritage preservation is best when a community that has a common interest can interact on a regular basis to solve problems, formulate new ideas, and implement these innovations and strategies (Lave and Wenger, 1991). In Jennings, et al (2018), engagement models reflected how citizens are critical to preserve cultural heritage. One project they discussed used local teenagers to collect oral histories from the elderly (family members worked best) regarding the names and memories behind historic places in Ireland. The result was a multi-generational conversation with invaluable information about the identity and sense of place, creating a deeper understanding of their shared history.

Other uses of digital technologies include historical building and architectural surveys. Implemented in historic districts, these studies detail the architectural style and traits, the history, and the condition and use from past to present of buildings and homes. Teams of preservationists, historians, and volunteers from the community take pictures, recover archival evidence from local libraries, and write and draw descriptions of the surveyed properties. Experts develop procedural checklists for public participation that allows greater participation by laypeople; the result is community members gaining invaluable knowledge about their district that they collected.

In the case of Wakefield (a cathedral city in West Yorkshire, England), archaeologists and historians worked with citizens to collect mapping data for a buildings survey. The Wakefield Historical Society in partnership with Leeds Beckett University actively trained members of the community to collect, survey, and write
histories of their historic town, which they publish on their website and share with heritage trails and schools.⁶ In San Francisco, a plan involving heavy public interaction promoted greater participation by marginalized populations in the process of historic preservation (Buckley and Graves, 2016).

ATLAS, an analytical software program, can aid these digital history projects by enabling large data files and text and audio and video recordings to be uploaded without needing transcriptions first. ATLAS efficiently organizes materials with data analysis techniques, saving time and resources. Google History Pin offers another digital tool to allow public participation and greater awareness in historic preservation. Google History Pin allows users to upload multiple images, videos, and related texts or descriptions to the website, pinpointing a specific site, property, or historic district that can be identified with GPS. It works with archives and libraries, history organizations, and museums to bring historically relevant information accessed with a computer or mobile phone. Consequently, interested viewers, community members, or tourists can instantly go on a historical tour at their fingertips.⁷

Technology continues to improve historic preservation efforts and the ability to engage the public. Yet sustainability in the 21⁰ century is the key. Vogt (2007, page 21) argues that, “Sustainability begins with each historic site’s engagement with its community and its willingness to change its structure, programs, and services in response to the changing needs of that community.” Historic districts and towns must

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⁷ See (https://atlasti.com/) and (https://www.historypin.org/en/). Google History Pin was created in partnership with Google and We Are What We Do (Sayer, 2015, pages 132-133).
create innovative models of operations that invite and incorporate fresh ideas and new partnerships.

Much like present-day museums, historic towns must tell their story effectively. Today’s public is often not as willing to preserve historic homes for the sake of preservation. One way to engage the public is to make its history personal, incorporating the cooperation of citizens, past and present (Franco and Roberts, 2017). In the Maine Community History Project (housed under the Maine Historical Society’s Maine Memory Network), teams of community volunteers digitize local historical collections with text associated with each item and post them on an accompanying website, all adding to the historical narrative of the town. It also includes “My Album,” where citizens post and share old photographs associated with the community’s history. The benefits of such a digital platform are endless. Historic districts and towns could not only tell the individual stories by members of the community, but also can detail its historical significance and how it has been preserved over time. In sum, digital technologies combined with sustained community involvement constitute the future of historic preservation.

The enthusiasm about community-based mapping has come under criticism by some planners, who accuse it of being, “an empty ritual, unable to deal with substantial issues…” (Saija and Pappalardo, 2018, page 1). That study provides evidence from Italy’s Simeto valley demonstrating that community mapping, if done with an “action research” focus, can avoid these problems. Surprisingly, there seems to have been a disconnect in the planning literature between design and implementation (Kinzer, 2016), and this can affect historic preservation as well. Public participation in all major stages
of a preservation plan’s preparation seems to be a good way to smooth implementation of its policies. Loh (2012) argues, however, that community goals can conflict with planning priorities, and suggests policies to avoid the breakdown of the planning process. Laurian and Shaw (2009) found that planners often don’t formally evaluate public participation, even if they should.

Financing Historic Preservation

The affordability issue mentioned above has spurred some innovative approaches to resource provision for historic preservation. One method for financing government officials and infrastructure that promotes historic preservation is through property tax increases, which can also be leveraged to increase quality in local schools. Kang, et al (2012) find that such increases have a positive impact on residential property values, but that increased property taxes have a negative effect on business property values. Shoup, et al (2017) find that overcrowded on-street parking can be alleviated by imposing parking charges, which in turn can fund public services. In addition, fees can be levied against homeowners that violate historic preservation codes (Newman and Saginor, 2014). An endowment for lower-income residents who wish to enact historically authentic renovations and repairs can be financed from these sources, providing a way to avoid neglect by design of derelict structures.

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8 This study uses the payback period approach for capital budgeting. This method has been widely discredited among financial professionals, and a new study using either net present value or internal rate of return would be a valuable addition to assessing the value of parking fees.
One alternative to private ownership of property in historic districts is the use of public ownership, or mixed forms of ownership. A typology of such types is provided by Lehavi (2008).

Conclusion and Next Steps

In this literature review, we have provided up-to-date information from academic researchers relevant for the preparation of a historic preservation plan. We look forward to the next step in the process, which consists of a large-scale public survey of planning priorities. Data from that process will be a vital input into the preparation of a preservation plan for the town of Cape Charles.
References


Koster, Hans and Jos van Ommeren (2018) Place-based policies and the housing market, Tinbergen Institute TI 2017-008/VIII.


Unfinished Business Agenda Items #6A
BACKGROUND:

The Town’s budget consists of four separate funds – the General Fund, the Harbor Fund, Sanitation Fund and the Water/Wastewater Fund. The General Fund is supported by real estate taxes, other taxes and other revenues. The Harbor, Sanitation and Water/Wastewater Funds are Enterprise Funds and should be self-sustaining through fees for services and other charges.

DISCUSSION:

Pursuant to Section 15.2-2503 of the Code of Virginia, the Town Council and Staff have held numerous work sessions since March to prepare the budget for Fiscal Year (FY) 2019/2020. At the April 25, 2019 budget work session, the proposed budget was balanced without any tax rate increases. The attached resolution includes the summary of estimated revenues and expenditures by fund for the proposed budget.

The Public Hearing on the proposed FY 2019/2020 budget was held on June 6, 2019 pursuant to Section 15.2-2506 of the Code of Virginia.

RECOMMENDATION:

Staff recommends adoption of Resolution 20190620 – Approving the Budget for Fiscal Year 2019/2020 and Making Appropriation for the Fiscal Year by roll call vote.
## TOWN OF CAPE CHARLES FY 2020 BUDGET BY DEPARTMENT

<table>
<thead>
<tr>
<th>Fund</th>
<th>Department</th>
<th>Anticipated Revenue</th>
<th>Operating Expenditures &amp; Debt Service</th>
<th>Capital Expenditures</th>
<th>Balance/Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>LEGISLATION</td>
<td>$37,982</td>
<td>$37,982</td>
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</tr>
<tr>
<td>TOWN CLERK</td>
<td>$159,573</td>
<td>$159,573</td>
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</tr>
<tr>
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<td>$879,183</td>
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</tr>
<tr>
<td><strong>CC MAIN STREET</strong> - under Town Mgr Budget</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>TOWN MANAGER</td>
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</tr>
<tr>
<td>FINANCE</td>
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<td>$290,751</td>
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<tr>
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<td>$450,625</td>
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<tr>
<td>CODE ENFORCEMENT</td>
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<td>$137,399</td>
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</tr>
<tr>
<td>PUBLIC WORKS</td>
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<td>$507,006</td>
<td>$1,438,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RECREATION</td>
<td>$122,650</td>
<td>$122,650</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIBRARY</td>
<td>$167,703</td>
<td>$167,703</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING</td>
<td>$103,700</td>
<td>$103,700</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,394,573</strong></td>
<td><strong>4,394,573</strong></td>
<td><strong>2,956,573</strong></td>
<td><strong>1,438,000</strong></td>
<td><strong>$0.00</strong></td>
</tr>
</tbody>
</table>

| Public Utilities |            |                     |                                      |                      |               |
| **Utility Admin** |            |                     |                                      |                      |               |
| **Water**         |            | $81,871             | $81,871                             |                      |               |
| **Wastewater**    |            |                     |                                      |                      |               |
| **Total**         |            | **$1,858,734**      | **$1,858,734**                      | **$73,000**          | **$0.00**     |

| Harbor          |            |                     |                                      |                      |               |
| Sanitation      |            | $214,546            | $214,546                            | $10,042              |               |
| **Total**       |            | **$214,546**        | **$214,546**                        | **$10,042**          | **$0.00**     |

| **Total Budget All Funds** | 7,903,698 | 7,903,698 | 5,750,156 | 2,153,542 | **$0.00** |

*Total minimum utility charge increases from $107.92 to $109.80 ($1.89/mo or $22.68/yr, 1.75% increase)

Utility rates have not increased since 2009.
General Fund Budget Revenue Sources

- Real Property Taxes - All: $1,234,000 (28%)
- Grants - Including 599 Funds & Library Contribution: $828,500 (19%)
- Appropriation from Fund Balance: $695,072 (16%)
- Meals Tax: $565,000 (13%)
- Personal Property Taxes: $270,924 (6%)
- Misc. Local Taxes & Penalties: $196,750 (5%)
- TOT: $150,600 (4%)
- BPOL: $150,000 (4%)
- Building & Planning Fees: $144,100 (3%)
- Miscellaneous Revenue: $105,760 (2%)
- Proceeds from Financing: $105,760 (2%)
- $- (0%)

Real Property Taxes - All
Grants - Including 599 Funds & Library Contribution
Appropriation from Fund Balance
Meals Tax
Personal Property Taxes
Misc. Local Taxes & Penalties
TOT
BPOL
Building & Planning Fees
Miscellaneous Revenue
Proceeds from Financing
General Fund Budgeted Expenditures by Type

- Capital (General Fund): $1,438,000.00 (33%)
- Administration (Council, Clerk, TMgr, Treas/Fin, insur., legal, utilities, comm'ty support, etc): $760,150.17 (17%)
- Public Safety: $495,625.27 (11%)
- Public Works: $507,006.34 (12%)
- Transfer to Harbor (Debt Service & Capital): $352,872.07 (8%)
- Planning, Building, & Code Enforcement: $241,098.38 (5%)
- Events, Recreation & the Arts: $157,150.00 (4%)
- Library: $167,703.21 (4%)
- Debt Service: $121,367.23 (3%)
- Cape Charles Main Street: $100,000.00 (2%)
- Contingency: $35,000.00 (1%)
- Misc: $18,600.00 (0%)

Total Budgeted Expenditures: $1,438,000.00
## MUNICIPAL CORPORATION OF CAPE CHARLES
### Summary of Proposed Capital Projects by Fund FY 2020

#### GENERAL FUND

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget</th>
<th>GRANT PROCEEDS or DONATION</th>
<th>PNC 2013 FINANCE PROCEEDS</th>
<th>USDA RD FINANCE 35%Grant/65%Loan</th>
<th>LOTS 12 &amp; 17 SALE PROCEEDS (FUND BALANCE)</th>
<th>REAPPROPRIATION FROM FUND BALANCE OTHER</th>
<th>TOWN FY20 COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Vehicle, including outfitting</td>
<td>0 0 0 0</td>
<td>0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>68,000</td>
<td></td>
</tr>
<tr>
<td>Street Sweeper - Removed</td>
<td>0 0 0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Parking Lot Improvements</td>
<td>10,000 0 0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Repair Exterior of Library Building Phase 2</td>
<td>50,000 0 0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>50,000</td>
<td></td>
</tr>
</tbody>
</table>

Library Upper Floor Office Study & Prep. $300,000 ADA entrances at Library, Civic Center & Muni Bldg and roofing/water damage repair and ventilation in Munic Bldg | 300,000 0 0 0 | 150,000 | 150,000 | 0 |

Beach Sand Replenishment | 20,000 0 0 0 | 0 | 0 | 0 | 20,000 |
| Fishing Pier Upgrade Phase I | 10,000 0 0 0 | 0 | 0 | 0 | 10,000 |
| Storm Drain CCTV & Mapping | 30,000 0 0 0 | 0 | 0 | 0 | 30,000 |
| Multi-Use Trail Phase 2 Closeout (80/20 VDOT) | 200,000 160,000 0 0 | 0 | 0 | 40,000 | 0 |
| Multi-Use Trail Phase 3 Construction (80/20 VDOT) | 750,000 600,000 53,867 0 | 0 | 0 | 0 | 96,133 |

**TOTAL GENERAL FUND** | **1,438,000** | **760,000** | **53,867** | **0** | **150,000** | **190,000** | **284,133** |

#### UTILITY FUND

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget</th>
<th>GRANT PROCEEDS or DONATION</th>
<th>PNC 2013 FINANCE PROCEEDS</th>
<th>USDA RD FINANCE 35%Grant/65%Loan</th>
<th>LOTS 12 &amp; 17 SALE PROCEEDS (FUND BALANCE)</th>
<th>REAPPROPRIATION FROM FUND BALANCE OTHER</th>
<th>TOWN FY20 COST</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WATERWORKS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Meter Replacements - Postponed</td>
<td>0 0 0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0 0 0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

| **WASTEWATER** | 4 New Mixers (Upgrades) | 30,000 0 0 0 | 0 | 0 | 0 | 0 | 30,000 |
| Odor Reduction at Bay and Mason Pump Station | 13,000 0 0 0 | 0 | 0 | 0 | 0 | 13,000 |
| Washington Avenue Pump Station Upgrade-Phase I electrical | 30,000 0 0 0 | 0 | 0 | 0 | 0 | 30,000 |

**TOTAL UTILITY FUND** | **73,000** | **0** | **0** | **0** | **0** | **0** | **73,000** |

#### HARBOR FUND

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget</th>
<th>GRANT PROCEEDS or DONATION</th>
<th>PNC 2013 FINANCE PROCEEDS</th>
<th>USDA RD FINANCE 35%Grant/65%Loan</th>
<th>LOTS 12 &amp; 17 SALE PROCEEDS (FUND BALANCE)</th>
<th>REAPPROPRIATION FROM FUND BALANCE OTHER</th>
<th>TOWN FY20 COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dock Replacement/Repair</td>
<td>125,000 0 0 0</td>
<td>125,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>In-shore Breakwater/Wave Attenuator</td>
<td>500,000 375,000 0 0</td>
<td>125,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7,500</td>
<td></td>
</tr>
<tr>
<td>Storm Drain CCTV &amp; Mapping</td>
<td>30,000 0 0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>30,000</td>
<td></td>
</tr>
<tr>
<td>Storm Drain CCTV &amp; Mapping</td>
<td>8,000 0 0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>8,000</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL HARBOR FUND** | **640,500** | **375,000** | **0** | **0** | **250,000** | **8,000** | **7,500** |

#### SANITATION FUND

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Budget</th>
<th>GRANT PROCEEDS or DONATION</th>
<th>PNC 2013 FINANCE PROCEEDS</th>
<th>USDA RD FINANCE 35%Grant/65%Loan</th>
<th>LOTS 12 &amp; 17 SALE PROCEEDS (FUND BALANCE)</th>
<th>REAPPROPRIATION FROM FUND BALANCE OTHER</th>
<th>TOWN FY20 COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRASH CAN REPLACEMENTS</td>
<td>10,000 0 0 0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10,000</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**TOTAL SANITATION FUND** | **10,000** | **0** | **0** | **0** | **0** | **0** | **0** |

**TOTAL BUDGETED CAPITAL EXPENDITURES** | **2,161,500** | **1,135,000** | **53,867** | **0** | **400,000** | **208,000** | **364,633** |
RESOLUTION 20190620
APPROVING THE BUDGET FOR FISCAL YEAR (FY) 2019/2020
AND MAKING APPROPRIATIONS FOR THE FISCAL YEAR

WHEREAS, the Council of the Town of Cape Charles has prepared a budget for FY 2019/2020 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 20th day of June 2019 that the budget for FY 2019/2020 be approved as follows:

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>2019-2020</th>
<th>EXPENDITURES</th>
<th>2019-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General Fund</td>
<td></td>
<td>General Fund</td>
</tr>
<tr>
<td>Real Estate Taxes</td>
<td>1,155,000</td>
<td>Legislative</td>
<td>37,982</td>
</tr>
<tr>
<td>Personal Property Tax</td>
<td>165,424</td>
<td>Town Clerk</td>
<td>159,573</td>
</tr>
<tr>
<td>Prior Year Tax Collections</td>
<td>141,500</td>
<td>Finance</td>
<td>712,416</td>
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<tr>
<td>Motor Vehicle License Tax</td>
<td>25,000</td>
<td>Police</td>
<td>283,318</td>
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<tr>
<td>Machinery &amp; Tools Tax</td>
<td>18,000</td>
<td>439,384</td>
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<tr>
<td>BPOL Tax</td>
<td>150,000</td>
<td>Code Enforcement</td>
<td>131,835</td>
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<tr>
<td>Admissions, Short-term Rental, Trans. Occ. Taxes</td>
<td>177,850</td>
<td>Public Works</td>
<td>502,002</td>
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<tr>
<td>Meals Tax</td>
<td>565,000</td>
<td>Parks &amp; Recreation</td>
<td>122,650</td>
</tr>
<tr>
<td>Other Taxes</td>
<td>169,500</td>
<td>Library</td>
<td>167,703</td>
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<tr>
<td>Building Permits &amp; Code Enforcement</td>
<td>105,760</td>
<td>Town Planner</td>
<td>103,700</td>
</tr>
<tr>
<td>Recovered Costs &amp; Miscellaneous Income</td>
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<td>Fire Department – State Pass Thru</td>
<td>10,000</td>
</tr>
<tr>
<td>Library Revenues</td>
<td>1,800</td>
<td>Debt Service</td>
<td>151,010</td>
</tr>
<tr>
<td>Financing Proceeds (net)</td>
<td>0</td>
<td>Capital Projects</td>
<td>1,438,000</td>
</tr>
<tr>
<td>Grants and Local/State/Federal Aid</td>
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<td>Contingency Fund-General</td>
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<tr>
<td>Appropriate from Fund Balance</td>
<td>748,939</td>
<td>Cape Charles Main Street</td>
<td>100,000</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>4,394,573</td>
<td>Total General Fund</td>
<td>4,394,573</td>
</tr>
<tr>
<td>Sanitation Fund</td>
<td>214,546</td>
<td>Sanitation Fund</td>
<td>214,546</td>
</tr>
<tr>
<td>Harbor Fund</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Harbor Fund</td>
<td>692,240</td>
<td>Operating Fund</td>
<td>692,240</td>
</tr>
<tr>
<td>Financing Proceeds</td>
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<td>Debt Service</td>
<td>102,872</td>
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<tr>
<td>Grant Revenue</td>
<td>375,765</td>
<td>Capital Projects</td>
<td>640,500</td>
</tr>
<tr>
<td>Reappropriate from Fund Balance</td>
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<tr>
<td>Total Harbor Fund</td>
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<td>Total Harbor Fund</td>
<td>1,435,845</td>
</tr>
<tr>
<td>Water/Wastewater Fund</td>
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<td></td>
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</tr>
<tr>
<td>Operating Revenue</td>
<td>1,666,384</td>
<td>Water Operations</td>
<td>429,082</td>
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<tr>
<td>Penalties and Late Fees</td>
<td>10,500</td>
<td>Wastewater Operations</td>
<td>581,661</td>
</tr>
<tr>
<td>Grant Revenue</td>
<td>0</td>
<td>Meter &amp; Utility Billing, Administration</td>
<td>135,947</td>
</tr>
<tr>
<td>Connection Fees</td>
<td>12,250</td>
<td>Fire Department – State Pass Thru</td>
<td>469,444</td>
</tr>
<tr>
<td>Financing Proceeds</td>
<td>0</td>
<td>Capital Projects</td>
<td>73,000</td>
</tr>
<tr>
<td>Facility Fees</td>
<td>169,600</td>
<td>Facility Fees moved to Reserve</td>
<td>169,600</td>
</tr>
<tr>
<td>Total Water/Wastewater Fund</td>
<td>1,858,734</td>
<td>Total Water/Wastewater Fund</td>
<td>1,858,734</td>
</tr>
<tr>
<td>TOTAL REVENUES ALL FUNDS</td>
<td>7,903,698</td>
<td>TOTAL EXPENDITURES ALL FUNDS</td>
<td>7,903,698</td>
</tr>
</tbody>
</table>

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 $.2945 per $100; Personal Property Tax $2.00 per $100; Boat Tax $.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.: $32.94 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: $32.94 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.: $62.00 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: $62.00 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: $14.87 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, 2019 through June 30, 2020 as follows:

- General Fund - $4,394,573
- Sanitation Fund - $214,546
- Harbor Fund - $1,435,845
- Water/Wastewater Fund - $1,858,734

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

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Adopted by the Town Council of Cape Charles on June 20, 2019.

By: ____________________________
Mayor William Dize

ATTEST:

__________________________
Town Clerk
New Business Agenda Items
#7A-7F
AGENDA TITLE: Leash law.

SUBJECT/PROPOSAL/REQUEST: Proposed draft ordinance language to change from “under control” standard to required physical restraint/leash control standard for domestic canines.

ATTACHMENTS: None.

STAFF CONTACT(s): Larry DiRe, Chief Pruitt

BACKGROUND:

Town code section 50-191 reads as follows:

Sec. 50-191. - Animals on beach and other public places.
(a) Animals prohibited during certain period.
(1) It shall be unlawful for any person owning, having control of any animal to permit such animal to be on the public sand beach, the boardwalk or the grassy area west of the boardwalk during the period from 9:00 a.m. through 9:00 p.m. between April 1 and Labor Day of each year, such period hereinafter referred to [as] the "season".
(2) It shall be unlawful for any person who owns or has control of any animal to permit such animal to run at large at any time. For purposes of this section, an animal shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

The Town of Cape Charles does not have a leash law for domestic canines, or other animals.

This spring has seen a number of complaints and Report a Concern postings about dogs running at large. There has been one documented case of a resident and her dog being run up on and confronted by an aggressive domestic canine off leash, off the owner’s property, and not under voice command control of the owner. Another credible report involved a resident continually bringing dogs into the tennis courts, these domestic canines also run free in the area and are not under voice command control by the owner. The town manager has personally witnessed this. Even town staff has been confronted by dogs off leash while performing their job duties.

ITEM SPECIFICS:

The Code of Virginia states as flows relative to the control of domestic canines:

§ 3.2-6538. Governing body of any locality may prohibit dogs from running at large
The governing body of any locality may prohibit the running at large of all or any category of dogs in all or any designated portion of such locality during such months as they may designate. Governing bodies may also require that dogs be confined, restricted or penned up during such periods. For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section.


§ 3.2-6539. Ordinance requiring dogs to be kept on leash
The governing body of any locality may adopt ordinances requiring that dogs within any such locality be kept on a leash or otherwise restrained and may, by resolution directed to the circuit court, request the court to order a referendum as to whether any such ordinance so adopted shall become effective. Such referendum shall be held and conducted, and the results thereof ascertained and certified in accordance with § 24.2-684.
The court shall require the governing body to give appropriate notice of the time, place and subject matter of such referendum.

The results of the referendum shall not be binding upon the governing body of the locality but may be used in ascertaining the sense of the voters.

1984, c. 492, § 29-213.65; 1987, c. 488, § 3.1-796.95; 2008, c. 860.

Such language can be adopted in whole, or part, into the town code of ordinance. A time and space limited, clearly defined exception may be considered to allow for domestic canines to exercise off leash. Staff anticipates bringing this matter back as an action item pending further discussion and direction from Council.

**RECOMMENDATION:**

Staff has no recommendations at this time, presented for informational purposes only.
BACKGROUND:
The Planning Commission serves as an advisory body to the Town Council for planning-related matters. The Commission is comprised of seven members who are residents of the town. One of the members is a Town Council representative.

The Code of Virginia § 15.2-2308 permits a member of the Board of Zoning Appeals (BZA) to also be a member of the Planning Commission (PC).

DISCUSSION:
In the past, both the PC and BZA have met and agreed that it would be beneficial to have one common member on the two boards, but a Planning Commissioner had not been able to also serve on the BZA. Also, we have been unable to appoint a BZA member to the PC as there has not been a vacancy on the Commission for a number of years.

In May, Commissioner Keith Kostek submitted his resignation from the PC citing increased work commitments. With the creation of this vacancy, the BZA and PC discussed this position at their respective meetings and agreed to the appointment of a BZA representative to the PC for this dual role.

BZA member Jim Holloway, whose current term expires on October 31, 2020, expressed his interest in being the representative to the PC. At the June 4, 2019 BZA meeting, the board voted to nominate Jim Holloway to be appointed to the PC as the representative from the BZA.

The PC also met on June 4, 2019 and voted to recommend Jim Holloway’s appointment to the Commission as the BZA representative.

RECOMMENDATION:
Staff recommends discussion and appointment of Mr. Jim Holloway as the Board of Zoning Appeals representative to the Planning Commission.
TOWN OF CAPE CHARLES

AGENDA TITLE: Appointment of Historic District Review Board Representative to the Harbor Area Review Board

SUBJECT/PROPOSAL/REQUEST: Appointment of Historic District Review Board Representative to the Harbor Area Review Board

AGENDA DATE: June 20, 2019

ITEM NUMBER: 7C

ATTACHMENTS: None

FOR COUNCIL: Action (X) Information ( )

STAFF CONTACT (s): Libby Hume

REVIEWED BY: Larry DiRe, Town Manager

BACKGROUND:
The Harbor Area Review Board (HARB) oversees the Town’s Historic Harbor Area Overlay District and reviews applications and plans for construction, reconstruction, substantial exterior alteration, razing or relocation within the Historic Area Overlay District. Upon review, the board submits their recommendation to the Town Council for issuing or denying Harbor Development Certificates.

The HARB consists of seven members – one representative from the Town Council, two representatives from the Planning Commission, one representative from the Historic District Review Board, and three citizen members.

DISCUSSION:
Commissioner Sandra Salopek was appointed as the Planning Commission representative to the Historic District Review Board (HDRB) in November 2013 and was appointed as the HDRB representative to the HARB in August 2014. On April 25, 2019, Ms. Salopek tendered her resignation as the HDRB representative to the HARB but will remain on the Commission.

HDRB member Kerry Shackelford expressed his interest in serving as the representative to HARB. The HDRB discussed the vacancy at their May 21, 2019 meeting and voted to nominate Mr. Shackelford to be appointed as the HDRB representative to the HARB.

RECOMMENDATION:
Staff recommends discussion and appointment of Mr. Kerry Shackelford as the Historic District Review Board representative to the Harbor Area Review Board.
AGENDA TITLE: Appointment of Town Attorney for World War I Memorial Plaque Issue

SUBJECT/PROPOSAL/REQUEST: Appoint town attorney specifically for purpose of requesting an advisory opinion from the Commonwealth Attorney General regarding the World War I memorial plaque

ATTACHMENTS: Code of Virginia Section 15.2-1812, Draft Commonwealth Attorney General Opinion Request Letter, Resolution 20190620B

STAFF CONTACT (s): Libby Hume

REVIEWED BY: Larry DiRe, Town Manager

AGENDA DATE: June 20, 2019

ITEM NUMBER: 7D

FOR COUNCIL: Action (X) Information ( )

BACKGROUND:
At a recent library board meeting, a board member stated on record that the Town violated section 15.2-1812 of the Code of Virginia in 2013 by moving the World War I memorial plaque from 500 Tazewell Avenue, the library’s previous location, to current location at 201 Mason Avenue. This member’s claim rests on the World War I memorial plaque being a “monument or memorial” under the code section cited above.

DISCUSSION:
Staff contacted the town’s legal counsel for advice. Legal counsel generated the attached letter requesting opinion from the Commonwealth Attorney General. While not binding, such opinion provides direction for further action. To file such a request, the town’s independent legal counsel needs to be designated as Town Attorney for this purpose alone.

RECOMMENDATION:
Staff recommends Council discussion and, if deemed appropriate, adoption of Resolution 20190620B appointing Mr. Michael Sterling of Vandeventer Black, LLP as the Town Attorney for the sole purpose of requesting an official advisory opinion from the Commonwealth Attorney General regarding the World War I memorial plaque.
§ 15.2-1812. Memorials for war veterans

A locality may, within the geographical limits of the locality, authorize and permit the erection of monuments or memorials for any war or conflict, or for any engagement of such war or conflict, to include the following monuments or memorials: Algonquin (1622), French and Indian (1754-1763), Revolutionary (1775-1783), War of 1812 (1812-1815), Mexican (1846-1848), Confederate or Union monuments or memorials of the War Between the States (1861-1865), Spanish-American (1898), World War I (1917-1918), World War II (1941-1945), Korean (1950-1953), Vietnam (1965-1973), Operation Desert Shield—Desert Storm (1990-1991), Global War on Terrorism (2000- ), Operation Enduring Freedom (2001- ), and Operation Iraqi Freedom (2003- ). If such are erected, it shall be unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected, or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation and care of same. For purposes of this section, “disturb or interfere with” includes removal of, damaging or defacing monuments or memorials, or, in the case of the War Between the States, the placement of Union markings or monuments on previously designated Confederate memorials or the placement of Confederate markings or monuments on previously designated Union memorials.

The governing body may appropriate a sufficient sum of money out of its funds to complete or aid in the erection of monuments or memorials to the veterans of such wars. The governing body may also make a special levy to raise the money necessary for the erection or completion of any such monuments or memorials, or to supplement the funds already raised or that may be raised by private persons, Veterans of Foreign Wars, the American Legion or other organizations. It may also appropriate, out of any funds of such locality, a sufficient sum of money to permanently care for, protect and preserve such monuments or memorials and may expend the same thereafter as other funds are expended.


The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.
June 11, 2019

VIA FIRST CLASS MAIL

Jan L. Proctor  
Opinions Counsel  
Office of the Attorney General  
202 North Ninth Street  
Richmond, VA 23219

Re: Request for Advisory Opinion Pursuant to Virginia Code § 2.2-505

Dear Ms. Proctor:

This letter shall serve as my request for an official advisory regarding the applicability of Virginia Code § 15.2-1812 to a World War I memorial plaque (the “WWI Memorial Plaque”) located in the Cape Charles Memorial Library and certain related issues.

Specifically, the Town of Cape Charles (the “Town”) requests an advisory opinion regarding (1) whether the WWI Memorial Plaque is subject to the protections of Virginia Code § 15.2-1812, (2) if the WWI Memorial Plaque is subject to the protections of Virginia Code § 15.2-1812, whether that code section requires that the WWI Memorial Plaque remain in any particular physical location or whether it may travel with the library’s contents when the library is relocated from time to time, and (3) whether the Town is permitted to place a cover or shroud over the WWI Memorial Plaque and only display the WWI Memorial Plaque upon request.

A recitation of the applicable facts is set forth below for context.

Library History:

The Cape Charles Library began in a private home in 1919 and in 1926 it was moved to the vacated First Presbyterian Church located at 500 Tazewell Avenue. The Northampton Memorial Library was officially dedicated in 1927 to the memory of local men who died in World War I. The World War I Plaque at issue was created at this time, and was on display at the library’s original location. In 2009, the library changed its name to the Cape Charles Memorial Library.

In October of 2012, the Town purchased the former Bank of America building located at 201 Mason Avenue to relocate and expand the Cape Charles Memorial Library. In May of 2013, the entire library and all of its contents, books, furnishing, etc. (including the WWI Memorial Plaque) were relocated to this new location. The old library is now the Town Civic Center.
The WWI Memorial Plaque:

For reference, a picture of the WWI Memorial Plaque is set forth below.

As seen in the above picture, the WWI Memorial Plaque separates those soldiers who died in World War I by “white” and “colored.” The names of the “colored” soldiers are listed below the “white” soldiers. As noted above, the WWI Memorial Plaque was first put on display at the library’s original location, and remained on display there until the library and all of its contents were relocated to its current location in 2013. Several years ago, a “companion” plaque was placed next to the WWI Memorial Plaque to explain the context.

Recently, several Town citizens have raised concerns about the appropriateness of the WWI Memorial Plaque, whether it should have remained on display at the library’s original location and not been relocated with the library to the new location, and whether it should be removed from its current location.

Requested Advisory Opinions:

Accordingly, due to the important and sensitive issues presented, the Town requests an official advisory opinion regarding the following:

(1) Whether the WWI Memorial Plaque constitutes a “monument or memorial” subject to the protections of Virginia Code § 15.2-1812.
Office of the Attorney General  
May 24, 2019  

(2) If the WWI Memorial Plaque is subject to the protections of Virginia Code § 15.2-1812, whether that code section requires that the WWI Memorial Plaque remain in any particular physical location or whether it may travel with the library’s contents when the library is relocated from time to time.

(3) If the WWI Memorial Plaque is subject to the protections of Virginia Code § 15.2-1812, whether the Town may place a cover or shroud over it and only display the WWI Memorial Plaque upon request.

If you have any questions or would like to discuss this matter, or need any additional information, please do not hesitate to contact me.

Very truly yours,

Michael L. Sterling, Acting Town Attorney

cc: Larry DiRe, Town Manager
RESOLUTION 20190620B

RESOLUTION APPOINTING MICHAEL L. STERLING, ESQ., AS TOWN ATTORNEY FOR PURPOSE OF REQUESTING OFFICIAL ADVISORY OPINION OF ATTORNEY GENERAL

WHEREAS, the Town of Cape Charles, Virginia (the “Town”), deems it to be in the best interest of the Town to request an official advisory opinion from the Virginia Attorney General regarding whether the World War I Memorial Plaque (the “WWI Memorial Plaque”) located in the Cape Charles Memorial Library is subject to the protections of Virginia Code § 15.2-1812.

WHEREAS, pursuant to Virginia Code § 2.2-505, the Attorney General is directed to give advice and render official advisory opinions in writing only when requested to do so in writing by, among others so authorized, a town attorney in a locality in which such office has been created.

WHEREAS, the Town desires to appoint Michael L. Sterling, Esq., from the law firm of Vandeventer Black LLP, as the Town Attorney for the purpose of requesting the official advisory opinion from the Attorney General.

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CAPE CHARLES, VIRGINIA:

1. **Appointment of Michael L. Sterling, Esq., as Town Attorney.** The Council hereby authorizes and appoints Michael L. Sterling, Esq., from the law firm of Vandeventer Black LLP, as the Town Attorney, for the purpose of requesting an official advisory opinion from the Virginia Attorney General regarding whether the WWI Memorial Plaque is subject to the protections of Virginia Code § 15.2-1812. This appointment shall expire upon the earlier of: (a) receipt of the final advisory opinion from the Virginia Attorney General or his designee, (b) final written refusal of the Virginia Attorney General to issue an advisory opinion, or (c) a Resolution from Council terminating the appointment. This appointment is limited to obtaining the foregoing opinion from the Virginia Attorney General, and actions necessary or proper in connection therewith, and is not a general appointment of a Town Attorney for all purposes.

2. **Headings.** Any headings in this Resolution are solely for convenience of reference and shall not constitute a part of the Resolution nor shall they affect its meaning, construction, or effect.

3. **Effective Date.** This Resolution shall be effective from the date of its adoption.

Adopted by the Town Council of Cape Charles on this 20th day of June 2019

By: ______________________________________

Mayor of the Town of Cape Charles, Virginia

ATTEST:

Clerk of the Town of Cape Charles, Virginia
AGENDA TITLE: Water and wastewater system potential expansion.

AGENDA DATE: June 20, 2019

SUBJECT/PROPOSAL/REQUEST: Potential public utilities system expansion as guided by the 2016 comprehensive plan and related to unserved areas within the town limits.

ITEM NUMBER: 7E

ATTACHMENTS: None.

FOR COUNCIL: Action ( ) Information ( x )

STAFF CONTACT (s): Larry DiRe

REVIEWED BY:

BACKGROUND:

While the majority of privately and publicly owned lots within the municipal limits of the Town of Cape Charles are served by public water and wastewater utilities, all are not. Potential residential, commercial, institutional, and/or industrial development on these parcels will require the expansion of public utilities to meet desired outcomes and stated policy goals. The town code requires property owners connect to public utilities when these utilities are within one-hundred feet of their property. That requirement is within the context of the stated planning goals of the adopted 2016 comprehensive plan. “State of the art wastewater treatment facilities” is listed as one of the enumerated “core assets” as defined in section III-B.4 Current and Planned Infrastructure and Amenities of the comprehensive plan. That section further states: “To achieve the economic vitality objectives, core assets have been identified and planned assets need to be prioritized in order to use the available funds in the most expedient manner.” (pages 25-26) Any potential water and/or wastewater system expansion is within the context of “planned assets” is seen as a public good, not exclusively a private good, and should conform to the implicit budgeting directives of that comprehensive plan language.

Currently, planning is underway for the potential expansion of a regional wastewater collection system and treatment facility (under the operation of the Hampton Roads Sanitary District) to address failing public and private systems in northern Northampton and southern Accomack counties. This bi-county effort does not impact Cape Charles but can serve as a regional model in the future. In the past Cape Charles was an active participant in the regional public services authority, as addressed in the 2016 comprehensive plan section III-E.2 Water and Wastewater Partners as follows: Cape Charles is working with other political subdivisions and private partners to study the potential for regional water and wastewater projects. The protection of the environment and the natural resources are important, and a regional approach may allow more service with less impact. The town appoints a member to the Eastern Shore of Virginia Public Service Authority and in the past the Authority has examined several projects, one outside the town limits near Route 13.” (page 39) Unlike the unincorporated areas of the county, no one within the town limits is experiencing failing septic tanks and the corresponding environmental concerns.

ITEM SPECIFICS:

The Cape Charles comprehensive plan addresses water and wastewater facilities and systems throughout the document. Specifically, section III-D.5 Public Services and Programs states “Public service and facilities supporting growth in town is a major concern for all its present and potential citizens. Newcomers, businesses and visitors alike have an expectation that the town has in place all the required facilities and services to accommodate them...The Comprehensive Plan serves to guide continued improvement in the various systems and put in place new programs to achieve a greater level of comfort.
and convenience.

Staff anticipates bringing this matter back for further discussion and direction from Council.

Should consideration of water and wastewater system expansion be further considered as addressed in the comprehensive plan, associated expansion cost and any potential debt service needs to be balanced against the cost and potential debt service of maintaining the existing system and facilities. Meeting the expressed goals of the comprehensive plan needs to be reconciled with budget preparation, which is a lengthy, integrative, and deliberative process.

**RECOMMENDATION:**

Staff has no recommendations at this time, presented for informational purposes only. Any potential future system expansion should be considered as part of the fiscal year 2021 budget preparation.
BACKGROUND:

A peddler’s license for a food vendor who prepares fresh food and has a generator and a towed trailer or van is $500 per year. Buskey Cider on the Bay would like to provide on-site food options on some days for their patrons. The cost is prohibitive for a vendor only working a few times a year.

DISCUSSION:

If so allowed, Buskey Cider will purchase a $500 blanket peddler’s license which will cover any of the variety of vendors they invite to serve their patrons. Each of the vendors will only be allowed to set up in town for 7 days or less unless they purchase their own license. The dates need not be consecutive. The Town will benefit from the purchase of the license, and there will be no loss of revenue as rarely will a food cart owner pay $500 to visit town for 7 days. The vendors will be required to collect meals tax.

The trailers will set up on a leased lot just behind Buskey Cider and will be provided with an electric outlet. This will minimize noise and intrusiveness. This area is over 150 feet from both Kelly’s and the Northampton Hotel.

RECOMMENDATION:

It is staff’s recommendation that Council vote to allow this atypical peddler’s license for this season only. Staff will bring recommendations for next year’s peddler’s license fee schedule at a later date.