TOWN COUNCIL
Regular Meeting
August 16, 2018
Cape Charles Civic Center
6:30 PM

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. U. S. Coast Guard Day Proclamation
   B. Cape Charles Memorial Library Board – 100th Anniversary of Library
   C. Recognition of Town Employees Celebrating Significant Anniversaries

4. Public Comments (3 minutes per speaker)

5. Consent Agenda
   *A. Approval of Agenda Format
   *B. Approval of Minutes
   *C. Approval of June 30, 2018 Financial Report
   D. Monthly Department Reports

6. Unfinished Business
   A. Town Manager Recruitment Update
   *B. Accessory Dwelling Units – Set Public Hearing
   *C. Zoning Ordinance Article IV, § 4.3.C.1 Text Amendment
   *D. Zoning Ordinance Article VIII – Historic District Overlay Text Amendment
   *E. Offshore Drilling & Exploration Resolution

7. New Business
   *A. Re-appointment of Building Code Board of Appeals Member
   *B. Cape Charles Day Resolution
   *C. Conditional Use Permit Application – 12 Peach Street – Set Public Hearing

8. Summary of Action Items / Follow-Up Items

9. Interim Town Manager Comments

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

11. Announcements
    • August 22, 2018 – Mayor’s Office Hours, 2PM – 4PM, at Town Hall
    • August 29, 2018 – Mayor’s Office Hours, 2PM – 4PM, at Town Hall
    • September 3, 2018 – Town Offices Closed in Observance of Labor Day
    • September 5, 2018 – Mayor’s Office Hours, 2PM – 4PM, at Town Hall
    • September 6, 2018 – Town Council Work Session, 6:00 PM (w/Mike Sterling)
    • September 12, 2018 – Mayor’s Office Hours, 2PM – 4PM, at Town Hall
    • September 19, 2018 – Mayor’s Office Hours, 2PM – 4PM, at Town Hall
    • September 20, 2018 – Town Council Regular Meeting, 6:30 PM
    • September 26, 2018 – Mayor’s Office Hours, 2PM – 4PM, at Town Hall
    • September 30- October 2, 2018 – VML Annual Conference, Hampton, VA

12. Adjourn at 7:30 P.M.
ITEM SPECIFICS:

U.S. Coast Guard Station Cape Charles will be holding an Open House on September 14, 2018 and requested that the Cape Charles Town Council adopt a proclamation to recognize that day as Coast Guard appreciation day.

RECOMMENDATION:

Staff requests Town Council adoption of Proclamation 20180816 to recognize September 14, 2018 as Coast Guard Station Cape Charles Appreciation Day by roll call vote.
TOWN OF CAPE CHARLES
PROCLAMATION 20180816
COAST GUARD STATION CAPE CHARLES
APPRECIATION DAY – SEPTEMBER 14, 2018

WHEREAS, the Coast Guard Station Cape Charles exhibits service to the Nation and the Region by serving through the selfless performance of their missions; and

WHEREAS, the Coast Guard Station Cape Charles honor their duty to protect those they serve and those who serve with them; and

WHEREAS, the Coast Guard Station Cape Charles commits themselves to excellence by supporting and executing their operations in a proficient and professional manner; and

WHEREAS, the Coast Guard Station Cape Charles leads by example, and faces challenges each and every day to protect and serve the maritime community selflessly to ensure the safety and security of the American people on our waterways;

NOW, THEREFORE, BE IT PROCLAIMED, the Town Council of Cape Charles hereby recognizes September 14, 2018 as Coast Guard Station Cape Charles Appreciation Day in the Town and call this observance to the attention of all our citizens.

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Adopted by the Town Council of Cape Charles on this 16th day of August 2018.

__________________________________________
Mayor William “Smitty” Dize

ATTEST: _________________________________
Clerk of the Council
ITEM SPECIFICS:

At the July 12, 2018 Town Council Regular Meeting, Mayor Dize suggested recognition of employees celebrating significant work anniversaries with the town.

Certificates have been prepared for employees celebrating the following anniversaries to date in 2018:

5 years:
   Willie Lyons, Public Works Maintenance Crew .................................. 5 years as of April 1
   James Jones, Dock Master .......................................................... 5 years as of April 29
   Scottie Neville, Water Plant Operator-in-Charge .................................. 5 years as of June 4
   Libby Luettinger, Accounting Clerk .............................................. 5 years as of August 5

10 years:
   Libby Hume, Town Clerk ............................................................ 10 years as of August 27

15 years:
   Dave Fauber, Public Utility/Public Works Director ......................... 15 years as of April 19

35 years:
   Gerald Elliott, Utility Maintenance ............................................. 35 years as of June 1

The significant anniversaries will be recognized in the future on a monthly basis as they occur.
At approximately 6:00 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Dize, present were Councilmen Bannon, Bennett, Buchholz and Grossman, and Councilwoman Holloway. Councilwoman Burge was not in attendance. Also, in attendance were Interim Town Manager Larry DiRe, Treasurer Deborah Pocock and Town Clerk Libby Hume. There were approximately 20 members of the public in attendance.

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

RECOGNITION OF VISITORS / PRESENTATIONS:
A. Eastern Shore of Virginia Tourism Commission – Carol Evans
   Ms. Carol Evans began by congratulating the new mayor and council members and reported the following: i) She thanked the Council for the contribution for the Eastern Shore of Virginia Tourism Commission (ESVTC); ii) The Welcome Center would be welcoming their first millionth visitor in July. There would be gifts for the individual and the ESVTC would notify the town of the identity of that individual; iii) Visitors were provided with information of the shore and Cape Charles in particular; iv) On a recent day, there were over 700 visitors in the Welcome Center; v) They were working with the Virginia Tourism Corporation to produce videos with stories focused on three different types of visitors. They were also working on a marketing campaign targeting millennials; vi) There was a Cape Charles based press tour with a freelance writer from Bethesda, MD; vii) The ESVTC partnered with Richmond Family Magazine for a Cape Charles Vacation Getaway. They worked with Jen Lewis to organize the activities. The winner was chosen in June and was told to contact Jen Lewis for the details; viii) The ESVTC launched a new website which was very interactive and informational; and ix) A pilot program was being launched at the Welcome Center for businesses to come in and provide demonstrations of what they offered. This had been done throughout the state and was very successful.

B. Cape Charles Historical Society – Kimb Denney
   Ms. Kimb Denney began by thanking the Town Council for their support of the Cape Charles Historical Society and Welcome Center and continued by providing information about the upcoming tour of North American Rail Car Operations Association excursions in October. (Please see attached.)

PUBLIC COMMENTS:
Dianne Davis, 601 Jefferson Avenue
Ms. Davis began by congratulating Mayor Dize, the new Town Council members and all the others who served the town and its citizens. Ms. Davis continued to address the Council regarding her previous requests for continuation of the town’s sidewalks on the west side of Fig Street and Jefferson Avenue as well as some other areas without continuous sidewalks. She commented that this area wasn’t a priority of the town. She stated that the town was not just the beach and park and suggested that the Council visit and look at all areas of the town.

Jay Ford, Chesapeake Bay Foundation
Mr. Ford addressed the Council on behalf of the Chesapeake Bay Foundation regarding the proposed U.S. Coast Guard anchorage adding that some of the information presented at the public information meetings earlier this week was confusing. He went on to explain the issue with discharge of treated
waste and the effect on the Chesapeake Bay and encouraged the Council to submit comments requesting the anchorage to be identified as a no discharge zone. Mr. Ford concluded by offering his services to assist the town in the process noting his availability to answer any technical or procedural questions.

*Diane D’Amico, 602 Jefferson Avenue*

Ms. D’Amico addressed the Council regarding agenda item 7B – Petition for Relief of Sidewalk Requirement. (Please see attached.)

*Phil Goetkin, 602 Jefferson Avenue*

Mr. Goetkin addressed the Council regarding sidewalks adding that he had spoken about the issue in the past. The Town did not have a managed plan for sidewalks and would never have continuous sidewalks through the town. Hundreds of thousands of dollars had been spent on building renovations throughout the town but there was no requirement to install sidewalks except for new construction. He recommended a strategy be developed to complete sidewalks throughout the town. Taxes could possibly be increased, and the revenue placed in a managed fund to complete the sidewalks or a charge could be added as part of the building permit process. Sidewalks would never be completed with the way it was currently being handled.

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

**CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:**

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to change Item 6I to an action item so a decision could be made regarding whether Council wanted to take action regarding the proposed U.S. Coast Guard anchorage. Motion was approved by majority vote with Councilman Bennett opposed.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to approve the agenda format as amended. The motion was approved by unanimous vote.

**CONSENT AGENDA – APPROVAL OF MINUTES:**

The Town Council reviewed the minutes of the June 14, 2018 Public Hearing, the June 21, 2018 Regular Meeting, the June 25, 2018 Executive Session, the June 27, 2018 Executive Session and the July 2, 2018 Executive Session.

Motion made by Councilman Bannon, seconded by Councilman Buchholz, to approve the minutes from the June 14, 2018 Public Hearing, the June 21, 2018 Regular Meeting, the June 25, 2018 Executive Session, the June 27, 2018 Executive Session and the July 2, 2018 Executive Session as presented. The motion was approved by unanimous vote.

**CONSENT AGENDA – DISCUSSION OF MONTHLY FINANCIAL REPORT:**

Interim Town Manager Larry DiRe stated that with the regular meeting date change to July 12 to allow the newly elected officials to attend the VML session, the agenda packets had to be completed by July 5. The financial report would have lacked significant accounts receivables and payables data. This discussion related to moving approval of the monthly financial report back one month to eliminate the issue of Council reviewing and approving an incomplete report. The June report would be reviewed in August, the July report would be reviewed in September, etc. There could still be some lag in the accounts but the report in general would be more complete. If anyone was interested in year-to-date information, the treasurer could supply that information at any given time.

After much discussion, Council was agreeable to the change but requested that the monthly report be provided to Council for review upon completion, with official approval at the following month’s regular meeting.
CONSEN T AGENDA – MONTHLY DEPARTMENT REPORTS:
There were questions and comments regarding the monthly department reports as follows: i) Councilwoman Holloway gave kudos to the Harbor regarding their numbers which were up from 2017; ii) Councilman Grossman asked about the engineering case on Mason Avenue and the next steps. Larry DiRe responded that the case had been referred to the attorney and further discussion would be in closed session; and iii) Councilman Grossman asked about the added direction for beach management for the Wetlands & Coastal Dune Board. Larry DiRe explained that the Wetlands Board was looking for direction from Council regarding Council’s expectations. A possible joint work session would be scheduled with the Council and Wetlands Board in early to mid-August. There was much discussion regarding this issue.

There were no other questions regarding the monthly department reports.

NEW BUSINESS
A. Oceana.org Request for Resolution Opposing Off-Shore Drilling and Exploration:
Ms. Terra Pascarosa from Oceana and Mr. Jay Ford from the Chesapeake Bay Foundation presented information regarding offshore drilling and seismic exploration and requested Council adoption of a resolution in opposition of offshore drilling and exploration as done so by a number of localities on the Eastern Shore and Hampton Roads region. (Please see attached.)

After much discussion, Council requested staff to draft a resolution for the August meeting.

B. Election of Vice Mayor:
Nominations were received for Councilmen Bannon and Bennett for vice mayor to serve from July 2018 through June 2020.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to elect Councilman Bennett as Vice Mayor. The motion was approved by unanimous vote.

C. Future Meeting Dates and Times:
Larry DiRe stated that the first meeting of the new Council was a good time to discuss meeting dates and times. Mayor Dize added that Vice Mayor Bennett and Councilwoman Burge worked out of town and a later start time would be better for them. After some discussion, it was agreed that a change in the start time to 6:30 p.m. would be acceptable. Adoption of a resolution was required and would be added to the August regular meeting agenda.

D. Connection Charge Payment Program Authorization Request:
Larry DiRe stated that in July 2017, Mr. and Mrs. Cassada purchased the town-owned property located at 608 Washington Avenue after a sealed bid process. The Historic District Review Board approved a certificate of appropriateness for new construction of a single-family dwelling on April 17, 2018 and the Cassadas intended to begin construction in the fall with issuance of their certificate of occupancy (CO) in the spring of 2019. A letter was submitted by the Cassadas requesting deferment of the payment of the water and sewer connection charges associated with the construction of their new house until issuance of the CO. The Cassadas also requested approval of the connection charges in 12 equal monthly installments to be paid-in-full no later than 12 months after the date of CO issuance.

Vice Mayor Bennett stated the following: i) Council had approved connection charge payment deferments in the past and since it continued to be requested, it probably needed to be the routine vs. the exception; and ii) He was not in favor of a 12-month payment plan as it created an additional burden to staff. Councilwoman Holloway suggested that a fee be added to cover the additional staff time and costs as done in other industries. Mayor Dize suggested discussion of the process and fee structure at a future work session.
Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve only the deferment of the connection charge payment until issuance of the certificate of occupancy. The motion was approved by unanimous vote.

E. Town Council Representative to Planning Commission:
Larry DiRe stated that former Councilwoman Natali served as the Council representative to the Planning Commission but her term on Council expired on June 30, 2018 and a new Council representative needed to be selected.

Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to name Councilman Grossman as the Council representative to the Planning Commission. The motion was approved by unanimous vote.

F. Town Council Representative to Harbor Focus Group:
Larry DiRe stated that former Councilwoman Sullivan served as the Council representative to the Harbor Focus Group and the position had remained vacant since her resignation from the Town Council in February 2018 awaiting the new Council to be seated.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to name Vice Mayor Bennett as the Council representative to the Harbor Focus Group. The motion was approved by unanimous vote.

G. Public Hearing Date for Proposed Zoning Ordinance Text Amendments:
Larry DiRe stated that a public hearing needed to be scheduled to hear comments regarding the proposed text amendments to Cape Charles Zoning Ordinance Article IV, Section 4.3.C.1 which reconciled the appeal process and Article VIII regarding the Historic District Overlay.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to set a public hearing for August 7, 2018 to hear comment regarding the proposed draft text amendments as presented. The motion was approved by unanimous vote.

H. Appointment of Town Attorney for Certification of the Town’s Grievance Procedure:
Larry DiRe stated that during a discussion with Councilwoman Burge, it was discovered that the Town’s grievance procedure had not been certified to be in compliance with Code of Virginia section 15.2-1507.A. Staff contacted Mr. Michael Sterling of Vandeventer Black, LLP to have him review the current grievance procedure for compliance with the Code of Virginia requirements and certification as required by section 15.2-1507.A. Mr. Sterling informed staff that he could not provide certification because the Town had appointed an attorney but instead engaged independent legal counsel which provided the benefit of access to multiple lawyers within a firm with specialized practice areas and allowed the Town to continue to have certain services performed by the Commonwealth Attorney. While there was no requirement to have an appointed town attorney, only someone in that position, or the Commonwealth Attorney, could provide the certification for the grievance procedure. The Town Council could appoint Mr. Sterling as the town attorney for the sole purpose of reviewing and certifying the grievance procedure.

Motion made by Councilman Bannon, seconded by Councilman Grossman, to appoint Mr. Michael Sterling of Vandeventer Black, LLP as the Town Attorney for the sole purpose of reviewing and certifying the Town of Cape Charles Employee Grievance Procedure. The motion was approved by unanimous vote.

I. Proposed U.S. Coast Guard Anchorage:
There was much discussion regarding the proposed anchorage as follows: i) Several of the Council attended the July 10 public sessions hosted by the U.S. Coast Guard.
Councilman Grossman began by stating that he asked that this topic be added to the agenda due to the public comment period deadline of July 17, 2018 and continued as follows: i) He attended the evening session on July 10; ii) It was important for the Town Council to voice an opinion regarding the view of the watershed and potential for spills. Council was ready to weigh in regarding oil drilling in the ocean but not as concerned regarding the anchorage off Cape Charles; iii) He liked the idea of the anchorage being moved out three miles from shore. There was no designated area for the current anchorage and he liked the Coast Guard’s attempt to bring the ships together in a specific area and under control; iv) He had concerns regarding discharge of waste and other potential impacts to the shore. Given the winds and currents, the town could be fine; v) He made his comments and went on the docket; and vi) He liked the idea of a no discharge zone as mentioned tonight and he thought the Town Council needed to support that.

Mayor Dize commented as follows: i) Some liked the view of the ships and some did not; ii) Any boat could anchor anywhere in the Chesapeake Bay as long as they weren’t in the channel; iii) He agreed regarding the no discharge zone and felt that a lot of the risk would be eliminated if the no discharge zone was implemented; iv) It would be 2020-2021 before this process was done and in the meantime, the ships would still be one and a half miles offshore; v) The Town needed to find out what was causing the bacteria levels at the beach. He felt it was the Town’s responsibility to obtain a sample and send it for testing to determine exactly the type of bacteria and the cause. Some people felt that it was caused by the farmers and some thought it was caused by the ships offshore. The cause needed to be determined and the issue remediated; vi) The Virginia Port Authority had given the town millions of dollars and supported the Town’s efforts over the years and the Town did not want to do anything to step on their toes.

Councilman Bannon commented as follows: i) He supported the no discharge zone; ii) He agreed that the water samples at the beach needed to be tested to determine the cause of bacteria. Other beaches in Virginia Beach, Norfolk, Newport News, Hampton, etc. had also received advisories; and iii) Hampton Roads was the third largest port on the east coast. There was no where else to anchor. The anchorage would continue to be offshore of Cape Charles.

Councilwoman Holloway stated that she attended both public meetings on July 10 and continued as follows: i) The sessions were very informative but she learned more at the second session; ii) The Town Council represented the residents and a lot of concerns were expressed regarding the proposal; iii) The attendees at the second session understood that if nothing was done, the anchorage would stay as is with no authority by the Coast Guard; iv) She agreed with the Town doing its own beach water sample testing, possibly on a quarterly basis; and v) The residents needed to be encouraged to add their comments to the docket by the July 17 deadline.

Councilman Buchholz commented as follows: i) He was not a fan of having the ships off Cape Charles; ii) The Coast Guard was trying to help by moving the anchorage out three miles and designating a contained area; iii) Council needed to support the no discharge zone; and iv) The longer everyone argued, the longer the ships would remain close to shore.

There was further discussion regarding potential impacts and submittal of the Town’s comments. A resolution could not be adopted tonight for submittal by July 17, but a letter could be drafted in support of the Northampton County Board of Supervisors’ resolution and submitted. A letter to the Governor and Congressmen was also recommended.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to submit a letter supporting the Northampton County Board of Supervisors’ resolution and a no discharge zone. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:
A. Town Manager Recruitment Committee Update:
Mayor Dize stated that the Town Council had interviewed the three town manager candidates on June 25, June 27 and July 2. An executive session was scheduled immediately following tonight’s regular meeting to discuss the candidates.

B. Petition for Relief of Sidewalk Requirement:
Larry DiRe stated that at the May 17, 2018 regular meeting, the Town Council unanimously approved a motion not to compel a residential property owner to install a sidewalk at 640 Washington Avenue along the Fig Street frontage at that time. That motion and action were based on the Council’s uncertainty about state enabling legislation which would provide the basis for a local ordinance. Council directed staff to contact legal counsel and research the status of enabling legislation to support Town Code section 62-4. Counsel researched and found documentation providing the state legislative basis for the local ordinance.

There was much discussion regarding this issue as follows: i) The Town was forcing property owners to build sidewalks to nowhere; ii) A sidewalk plan needed to be developed; iii) Grants could be obtained to install sidewalks where needed; iv) By not compelling the property owner to install a sidewalk along the Fig Street frontage, the Town was opening doors for other property owners who installed their sidewalks to come back to the Town for potential reimbursement of costs; and v) It was estimated that the cost to install a sidewalk was about $6 to $7 per square foot.

Motion made by Councilman Bannon, seconded by Councilman Grossman, to require the property owner to install the sidewalk along the Fig Street frontage in accordance with the Town Code. The motion was approved by majority vote with Councilwoman Holloway opposed.

SUMMARY OF ACTION ITEMS / FOLLOW-UP ITEMS
There was much discussion regarding the Summary of Action Items / Follow Up Items spreadsheet as follows: i) Councilman Grossman stated that each item on the list needed to be reviewed in detail at a work session. Dates needed to be added, with the ownership of the item and next steps, or the item could be removed from the list; ii) Councilman Grossman stated that the listing showed that a work session regarding the annexation agreement would be scheduled in fall 2018, but a date needed to be set. Town Clerk Libby Hume responded that she was in contact with Michael Sterling and a specific date would be set next week and Council would be notified; iii) Work sessions were typically scheduled for the first Thursdays of each month. At times, work sessions were also held on the second or other available Thursdays; iv) Councilwoman Holloway asked how follow-up was done with people who make public comments. There were a lot of items on the list from public comments, but Council needed to ensure that everyone received a response; v) Councilman Grossman stated that more details needed to be included in the list; and vi) Councilwoman Holloway stated that if it was a repetitive concern, action needed to be taken. All comments needed to be acknowledged.

INTERIM TOWN MANAGER COMMENTS
Larry DiRe commented as follows: i) July staff anniversaries – Patrick Christman celebrated 16 yrs and Fred Meditz celebrated 13 years; ii) Staff did an excellent job for the July 4 holiday. The concentration of police officers and public works crew members was helpful; iii) He met with the harbor master and public works foreman for a walkabout around town. More information would be provided in the weekly report to Council; iv) In anticipation of the new town manager, staff was compiling information for a town manager transition book; v) There would be a wedding reception at 6:00 p.m. at the Central Park Gazebo; and vi) The VDOT Land Use Permit was received for street closures during the Experimental Film Festival.

MAYOR AND COUNCIL COMMENTS
Councilwoman Holloway commented as follows: i) She congratulated the town and staff for a great July 4th. The parade was incredible, and the New Roots Youth Garden’s Guppie Challenge had 120 kids who participated; ii) She was concerned with the safety of golf carts going to the Cape Charles
Brewing Company. She saw several golf carts on the road with the traffic; iii) People did not realize that they couldn’t drive a golf cart in Central Park, on the sidewalks or the beach boardwalk. She suggested a rack card with tips to provide to rental properties and golf cart rental companies. The rack card could also include information regarding parking and pets. The town needed to move forward on that; iv) She asked whether the town had a noise ordinance. Larry DiRe responded that there was a general noise ordinance, but no decibel levels were cited and there was nothing quantifiable; v) A plan was needed regarding sidewalks; vi) The Governor would be visiting the town on July 27 from 10:30 a.m. to noon. There would be a parade of golf carts starting at the LOVE sign. There would be ribbon cuttings throughout town ending at the Cape Charles Brewing Company. The events were co-sponsored by the Cape Charles Business Association, the Town of Cape Charles and Cape Charles Main Street, Inc.; and vii) A videographer was in town today doing a story about Cape Charles, food and the impact on the Shore.

Councilman Grossman commented as follows: i) He thanked Larry DiRe for the weekly reports; ii) He thanked everyone for July 4, especially Community Events/Recreation Coordinator Jen Lewis for everything that she did; iii) We need to install signage stating “no golf carts permitted beyond this point.” Several members of Council stated that there was signage in place which could possibly be relocated; iv) Council needed to start drafting the town manager’s performance evaluation. He volunteered to work with Mayor Dize to draft something for review in September; v) The RAFT group needed to be an official committee named by the Town Council. He had been attending their meetings and they were putting forth a great effort. The board needed to be more visible to the Council and public since they would be bringing forward costly recommendations. Councilwoman Holloway added that there was a disconnect between RAFT and the Wetlands and Coastal Dune Board and suggested that the groups needed to meet; vi) The Annexation Agreement work session needed to be scheduled; and vii) A work session was needed to review the follow-up items.

Vice Mayor Bennett and Councilmen Bannon and Buchholz did not have any additional comments.

Mayor Dize commented as follows: i) He thanked the citizens of Cape Charles for the great honor in electing him as their mayor. He appreciated it but it was time to roll up his sleeves and get to work; ii) He wanted to move strategic planning forward; iii) If Council had any questions regarding anything in the weekly reports or monthly department reports, please contact Larry DiRe and he would provide the answers. It was not necessary to lengthen the meetings going over the information provided; iv) He would like to start planning for next year’s budget in July. The Council needed to think about their wish lists now, so we weren’t spending two months reviewing everything in the spring. With advance planning, the town manager and treasurer could bring a balanced budget to the table for review in April. Councilwoman Holloway interjected that bathrooms were needed on Mason Avenue; v) He was excited in that there were three good candidates for the town manager position and he was hopeful that a decision would be made later this evening; vi) We had a great Council with lots of smart people. It would be a fun four years; vii) He thanked staff for all their hard work; and viii) Larry DiRe mentioned a couple of staff anniversaries. Council needed to recognize employees with 5, 10, 15, etc. years of service with plaques and gift cards or something similar.

Mayor Dize read the announcements and added that he would not be able to attend the August 2, 2018 Council meeting due to the Shuck-n-Suck event that weekend.

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

The meeting adjourned at 8:04 p.m.

Mayor Dize

Town Clerk
Cape Charles Historical Society

North American Railcar Operators

NARCOA

Is an international non-profit organization dedicated to the safe, legal operation of railroad equipment historically used for maintenance right-of-way.
Proposed Excursion

- Last weekend in October (27-28-29)
- 100 plus NARCOA participants possible
- Cape Charles last hosted in 2001-2002
Please help us bring this historical and fun event to Cape Charles

- We are asking for Town support as we petition the Accomack and Northampton Transportation District Commission for excursion permission
- Coordination with the CCHS for event publicity
- Assistance in gathering event volunteers
Diane D’Amico, 602 Jefferson Avenue

I am speaking to Agenda item 7B Unfinished Business, Petition for Relief of Sidewalk Requirement regarding the Town’s authority to compel property owners to install sidewalks.

Having studied the accompanying documents it is my opinion that the Town does NOT have that authority.

Section 170 of the 1902 Constitution of Virginia gives the Town the authority to tax or assess for sidewalks. It does not appear the Town took advantage of that authority.

Chapter 96 Acts of Assembly 1039 gives the Town unequivocal authority regarding property owners and sidewalks with the strong wording “empowered to compel.” This ordinance also adds the phrase “construct or maintain” to the tax and assess powers in Section 170. Thus, it seems in reading this Act that the Town is given the absolute power over both the installation and maintenance of sidewalks by property owners and has the authority also to tax and assess for those sidewalks.

However, the resulting Ordinance No. 144 of the 1930 Town Code does not take advantage of those powers. Rather than use the word compel or shall instead it uses the word may, to wit, “that said Council may, through its Street Committee, or such other agency as it may time to time designate, require and compel any property owner...to construct and/or maintain sidewalks...” The word may is not mandatory. So even though the words require and compel appear in this ordinance they do not carry the necessary weight because of the word may used earlier in the text.

Even if you would like to think in terms of “what did the Council intend” then you must deal with the absence of a Street Committee, lack of a designate agency, failure to prepare a prioritized sidewalk installation plan, non-enforcement of the sidewalk maintenance component, and frankly, the subjective enforcement of the ordinance over time. Both Chapter 96 and Ordinance No. 144 speak to the presence of an “emergency.” That emergency seems lost in time. Perhaps this ordinance was used to correct that emergency and then it became another law, unenforced and forgotten.

Now the Town is trying to compel a property owner to install a sidewalk along Fig Street as they have done to the rest of us who have built new homes. Upon their authority being questioned an attempt is made to find some enabling legislation to allow the Town to continue this practice. The legislation is not there. The subjective application of sidewalk installation needs to stop immediately and those who have been forced to put in new sidewalks should be reimbursed for that expenditure.

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New Business Item 6A – Oceana.org Request for Resolution Opposing Off-Shore Drilling and Exploration
WHO makes the decision on offshore drilling?

- States have control from the shoreline out to three nautical miles. Beyond that, the Federal government owns the seabed and its mineral resources.

- The Depart of the Interior (DOI), Secretary Ryan Zinke

- The Bureau of Ocean Energy Management (BOEM), Dr. Walter Cruickshank, Acting Director

- The President and Congress are able to limit the areas available for leasing for oil and gas drilling.

Timeline of Events

- 2016 - President Obama removes areas of the Atlantic and most of the Arctic from 2017-2022 plan.

- 04/2017 - The Trump administration issued an executive order to aggressively pursue offshore oil drilling, including restarting the Five Year Program planning process that had just been completed at the end of the Obama administration.


- 1/9/2018 - Governor Scott and Sec. Zinke meet in Tallahassee. Sec. Zinke tweets “Florida is off the table”
**Cont. Timeline of Events**

- **1/19/2018** – Acting Director of BOEM, Dr. Walter Cruickshank, testifies to members of the House Natural Resource Committee:
  - “No formal decision yet on what’s in, or out, of the five-year program.”
  - Cruickshank also said Zinke’s statement “stands for itself.”

- **3/2018** – BOEM Hearings in Coastal States – 60 Day Public Comment Period

- **5/1/2018** – Blowout Preventer Systems and Well Control rule. The proposed rule will be published in the Federal Register. Once published, the comment period will be open for 60 days.
  - Blowout preventer regulations by Obama Admin and Trump Admin is trying to roll it back.
  - The rule is working and the number of blowouts are decreasing.
  - There will be a 60 day comment period about the values of having these rules in place.

- **Today** – Waiting on seismic permits. Not sure when they will be released.

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**April, 2010** – BP Deepwater Horizon Spill. 200 million gallons of oil spill in the Gulf of Mexico.

*December, 2010* – President Obama announces that all proposed U.S. leasing plans will be put on hold.
Where are we now in the decision making process?

- By statute, offshore oil and gas lease sales are decided by the Bureau of Ocean Energy Management (BOEM)
- Lease sales are planned in a Five Year Oil and Gas Leasing Program.
- Establishes the areas to be leased as well as the leasing schedule.
- Several stages of the process are to be followed by comment periods in which stakeholders and the public express their opinions, which BOEM is required to consider.
What is in the new Drilling Plan?

- The plan proposes the largest number of potential offshore leases ever offered by any president, including:
  - 90 percent of total OCS acreage
  - 25 out of 26 OCS planning areas
  - 47 lease sales:

- Includes nearly all US Waters.
  - Florida's Gulf Coast
  - Florida Straits
  - Atlantic Coast of Florida

- Would give energy companies access to more than a billion acres off the Atlantic, Pacific and Arctic coasts.
Nearly All U.S. Waters Proposed for Offshore Drilling for Oil and Gas

Virginia’s Clean Coast Economy
Offshore Drilling is a Bad Deal for Virginia. Risking Virginia’s clean coast economy for very little offshore oil and gas would be a shortsighted and permanent mistake.

We risk to lose
• 86,000 jobs and $4.8-BILLION in Virginia State’s GDP threatened
For Barely
• 30 days’-worth of oil and 27 days’-worth of gas
Virginia’s Clean Coast Economy

Virginia has over 3,500 miles of coastline and is home to countless miles of beaches and wetlands that make up its magnificent coastal resources. Clean air, water, and habitats are essential to Virginia’s coastal economy and quality of life. Virginia’s Clean Coast Economy is the state’s coastal business and tourism industry that supports the state’s coastal economies and quality of life. Over 300,000 jobs are supported by Virginia’s Clean Coast Economy and over $4.8 billion in GDP.

Growing Opposition in Virginia

- Over 190 Resolutions against offshore drilling and seismic activity
- Over 1,200 local, state and federal elected officials
- Business Alliance to Protect the Atlantic Coast (BAPAC)
  - Representing over 41,000 businesses and 500,000 fishing families from Florida to Maine
- The South-Atlantic, Mid-Atlantic, and New England Fishery Management Councils
- NASA, the Department of Defense, Wallops Island, and many other military affiliates

Opposition from Fishing Groups:

- Maryland Saltwater Sportfishers Association: Sent letter to President opposing offshore oil exploration in the Atlantic on 1/20/14 (see note)
- Maryland oysters' Association: Sent letter to BOEM opposing offshore oil exploration in the Atlantic on 1/20/14 (see note)
- Southern Maryland Alliance: Sent letter to BOEM opposing offshore oil exploration in the Atlantic on 1/20/14 (see note)
- National Marine Fisheries Service: Sent letter to the Department of Commerce opposing offshore oil exploration in the Atlantic on 1/20/14 (see note)
- Mid-Atlantic Fishery Management Council: Updated and strengthened its policy to remove protection for fisheries and habitat from excepted development activities for the species and areas the Council is chartered to manage on 1/20/14 (see note)
- South Atlantic Fishery Management Council: Updated and strengthened its policy to remove protection for fisheries and habitat from excepted development activities for the species and areas the Council is chartered to manage on 1/20/14 (see note)
- Billfish Advocates: Sent letter to BOEM on 1/20/14 (see note)
- National Oceanic and Atmospheric Administration: Sent letter to President on 1/20/14 (see note)
- Mid-Atlantic Fishery Management Council: Sent letter to BOEM on 1/20/14 (see note)

What’s at Risk?

Oil and gas drilling and exploration offshore poses a direct threat to coastal tourism and other local businesses that depend on a healthy and clean marine environment.
Military Opposition in Virginia
DOD, NASA & Navy have long opposed drilling in Mid-Atlantic Planning Areas.

Navy and Air Force Operating Areas
Atlantic Coast and Eastern Gulf of Mexico

- All were protected by Presidential Moratorium until President Bush rescinded it.
- All were protected by Congressional Moratorium until Congress failed to renew it.
- Atlantic Coast Ranges were protected by President Obama's Moratorium.
- Eastern Gulf of Mexico ranges are protected by law (GOMESA) until 2022 unless Congress repeals it.

All of these Operating Areas are included in the draft 2019-2024 proposed leasing program. On January 9, 2010, the Interior Secretary announced that Florida would be removed from the proposed program. But Interior Department statements indicate that only portions of the planning areas near Florida's coasts would be removed.

Key
- Military Air Bases
- NASA launch sites
- Navy Ranges
- Air Force Ranges
What is Seismic Airgun Blasting and Why is it Important?

What is it?
- Method to search for oil and gas deposits deep below the ocean floor.
- Ships tow multiple seismic airguns through the water.
- Airguns shoot dynamite-like blasts of compressed air through the ocean and miles under the seafloor.
- Sound waves travel back to the surface to be captured by hydrophones.
How Seismic Airgun Blasting Works

Seismic airgun blasting is an extremely loud and dangerous process used to search for potential oil and gas deposits deep below the seafloor. This process is of special concern to marine life such as fish, turtles and whales that depend on sound for communication and survival.

The average seismic vessel tows 12-48 airguns in a single array (this image shows how a single airgun works).

SEISMIC AIRGUNS RELEASE 250 Db
BLASTS OF COMPRESSED AIR

- Every 10 seconds
- 24 hours a day
- 7 days a week
- For weeks and months at a time

Seismic Industry is not required to share data with competitors, federal or state governments. Blasting can occur in the same areas repeatedly.
BOEM Estimated Seismic Impacts

- Injuries/possible death to as many as 138,000 whales and dolphins
- 13.5 million impacts to marine mammals’ vital behaviors like mating, feeding, and communicating
- Disruption of loggerhead sea turtle nesting sites
- Reduction in spawning rates for forage fish and other commercially important fish species
- Impacts to critically endangered North Atlantic Right whale

The Movement Grows
At 8:13 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwoman Holloway. Councilwoman Burge was not in attendance.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, 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 1:** Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

**Specifically:** Review of Town Manager Candidates

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to return to Open Session. The motion was unanimously approved.

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, yes; Buchholz, yes; Grossman, yes; Holloway, yes.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to adjourn the Town Council Executive Session. The motion was approved by unanimous vote.

The meeting adjourned at 8:35 p.m.

________________________________________________________________________

Mayor Dize

________________________________________________________________________

Town Clerk
At approximately 6:00 p.m., Mayor William “Smitty” Dize, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannor, Buchholz and Grossman, and Councilwoman Holloway. Councilwoman Burge was not in attendance. Also present was Interim Town Manager Larry DiRe, Town Clerk Libby Hume, the department heads, and some of the members of the Planning Commission, Wetlands & Coastal Dune Board, Historic District Review Board and the Harbor Area Review Board. There were three members of the public in attendance.

**ORDER OF BUSINESS:**

Mayor Dize introduced Messrs. Michael Sterling and Chris Ambrosio from Vandeventer Black, LLP.

Mr. Sterling gave an overview of this evening’s presentations regarding i) Procedures for the Conduct of Meetings, and ii) Ethics in Government. Another presentation had been scheduled in September regarding the Annexation Agreement and eminent domain.

A. **Meeting Rules of Order:**

Mr. Chris Ambrosio began by providing background information from the Constitution of Virginia, Code of Virginia, the Cape Charles Town Charter and the meeting rules of order which were adopted by the Cape Charles Town Council in 2009. (Please see attached.)

Questions from the attendees:

1. **Yielding time to other citizens during public comments:**
   The Town could make that rule and it needed to be uniformly applied to everyone. Different bodies could have different rules. All bodies needed to maintain consistency in implementation.

2. **The ability of the presiding officer of a body to waive the timeframe for comments:**
   The presiding officer could shorten the time for comments if a lot of comments were expected.

B. **Ethics in Government.**

Mr. Michael Sterling presented information from the Town of Cape Charles Code of Ethics which was adopted in 2006, State and Local Government Conflict of Interests Act, Virginia Public Procurement Act-Ethics in Public Contracting, other State Acts, Town Personnel Policies, obligations that coat-tail the use of federal funds, and Federal Public Corruption Statutes. (Please see attached.)

**Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to adjourn the Town Council Work Session. The motion was approved by unanimous vote.**

The meeting adjourned at 7:57 p.m.

__________________________________________
Mayor Dize

__________________________________________
Town Clerk
PROCEDURE FOR THE CONDUCT OF MEETINGS OF THE TOWN OF CAPE CHARLES

Presented by
Michael L. Sterling
And
Chris Ambrosio
July 26, 2018


No ordinance or resolution appropriating money exceeding the sum of five hundred dollars, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the governing body. In case of the veto of such an ordinance or resolution, where the power of veto exists, it shall require for passage thereafter a recorded affirmative vote of two thirds of all members elected to the governing body. See also § 15.2-1428

On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded. See also § 15.2-1427
State Code Provisions Related to the Conduct of Meetings

- Title 15.2 Counties, Cities and Towns
  - Chapter 1 of Title 15.2. General Provisions
      - Adopted by ordinance after advertisement
    - 15.2-107.1 Advertisement of legal notices by web sites
    - 15.2-107.2 Alternative method for local government to give notice by mail.
  - Chapter 2 of Title 15.2. Local Government Charters
    - 15.2-204. Uniform charter powers.
      - Powers set forth in 15.2-1100 et seq. are incorporated in town charters by default
    - 15.2-1103. Charter provisions not affected; conflict between chapter and charter.
      - If provisions of the uniform powers and the town charter conflict, the charter provision takes precedence.

State Code Provisions Related to the Conduct of Meetings, continued

- Chapter 14 of Title 15.2. Governing Bodies of Localities.
  - §15.2-1400. Governing bodies.
    - 15.2-1400.C. Chairmen, mayors, supervisors & councilmen are subject to the prohibitions set forth in §§15.2-1534 & 15.2-1535.
    - 15.2-1400.D. A governing body may punish or fine a member of the governing body for disorderly behavior.
  - §15.2-1409. Investigations by governing bodies.
  - §15.2-1410. Chairman & mayor may administer oaths.
State Code Provisions Related to the Conduct of Meetings, continued


  - §15.2-1415. At what meetings governing body may act.
    - *Quorum:* "A majority of the governing body shall constitute a quorum except as may be otherwise provided in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.)."

  - §15.2-1416. Regular meetings.
    - *Section 15.2-1416:* Local governing bodies for cities and towns are required to convene in public places in June to hold their annual or organizational meeting. During this meeting, the local governing body decides the dates, times, and places of regular meetings to be held during the ensuing months. The governing body shall hold at least 6 meetings a year. In the event the governing body shall change the schedule, it shall adopt a resolution and post it on the door of the courthouse or the initial meeting place and publish it in a newspaper of general circulation at least 7 days before the first changed meeting. Regular meetings may be continued from time to time, but reasonable notice of the continuance must be given to the public contemporaneously with the notice provided to members of the governing body.

State Code Provisions Related to the Conduct of Meetings, continued

- §15.2-1417 & -1418. Special meetings; how called.
  - *Sections 15.2-1417 & 15.2-1418:* Special meetings may be called by the mayor or chairman or upon the request of two or more of the members of the council or board of supervisors. A request for a special meeting is made to the clerk and must specify the matters to be considered. The clerk shall immediately notify each member of the governing body and the local government attorney of the time, place and purpose of the special meeting. Only such matters specified in the notice may be considered at the meeting unless all members are present.
State Code Provisions Related to the Conduct of Meetings, continued

- §15.2-1420. How questions determined; tie breaker.
  - **Majority Vote.** "All questions submitted to the governing body for decision shall be determined by a majority of the members voting on any such question unless another method of determination is required by the Constitution of Virginia or general law." For example, towns may sell, or convey rights in, their public property only upon adoption of an ordinance on an affirmative vote of three-fourths of the membership of the governing body, and must override a veto by the mayor by the same margin. Va. Code § 15.2-2100(A).

- §15.2-1421. Tie breakers.
  - Government body may designate a tie breaker. Under Town Charter, the Mayor may cast a tie breaking vote. Charter section 3.5.

- §15.2-1422. Electing a chairman & vice-chairman; mayor & vice-mayor.
  - **Term:** Unless otherwise designated, term is presumed to be one year, & officers serve until their successors have been elected.

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State Code Provisions Related to the Conduct of Meetings, continued

- **Section 15.2-1422 cont.** – Each governing body shall have a chairman or mayor, either elected by the voters or by the governing body. The chairman or mayor shall preside at the meetings. The governing body also shall elect a vice-chairman or vice-mayor. Note that elections are open to the public; the governing body may not pick the mayor or vice-major by closed door appointment. If neither officer is present to preside at a meeting, the members of the governing body shall choose one of its members to serve as temporary presiding officer.

- §15.2-1423. Powers of chairman or mayor.
  - "Presiding Officer" is "head of local government for all official functions & ceremonial purposes." See Charter section 3.5.
State Code Provisions Related to the Conduct of Meetings, continued

- §15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing ordinances.
  - "Unless otherwise specifically provided for by the Constitution or by other general or special law, an ordinance may be adopted by a majority vote of those present and voting...."
  - "The name of each member of the governing body voting and how he voted shall be recorded...."
  - "The governing body may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or a member calls for a roll call vote."
  - "in towns, no tax shall be imposed except by a two-thirds vote of the council members."

The Role of the Clerk:

- **Section 15.2-1538** - Every locality shall appoint a qualified person to record the official actions of the governing body. Such person shall be called the "clerk." Such person cannot be a member of the governing body.

- **Section 15.2-1539** - The clerk shall: (1) record "in a book" the proceedings of the governing body; (2) make entries of all ordinances, resolutions, and decisions concerning the raising of funds; (3) within 5 days after any order for a levy is made, deliver a copy to the commissioner of the revenue or his equivalent; (4) record the vote of the members of the governing body on any question submitted to the board or council; and (5) preserve and file all accounts acted upon by the governing body for a period of 5 years after audit, and thereafter until the governing body shall authorize their destruction in accordance with retention regulations established pursuant to the Virginia Public Records Act.

- **Section 15.2-1418** - The clerk shall immediately notify each member of the governing body and the attorney of special meetings. The notice shall specify the matters to be discussed at the special meeting.

Miscellaneous duties may include keeping local governing body's calendar, posting notices required by law, producing documents in response to FOIA and record management.
Standing Rules & Procedures

- Public bodies, boards & commissions may adopt standing rules or bylaws.
  - Schedule & time of meetings
  - Rules governing the conduct of meeting
  - Process for the establishment & amendment of agendas
  - Provisions governing “Citizens Time”

- Rules governing citizen comments may invite criticism under the First Amendment. As a limited public forum, reasonable time, place and manner restrictions are permitted provided that the restrictions are viewpoint neutral. Steinbrey v. Chesterfield County Planning Commission, 527 F.3rd 377 (4th Cir. 2008). Typical restrictions include time limits, subject matter restrictions, prohibited language and personal attacks. Personal attack restrictions should be used sparingly. If the personal attack is relevant to the subject of discussion or if the floor is open to general comments, applying the restriction in such a circumstance may be unconstitutional. See Drazen v. City of Charlottesville, 2016 W.L. 6834025 (W.D. Va. Nov. 18, 2016).

Standing Rules & Procedures, continued

- Procedure for approval of minutes
- Provisions governing “Consent Agenda”
- Rules for public hearings
- Procedures for election of officers
- Establishment & membership of board appointed committees
- Procedure for claims against the county
- Press releases
Standing Rules & Procedures, continued

- A public body could simply establish & adopt the rules it deems necessary to govern the conduct of its meetings in its Standing Rules.
- Public bodies, boards & commissions must operate by motion.

Town of Cape Charles
Rules of Order

The following rules of order are to serve as a non-binding informal guide to the conduct of business. It is the duty of the Mayor or other presiding officer to conduct meetings in accordance with the Code of Virginia, the Town Charter, and applicable Bylaws and in a manner intended to promote open, civil, and fair discussion of all issues.

Unanimous Consent
Routine business should generally be conducted by unanimous consent. This is an informal process that allows business to be conducted expeditiously. The procedure is for the presiding officer to seek whether anyone objects to a particular action and then to state, “Hearing no objection the action will be taken by unanimous consent.” Note that even when a member is not in favor of a particular action, the member may choose not to object in the interest of moving the agenda forward. In other words, unanimous consent does not mean that everyone was actually in favor of the action. If anyone objects, then the action must be addressed with a formal motion and vote.

Agenda
The presiding officer should make a reasonable effort to conduct business in accordance with a consent agenda. The agenda should be sufficiently to promote the orderly conduct of business. If the members cannot agree on the agenda, it should be presented by motion and subject to a vote. Keep in mind that even after an agenda is approved it can be amended. Often that is done by unanimous consent at the suggestion of the presiding officer to expedite the meeting. The procedure is for the presiding officer to state, “If there any objection to amending the agenda (explain). Hearing no objection the agenda is so amended by unanimous consent.” In a special meeting as a matter not specified in the notice cannot be considered unless all members are present and a majority agrees by vote to amend the agenda.

Main Motion
This is the motion that brings business before the council or other body. Such motions should be stated in a concise form and should generally be in writing to avoid misunderstandings. It must be seconded and when voted upon will ordinarily require a simple majority vote. The motion requires a majority of the council not only of those present and voting. There are circumstances where a super majority may be required, such as in the disposition of real estate. Before voting on the motion, the presiding officer should call for discussion. The presiding officer should allow for discussion until it terminates by unanimous consent or is formally terminated by a subsidiary motion (discussed below). When the motion is ripe for a vote the presiding officer should call for “all in favor” and then “all against.” The presiding officer should then clearly state either the “motion carries” or the “motion fails.” Generally, in the event of a tie the presiding officer may cast the deciding vote. The Town Charter expressly allows the Mayor to cast a vote in this event of a tie. Any member may request a roll call vote.
**Town of Cape Charles**

**Rules of Order**

**Subsidiary Motions:**

**Motion to Postpone Indefinitely:** (Sometimes incorrectly called a motion to table.) Normally used to put aside business that is not ripe for consideration, such as when further study is required. It requires a second, is debatable and is not amendable.

**Motion to Amend:** This is a motion to amend the wording and sometimes the meaning of the main motion. It requires a second and is debatable, is also amendable one time. Note that a vote to adopt the amendment is not a vote on the main motion. Once the motion to amend is adopted the amended main motion must then be voted on as well. Often, simple motions to amend are adopted by unanimous consent. Also, note that whether the member that offered the original motion is willing to accept the proposed amendment or not is irrelevant. It must still be seconded and voted upon or adopted by unanimous consent.

**Motion to Refer:** This is a motion to refer the matter to a committee or other body for action. In effect, when the motion is to refer the motion to a “workshop” it is a motion to refer the matter to a committee comprised of the entire council or other body (a committee of the whole). It requires a second and is debatable.

**Postpone to a Certain Time:** Used when a matter is best considered at a different time to allow for the orderly conduct of business. It requires a second and is debatable.

**Motion to Limit Debate:** Used to put a limit on the time permitted for debate of a motion. It requires a second, is not debatable and traditionally requires a two-thirds vote. Since the Town Charter allows for business to be conducted based on a majority vote, if a motion to limit debate does not pass by a two-thirds vote, then after further debate for a reasonable time the motion shall require only a majority vote.

**Motion of the Previous Question:** (Often referred to as “a motion to close the question” or “motion to bring the matter to a vote.”)

**Motion to Lay on the Table:** (Often confused with a motion to postpone indefinitely.) Used to temporarily interrupt pending business so that another matter can be considered first. It requires a second and is not debatable. This is often done by unanimous consent to move business forward.

**Motion to Reconsider:** This is a motion to take a short break in the proceeding, it requires a second and is not debatable.

**Motion to Adjourn:** This motion closes the meeting. It requires a second and is not debatable.

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**Town of Cape Charles**

**Rules of Order**

**Other Issues:**

**Mayor’s Vote:** The Town Charter provides the Mayor with “the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the town council present and voting.” This is an exception to the general rule that votes are determined by council as a whole not just those present and voting. With a six-member council the ordinance requires vote of four members if all are present and voting, or a vote of three if only four members are present and voting.

**Quorum:** The Town Charter provides that “four members of the town council shall constitute a quorum for the transaction of business at any meeting.” Chapter section 37. The bylaws of other bodies establish the number of members required for a quorum. The Code of Virginia provides that if a member is disqualified due to a conflict of interest “the remaining member or members shall constitute a quorum for the conduct of business and have authority to act for the agency by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.” 2.2-3112(C).
Other Motions and Rules:

**Motion to reconsider:** Requires a second; debatable (unless the motion to which it applies was undebatable); majority vote; cannot apply to a motion to adjourn or motion to table. May add uncertainty, so should be rarely used.

**Motion to suspend the rules:** Requires a second; not debatable; requires two-thirds vote unless otherwise specified in bylaws. Adds uncertainty and should be very rarely used.

**Withdrawal of motion:** Does not require a second; not debatable; majority vote required.

**Appeal from ruling of chair:** Requires a second; not debatable; majority vote required.

**Point of order or parliamentary inquiry:** May interrupt a speaker or a vote. If necessary, the point of order or inquiry is answered by the chair, subject to appeal; chair may refer the issue to a vote of the body.

**Nominations & elections:** No second required; motion to close nominations requires a second and is not debatable; votes by members should be for the nominee of their choice and not “against” other nominees.

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Thank You!

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Partner  
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“Trust is the hardest thing to find and the easiest to lose.”

— Anonymous
Sources of Ethics

- Town of Cape Charles, Town Council, Code of Ethics
- State & Local Government Conflict of Interests Act (COI Act)
- Virginia Public Procurement Act (VPPA), Ethics in Public Contracting, Art. 6
- Other State Acts
- Town Personnel Policies
- Obligations that coat-tail the use of federal funds
- Federal Public Corruption Statutes

Town of Cape Charles, Town Council, Code of Ethics

- The Town Charter provides at Section 7.6, Disclosure of Interest, that “The town council is hereby empowered to adopt a conflict of interest and disclosure ordinance to govern elected and/or appointed town officials not inconsistent with the general law.”
Town of Cape Charles, Town Council, Code of Ethics

- Act in the Public Interest
- Comply with the Law
- Conduct of Members
- Respect for Process
- Conduct of Public Meetings
- Decisions Based on Merit
- Communication
- Conflict of Interest
- Gifts & Favors
- Confidential Information

- Use of Public Resources
- Representation of Private Interests
- Advocacy
- Policy Role of Members
- Independence of Town Council & Commissions
- Positive Work Place Environment
- Implementation
- Compliance and Enforcement

State & Local Government Conflict of Interests Act

- Establishes standards of conduct for officers and employees.
- Shall be liberally construed to accomplish its purpose.
- All officers and employees shall read and familiarize themselves with the provisions of [the COI Act].
Overview

- The COI Act regulates the financial relationship of employees and officers in three general areas:
  - bribes and other illegal behavior
  - the financial interests that an employee or official may have in business dealings with the public body – a "personal interest in a contract"
  - the level of involvement an employee or official may have in an issue being considered by the public body that involves his or her business, property or personal financial interest – a "personal interest in a transaction"

Bribes & Other Illegal Behavior

- Prohibits public officials and employees from taking or soliciting anything of value (COI Act § 3103(1)–(3))
  - for performance of their public duties (other than their wages or salary)
  - for getting someone a government job, promotion or appointment
  - for obtaining a contract

- Likewise, public officials and employees are prohibited from using confidential information for their own or others benefit. (COI Act § 3103(4))
Under Influence

- The COI Act also prohibits public officials and employees from accepting money, a loan, gift, service, or business opportunity if it reasonably tends to influence him or her. (COI Act § 3103(5))

- Similarly, it is improper to accept such an item if he or she knows that there is a reasonable likelihood that it is offered to gain influence even if it would not actually influence him or her. (COI Act § 3103(6))

- It is also improper to accept honoraria for an appearance, speech or article related to one’s public duties. (COI Act § 3103(7))

- Further, it is improper to accept a gift if the timing and nature of the gift makes it likely that a reasonable person would question the officer or employee’s impartiality in a matter affecting the donor. (COI Act § 3103(8))

- Finally, it is improper to accept gifts from sources on a basis so frequent as to raise an appearance of impartiality. (COI Act § 3103(9))

Retaliation

- Public officers and employees are prohibited from retaliating or threatening to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law. (COI Act § 3103(10))
Local Regulations

- The governing body of any county, city or town may adopt an ordinance setting a monetary limit on the acceptance of any gift by the officers, appointees or employees of the county, city or town and requiring the disclosure by such officers, appointees or employees of the receipt of any gift. (COI Act § 3104.2)
Personal Interest in a Contract

- The COI Act’s regulations concerning a “personal interest in a contract” are intended to address the financial interests that an officer or employee may have in business dealings with his or her government entity.

- The COI Act prohibitions only apply if there is a “personal interest in a contract.” Therefore, the first step is to determine if there is a “personal interest.” The second step is to determine if the personal interest is in a contract. The third step is to determine if an exception applies. The final step is to determine what to do if there is a personal interest in a contract and no exception applies.

Meaning of “personal interest”

- A “personal interest” exists if the employee or official:
  - owns at least 3 percent of the business
  - has annual income that could be in excess of $5,000 from owning real or personal property or the business
  - has a salary from the business that could exceed $5,000
  - owns more than $5,000 of the property
  - has liability that exceeds 3 percent of the business
  - has options that could result in meeting the above thresholds (COI Act § 3101)
Meaning of “personal interest” continued

- Personal interest covers those of the “immediate family” which includes the person’s spouse and anyone else living in the home who is a dependent of the officer or employee. (COI Act § 3101)

Meaning of “in a contract”

- If you have a personal interest then you next need to determine if it is “in a contract.”
- “Personal interest in a contract” means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract. (COI Act § 3101)
Meaning of “immediate family”

- A person has a personal interest “in a contract” with the government entity if that contract is with the person (his or her immediate family) or with a business in which he or she has a personal interest. (COI Act § 3101)

Status

- There are slight differences in the application of the rules to elected or appointed members of the governing body in comparison to other officials and employees. The rules applicable to elected or appointed members are more stringent.
Elected or Appointed Members of the Town Council

- No person elected or appointed to Town Council shall have a personal interest in: (i) any contract with his or her governing body; or (ii) any contract with any governmental agency that is a component part of the Town and which is subject to the ultimate control of the Town Council; or (iii) any contract other than a contract of employment with any other government agency if the Town Council appoints a majority of the members of the governing body of the second government agency. (COI Act § 3107(A))

Elected or Appointed Members of the Town Council

- **Exceptions applicable:**
  - A member’s personal interest in a contract of employment that began prior to his or her election or appointment. (COI Act § 3107(B)(1))
  - Contracts for the sale by the government agency of services or goods at uniform prices available to the public. (COI Act § 3107(B)(2))
  - A contract awarded as a result of competitive bidding where the governing body has established the need for the same or substantially similar goods through purchases prior to the election or appointment of the member. However, the member shall have no involvement in the procurement and the remaining members shall pass a written resolution finding that the transaction is in the public interest. (COI Act § 3107(B)(3))
Other Officers & Employees

- No officer or employee of the Town shall have a personal interest in a contract with the Town other than his or her own contract of employment. (COI Act § 109(A))
- “Officer” means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. (COI Act § 3101)
- “Employee” means all persons employed by a governmental or advisory agency. (COI Act § 3101)

Other Officers & Employees continued

- No officer or employee of the Town shall have a personal interest in a contract with any other governmental agency that is a component of the Town unless such contract is (i) awarded by sealed bidding or competitive negotiation or (ii) is awarded after a finding, in writing, by the administrative head of the other government agency that competitive bidding or negotiation is contrary to the best interest of the public. (COI Act § 3109(B))
Other Officers & Employees continued

- **Exceptions Applicable:**
  - Interests in other employment contracts with members of his immediate family so long as he or she does not exercise or have the power to control the family member employee. (COI Act § 3109(C)(1))
  - Interests in other employment contracts with other government agencies that are a component of the Town. (COI Act § 3109(C)(2))
  - Contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public. (COI Act § 3109(C)(3))

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Examples

- Your spouse owns a business and wants to contract with the Town. You have no involvement with the business. If the contract will exceed $5,000, then this is prohibited.
- You are on the board of a charity that is going to contract with the Town for more than $5,000. You are not paid by the charity. There is no apparent conflict under this section of the Act.
Exceptions Applicable to All

- Any sale, lease, or exchange of real property so long as the official or employee does not participate in the transaction on behalf of the Town and his or her interest and non participation is recorded in the public record. (COI Act § 3110(A)(1)).
- Contracts for publication of official notices. (COI Act § 3110(A)(2)).

Exceptions Applicable to All continued

- Contracts between a town with a population of less than 10,000 (like Cape Charles) and an officer or employee of that town when the total of such contracts between the town and the officer or employee or a business controlled by him or her does not exceed $5,000 per year or such amount exceeds $5,000 and is less than $25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has filed a Statement of Economic Interest Form. (COI Act § 3110(A)(3))
- Note that all members of Town Council will need to file a Statement of Economic Interest form when the population of the Town exceeds 3,500.
Exceptions Applicable to All *continued*

- If the *sole* interest in the contract is that he or she is employed by the business contracting with the government entity the business may contract with the entity, but only if the officer or employee and their immediate family have NO authority to participate in the deal, and they may not participate in the deal on behalf of the business or the government entity. (COI Act § 3110(A)(4))

Exceptions Applicable to All *continued*

- If the officer or employee is employed by a public service corporation, bank, savings and loan or public utility, and if he or she disqualifies himself or herself from participating on behalf of the public body and does not participate then the public service or similar entity by contract with the government body. (COI Act 3110(A)(6))
Exceptions Applicable to All continued

• The prohibition does not apply to goods or services below $500, so long as you don’t split up a larger contract simply to remain below the threshold. (COI Act § 3110(A)(7))

• Program grants are allowed if the rates or amounts paid to all applicants are uniform and established solely by the agency administering the grants. (COI Act § 3110(A)(8))

• If the spouse of an official or employee is employed by the government entity the prohibition does not apply if the spouse was employed by the government entity more than 5 years prior to the marriage. (COI Act § 3110(A)(9))

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Personal Interest in a Transaction

• The COI Act’s regulations concerning a “personal interest in a transaction” are intended to address the level of involvement that an officer or employee may have in a matter that involves his or her business.
Meaning of “personal interest in a transaction”

- “Personal interest in a transaction” means a personal interest of an officer or employee in any matter considered by his agency. (COI Act § 3101)

Meaning of “personal interest in a transaction” continued

- Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. (COI Act § 3101)
Meaning of “personal interest”

- The same definition of “personal interest” is used in both the contract and transactions provisions of the COI Act.
- However, for transactions “parent-subsidiary” and “affiliated business” is also covered. (COI § Act 3112.)

Meaning of “parent-subsidiary”

- “Parent-subsidiary relationship” means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation. (COI Act § 3101)
Meaning of “affiliated business”

- “Affiliated business entity relationship” means a relationship, other than a parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. (COI Act § 3101).

Meaning of “transaction”

- A “transaction” means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, which official action is taken or contemplated. (COI Act 3101).
Provision of Services

• In addition to a direct interest a conflict exists if the officer or employee or immediate family member provides services to the entity involved in the transactions such as accounting or engineering services. (COI Act § 3101)

Impact of a Conflict

• The existence of a conflict does not result in automatic disqualification. Instead, the conflict may only require certain disclosures. It depends on the nature of the conflict.
Disqualification

- If the transaction deals solely with property, a business, or a government agency in which the officer or employee has a personal interest, then he or she must disqualify himself or herself, unless there is an exception! (COI Act § 3112(A)).

Public Record of Disqualification

- If you are disqualified you must record the information in the public record. (COI Act § 3115(F)) The information must include
  - The existence of his or her interest
  - Full description of the interest
  - Name and address of the business or parcel number of any real estate
Disclosure!

Participation - Disclosure

- If the transaction affects a business, profession, occupation, or group of three or more members, the officer or employee of the Town may participate in the transaction with proper disclosure. (COI Act § 3112(B)(1))

- If the officer or employee is in a firm that represents the client in the transaction, but he or she does not personally represent or provide services to such client, he or she may participate in the matter with proper disclosure. (COI Act § 3112(B)(2))
  - Note: this provision has been narrowly construed to allow for participation only if NO services are provided to the client.
“the public generally”

- If the transaction affects the public generally, the officer or employee may participate even though it may effect the officer or employee and his or her immediate family as well. (COI Act 3112 § (B)(3)).

Public Record of Disclosure

- The officer or employee must declare his or her interest by stating (i) the transaction involved, (ii) the nature of the officer’s or employee’s personal interest affected by the transaction or that a party to the transaction is a client of his or her firm, (iii) that he or she is a member of a business, profession, occupation, or group the members of which are affected by the transaction or that he does not personally represent or provide services to the client, and (iv) that he or she is able to participate in the transaction fairly, objectively, and in the public interest. (COI Act § 3115(H))
“fairly, objectively, and in the public interest”

Disclosure Form
- A disclosure form is provided in the COI Act but it is not mandatory for use by small towns with a population under 3500. However, the form provides a useful checklist for issues that may give rise to a conflict and require disqualification or disclosure. (COI Act § 3117).
Effect of Disqualification

- If an officer or employee is disqualified the COI Act § 3112 requires several steps:
  - The officer or employee must disclose the interest (note – this disclosure is required even if the disqualification is voluntary)
  - The disclosure must be kept in the public record for at least 5 years
  - The officer or employee may not vote, participate in discussion or take other action with respect to the transaction
  - The officer or employee may not participate in any closed meetings regarding the transaction, but may attend an open meeting
  - The officer or employee may not discuss the matter with anyone in the government who is involved in the transaction

Savings clause

- The COI Act includes a savings clause to allow a vote by the qualified members when disqualification eliminates a quorum. (COI Act § 3112(D))
- The public body may act by a majority of the members who are not disqualified. If the law requires a unanimous vote it only has to be a vote of the remaining members.
- Previously, the disqualified members had to remain present to preserve the quorum. Jakabcin v. Town of Front Royal, 271 Va. 660, 628 S.E. 2d 319 (2006). However, this was changed by amendment to the COI Act so that this is no longer required but only if the proper disqualification procedure is followed. (Senate Bill 1400, 2007 Acts of Assembly Chapter 613, amending COI 2.2-3112 & 15.2-1415.)
Savings clause continued

- State law requires a super majority of ⅔ of the Town Council to sell or lease land. Va. Code § 15.2-2100
- The COI Act allows a Town Council member to participate in a discussion and vote for a proposed sale, lease or similar conveyance of land if the council member’s only personal interest in that sale is that he or she is employed by the business that is involved in the transaction, and the member’s vote is essential under the VA Constitution. (COI Act § 3112(D))
  - This exception does not apply to the purchase or lease of real property by the Town since that does not require a super majority.

Enforcement & Penalties

- Any contract made in violation of COI 3103 or 3106 – 3109 may be declared void. (COI Act 3123(A))
- Official action take under circumstances that violate [COI § 3112, prohibited transactions] “may be rescinded by the agency on such terms as the interests of the agency and innocent third parties require.” (COI Act 3112(D))
- A knowing violation of the COI Act is a Class 1 misdemeanor, and may result in loss of position (COI § § 3120, 3122)
- Failure to disqualify oneself or to make a disclosure is a Class 3 misdemeanor. (COI Act § 3120)
Advisory Options

- An advisory opinion may be obtained from the Commonwealth’s Attorney. (COI Act § 3121(B)). Such an opinion may provide immunity from prosecution.
- An advisory opinion may also be had from the public bodie’s appointed attorney but it is only evidentiary and will not provide immunity. (COI § 3121(C))
- The Attorney General may also render advisory opinions to any state officer or employee. (COI Act 3126(A)(3)).
- A typical opinion is qualified by language such as, “this opinion is based on the information presented by you. If the facts are incorrect or incomplete you may not rely on this opinion.”

Advisory Options continued

- AG advisory opinions also frequently state, “The law, however, cannot protect against all appearances of conflict. It is incumbent on you, therefore, to determine whether your action will present an appearance of impropriety that you find unacceptable and that will affect the confidence of the public in your ability to perform your duties impartially.”
Virginia Public Procurement Act, Ethics in Public Contracting, Art. 6

- The VPPA includes ethical rules that apply to ANYONE involved in the procurement, including local elected officials if they approve the contract or are otherwise involved in the procurement or contract.
- These rules are MORE RESTRICTIVE than the parallel provisions of the COI Act.

Proscribed Participation by Public Employees in Procurement Transactions

- Under Va. Code § 2.2-4369 a public employee who exercises ANY responsibility in his or her agency’s procurement process (including elected officials or appointed members of a governing body) may NOT participate in any procurement transaction by the agency if certain conditions exist.
Proscribed Participation by Public Employees in Procurement Transactions continued

- He or she is employed by a firm that will bid on the public contract; or
- A member of his immediate family is an officer, director, partner, or owner of 5% or more of a firm that will be bidding on the public contract; or
- His or her partner or member of his or her immediate family is employed by a firm that will bid, and that person works in a capacity in which he or she will have personal and substantial participation in the firm’s transaction with the public agency; or

Proscribed Participation by Public Employees in Procurement Transactions continued

- He or she, his or her partner or a member of his or her immediate family has some other pecuniary interest in the procurement transaction (e.g., will earn a sales commission); or
- He or she, his or her partner or someone in his immediate family is negotiating or has arrangement for prospective employment with a firm that will bid on the public contract.
Important Definitions

- “Immediate family” means a spouse, children, parents, brothers and sisters, and any other person living in the same household as the employee. (Va. Code § 2.2-4368)
- “Official responsibility” means administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove or otherwise affect a procurement transaction, or any claim resulting therefrom. (Va. Code § 2.2-4368)
- “Pecuniary interest arising from the procurement” means a personal interest in a contract as defined in the COI Act. (Va. Code § 2.2-4368)

Important Definitions continued

- “Procurement transaction” means all functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration. (Va. Code § 2.2-4368)
- “Public employee” means any person employed by a public body, including elected officials or appointed members of governing bodies. (Va. Code § 2.2-4368)
Comparison of the Acts

- The COI Act restricts or disqualifies a public officer or employee from participating in transactions based on his own employment or financial interests or those of a spouse or dependent living in the same household.

- The VPPA restrictions extend to a larger group of the “immediate family” and apply regardless of where they live as well as to anyone else living in the same household even if unrelated.

Don’t loose sight of ethics!
Appropriate Action

- Any local government employee or elected or appointed official who believes that he or she may have a prohibited connection with a potential bidder or contractor should disclose the conflict to his or her superior and refrain from participating in the procurement transaction.

Prohibited Gifts & Gratuities

- Another difference between the COI Act and the VPPA relates to the strict prohibition on acceptance of any gift, loan, services or anything else of “more than nominal value” from a bidder or contractor. (Va. Code § 2.2-4371)
- This means that it is generally improper to accept anything more valuable than very inexpensive promotional items or snacks.
Prohibited Gifts & Gratuities continued

• In contrast, the COI Act only prohibits acceptance of a gift “that reasonably tends to influence him in the performance of his official duties,” or if “the timing and nature of the gift would cause a reasonable person to question” the official’s or employee’s impartiality, or the gifts are “so frequent as to raise an appearance of the use of his public office for private gain.” (COI Act § 3103)

Examples of Prohibited Gifts

• Meals of more than nominal value
• Golf, fishing and hunting trips
• Transport on private aircraft or boats
• Home or auto repairs
• Extended loan of cell phone or automobile
• Use of vacation property
These are OK

Disclosure of Subsequent Employment

- “No public employee or former public employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the cessation of employment by the public body unless the employee or former employee provides written notification to the public body, or a public official if designated by the public body, or both, prior to commencement of employment by that bidder, offeror or contractor.” (Va. Code § 2.2-4370)
Certification of Compliance

- “Public bodies may require public employees having official responsibility for procurement transactions in which they participated to annually submit for such transactions a written certification that they complied with the provisions of [the VPPA].” (Va. Code § 2.2-4375)
- “Any public employee required to submit a certification who knowingly makes a false statement [may be convicted of a Class 1 Misdemeanor, and upon conviction shall forfeit his or her employment].” (Va. Code § 2.2-4377)

Misrepresentations Prohibited

- “No public employee having official responsibility for a procurement transaction shall knowingly falsify, conceal, or misrepresent a material fact; knowingly make any false, fictitious or fraudulent statements or representations; or make or use any false writing or document knowing it to contain any false, fictitious or fraudulent statement or entry.” (Va. Code § 2.2-4376)
Organizational Conflicts of Interest (OCI)

- An organizational conflict of interest occurs when due to pre-existing circumstances a company has a potential unfair competitive advantage or could be seen as not being impartial (having impaired objectivity) in obtaining or performing work. For example, the company might help the government develop specifications for a project, and the company could be perceived as having an unfair competitive advantage if it were to bid on the project.

OCI Defined

- Specifically, an OCI means that because of other pre-existing activities or relationships:
  
  ➢ A company is unable or potentially unable to render impartial assistance or advice to the government, or
  ➢ A company’s objectivity in performing the contract work is or might be otherwise impaired, or
  ➢ A company has an unfair competitive advantage.

- Importantly, an OCI occurs even when there is only one of the elements present.
OCI Disclosure

- On federally funded projects typically there is a requirement that an OCI or potential OCI must be disclosed to the government.
- The OCI might disqualify the company from submitting a bid or performing the work.
- Sometimes safeguards can be put in place to mitigate the potential OCI issues and allow the company to bid on or perform the work.

OCI Under the COI Act and VPPA

- Many of the provisions previously addressed under the COI Act, and the VPPA use a different method to address OCI. However, there is one provision under the VPPA that is more similar to the federal OCI provisions.
- “No person who, for compensation, prepares an invitation to bid or request for proposal for or on behalf of a public body shall (i) submit a bid or proposal for that procurement or any portion thereof or (ii) disclose to any bidder or offeror information concerning the procurement that is not available to the public. However, a public body may permit such person to submit a bid or proposal for that procurement or any portion thereof if the public body determines that the exclusion of the person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the public body.” (Va. Code § 2.2-4373)
Cape Charles Town Code

- Town Code Chapter 54, Public Procurement, references the application of the applicable portions of the VPPA to the Town.
- Many portions of the VPPA do not apply since the Town has a population under 3500, but the ethics portions are applicable. See Va. Code Va. Code § 2.2-4342(A) 9 & 12.

Other State Acts

- Va. Code § 18.2-439 prohibits public officials or candidate for public office from accepting “bribes” intended to influence their conduct and provides for conviction of Class 4 felony and forfeit of office.
- Va. Code § 18.2-498.3 provides that any person in a commercial dealing with a public body “who knowingly falsifies, conceals, misleads, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or documents knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be guilty of a Class 6 felony.”
Town Personnel Policies

- The Town Personnel Policies pertaining to all employees as well as those pertaining to certain departments, such as the police department, also require compliance with the COI Act and other applicable law.

Town Personnel Policies

- Chapter I Establishment of Rules and Organization of the Personnel Function
- When you entered employment with the Town of Cape Charles, you began working for the citizens of the Town. A spirit of understanding and courtesy is essential to those in the public service. The objective of these Personnel Policies is to provide a uniform system of personnel administration for the staff of the Town of Cape Charles, based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.
Town Personnel Policies

- Chapter XIII Employee Ethics, Conduct, and Responsibilities
- Sub-section B Gifts and Gratuities
- Sub-section C Personal Calls
- Sub-section D Conflict of Interest
- Sub-section L Care of Town Property

Town Personnel Policies

- Chapter XIII Sub-Section H Employees' Responsibilities
  - Each employee is expected to:
    - 1. Obey applicable policies, laws, ordinances, and codes of the Town, County, Commonwealth, and United States;
    - 2. Conduct himself/herself, both on and off the job, in a manner which will reflect credit on the Town and refrain from any disorderly or embarrassing conduct or other behavior which could reflect poorly on the Town;
    - 3. Endeavor to fulfill the duties and responsibilities of his/her position in a dedicated, timely, and professional manner;
    - 4. Render full and efficient service;
    - 5. Exercise courtesy and tact in dealing with fellow employees and the public at large;
    - 6. Treat all citizens equitably, fairly, and politely;
    - 7. Conserve, properly utilize, and protect Town funds, property, equipment, and materials;
    - 8. Protect co-workers and citizens from potential and real hazards; and
Confidential Information

Confidentiality

- An issue that is closely tied to ethics is confidentiality.
- While most of the Town’s business is a matter of public record some things are confidential.
- You are expected to preserve the integrity of confidential information – keep it in your head.
Confidentiality Provisions

- Town Code of Ethics section 10, Confidential Information: “Members shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.”
- Public officials and employees are prohibited from using confidential information for their own or others benefit. (COI Act § 3103(4))
- The Virginia Freedom of Information Act addresses confidential information in various sections. See FOIA § 2.2-3705.1 – 3706.

Examples of Confidential Information

- The Virginia FOIA also includes many possible reasons for holding a closed meeting. Section 2.2-3711.
- Six of these reason are common:
  - Personnel matters
  - Real property transactions
  - Privacy of individuals unrelated to public business
  - Prospective business
  - Consultation with legal counsel
  - Terrorism
Examples of Confidential Information continued

- The Virginia FOIA includes over 80 exemptions to preserve confidentiality. The most common exemptions include:
  - Tax, scholastic and other confidential records
  - Personnel records
  - Working papers and correspondence of the Mayor or chief executive officer (Town Manager)
  - Written advice of legal counsel
  - Legal memoranda or other work product
  - Library use records
  - Tests and examinations

Examples of Confidential Information continued

- Records recorded in or compiled exclusively for closed meetings
- Computer software developed for the government body
- Customer account information of a public utility
- Appraisals and cost estimates of real property prior to sale
- Confidential bid information
- Plans to prevent terrorist activity
- Security related information
- Personal information
- Identity of any making a land use or zoning complaint
- Certain criminal incident information
FOIA – Individual Member Requests

- Town Council members must act as a body in requesting information from the Town.
- An individual Council member only has rights as a member of the general public.

FOIA – Drafts, Documents and Working Papers

- Draft documents are no longer automatically protected under FOIA and must be produced in response to a FOIA request if not otherwise exempt.
- However, working papers of an executive officer are confidential until the chief executive officer releases them to the governing body.
Town Personnel Policies

- **Section XIII Sub-Section I Supervisors’ and Department Heads’ Responsibilities**
  - In addition to the responsibilities of an employee, each supervisor and department head is expected to:
    1. Treat employees in a fair and equitable manner;
    2. Enforce these regulations;
    3. Inform and educate employees about the Town’s expectations, rules, and other guidelines governing conduct and discipline;
    4. Advise employees of any amendments to this manual; and
    5. As warranted, investigate apparent employee offenses, obtain facts, make complete reports to the Town Manager and recommend appropriate action.

Town Personnel Policies

- **Section XIII Sub-Section M Inquiries Concerning Town Matters**
  - In the interest of protecting the sensitivity and confidentiality of personnel and other Town-related confidential information, we need to take care in handling outside inquiries regarding the Town of Cape Charles. We therefore require you to follow these guidelines in responding to inquiries about Town business from the press, outside attorneys, and other parties outside the Town's administration.
Town Personnel Policies

- **Inquiries from the Press**
  - In response to press inquiries, the caller should be referred to the Town Manager. Please notify the Town Manager immediately after making such a referral.

- **Inquiries from Outside Attorneys**
  - In response to oral or written inquiries from outside attorneys regarding individual Town employees or any Town matters, the attorney should be referred to the Town Manager and any written communications from outside attorneys should also be referred to the Town Manager.

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Town Personnel Policies

- **Inquiries from Other Outside Parties Regarding Individual Employees or Disputes with the Town of Cape Charles**
  - From time to time, inquiries are made by others regarding individual employees or disputes with the Town of Cape Charles. Such inquiries should be referred to the Town Manager.
  - As a matter of general practice, the individual receiving the call or inquiry should not comment upon or discuss any Town employee or Town issue, claim or dispute, but simply refer the matter to the Town Manager. In the absence of the Town Manager, all inquiries should be directed to the Mayor.
Obligations That Coat-Tail the Use of Federal Funds

- While the specifics are beyond the scope of this presentation it is important to note that if you are involved in any project that uses federal funds, whether by grant or contract, there may be additional ethics rules to learn.
- **These rules are NOT intuitive and require careful study to avoid violations.**
- However, note that the Cape Charles Town Code provides that, “the Town may comply with mandatory federal requirements in grants and contracts not in conformance with this chapter [Section 54] only upon a written determination of the town council that acceptance of the applicable provisions is in the public interest.” Section 54-18.

Federal Corruption Statutes

- Lastly, be aware there are federal anti-corruption statutes that in all likelihood apply to everything you do as a public official, not just on projects involving federal funds.
- These statutes in substance largely mirror the bribery prohibitions in state law we have touched upon, but are investigated and prosecuted on the federal level with federal penalties.
- E.g., a recent governor and his wife - and a state delegate on the Peninsula sentenced to 9 years in prison for inserting appropriations for a state funded university that included a part time job for himself.
- The “Honest Services Fraud” statutes (Title 18 U.S. Code § 1343) and the Hobbs Act (a/k/a Obtaining Property under Color of Official Right) (Title 18 U.S. Code § 1951)
- The Honest Services Fraud statutes makes it a crime for a person to use the interstate wires or mails to defraud other people of their right to the person’s honest services. The wires basically mean anything electronic – emails, texts, bank transactions, etc.
Federal Corruption Statutes continued

- The Hobbs Act makes it a crime to engage in extortion that affects interstate commerce.
- Cases have established that both statutes prohibit bribery by public officials.
- Bribery by a public official is simply receiving anything of value (other than your pay) in return for performing, or promising to perform, an official act.
- In practice, just about any act of public corruption involves at least one email or text or electronic bank transaction or use of a computer "cloud" or something that "affects" interstate commerce.
- Thus, federal authorities have the power to prosecute just about any act of public corruption – federal, state, or local – anytime they want to if they decide it is serious enough.

Conclusion

- Take the time to become familiar with your obligations
- Avoid even the appearance of impropriety
- If in doubt, ask questions
- Uphold the reputation of the Town
- Thanks for your attention
Questions?

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This presentation is meant to provide general information about the topics discussed and is not intended to be used as legal advice. None of the information set forth or any exchange of information associated with this presentation, in any way, establishes an attorney-client relationship.
At 8:06 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Special Meeting of the Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwoman Holloway. Councilwoman Burge was not in attendance. Also present were Interim Town Manager Larry DiRe, Project Management Consultant Bob Panek, and Town Clerk Libby Hume. There were two members of the public in attendance.

Mayor Dize stated that the item 3D – Appointment of Town Manager needed to be removed.

Motion made by Councilman Grossman, seconded by Councilman Bannon, to remove item 3D from the agenda. The motion was approved by unanimous vote.

PUBLIC COMMENTS REGARDING AGENDA ITEMS ONLY:
There were no comments to be heard nor any written comments submitted prior to the meeting.

ORDER OF BUSINESS:
A. Northern Offshore Breakwater
   Project Management Consultant Bob Panek stated that Council had been considering options to better protect the harbor from westerly waves. A new wave study was completed, including an analysis of alternatives, and concluded that the harbor was negatively impacted by long period waves. In the winter, these waves from the NNW were more prevalent and reflected off the south shoreline of the harbor back to the floating docks causing significant damage. In the summer, the long period waves from the SW were less prevalent but made the floating docks uncomfortable and dangerous for the boaters docked there. Construction of the northern offshore breakwater and an in-harbor breakwater was projected to be the best balance between effectiveness and cost to combat both the winter and summer wave conditions. The Fiscal Year 2019 budget included $875K for the northern offshore breakwater to mitigate the damage during the winter as the higher priority. Approximately $227K of Virginia Port Authority Aid to Local Ports grant funding was available to apply to this project. Langley & McDonald proposed a change order amounting to $57,750 to the existing contract for harbor improvements to provide engineering services for construction of the northern offshore breakwater, including a hydrographic survey, modeling to optimize the position and configuration of the breakwater, regulatory permits, plans and specifications for contract bidding, and construction engineering and administration. The fee was higher than in the past due to the fact that the original permit acquired by the town for the five breakwaters had expired and an application had to be submitted for a new permit for the remainder of the breakwater projects.

   There was much discussion regarding construction of the breakwater, the change order to the contract, the scope of the permit application, and the estimated costs for the offshore and inshore breakwater.

   Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, to authorize the interim town manager to exercise the proposed change order. The motion was approved by unanimous vote.
B. **U.S. Coast Guard Anchorage Resolution**

Interim Town Manager Larry DiRe stated that Resolution 20180726 was a follow-up to comments heard at the July 12 Council meeting. The Resolution would not be added to the formal docket due to the expiration of the comment period but would be forwarded to the U.S. Coast Guard for their record. The four specific points/requests included in the resolution were: i) a full Environmental Impact Statement be performed on the current and proposed anchorage location; ii) options be provided for relocation of the anchorage site to areas further south at or near the mouth of the Chesapeake Bay; iii) a “No Discharge Zone” be designated at any proposed anchorage site in the lower Chesapeake Bay and enforced by the U.S. Coast Guard; and iv) assurance that the U.S. Coast Guard Station Cape Charles had the resources necessary to monitor the proposed anchorage, enforce the “No Discharge Zone,” test and analyze anchorage water, and respond to vessel emergencies such as oil spills, groundings, and major storm preparation.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to adopt Resolution 20180726 – Concerning the Proposed Lower Chesapeake Bay Anchorage. Mayor Dize moved for adoption of Resolution 20180726 as noticed and forewent reading of the resolution. The motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Grossman, yes; Holloway, yes.

C. **Town Council Meeting Time Change Resolution**

Larry DiRe stated that pursuant to § 15.2-1416 of the Code of Virginia, if the governing body wished to change the location, day and/or time of their regular meetings, the governing body must pass a resolution as to such future meeting day, place or time. Several members of the Council currently work out of town and had requested consideration to move the meeting start times to 6:30 p.m. or later. This request was discussed at the July 12, 2018 Town Council regular meeting and a general consensus was reached to move the start time of all future Council meetings to 6:30 p.m.

Motion made by Councilman Bannon, seconded by Councilman Grossman, to adopt Resolution 20180726A – Changing the Time of Cape Charles Town Council Regular Meetings. Mayor Dize moved for adoption of Resolution 20180726A as noticed and forewent reading of the resolution. The motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Grossman, yes; Holloway, yes.

Motion made by Councilman Buchholz, seconded by Councilwoman Holloway, to adjourn the Town Council Special Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 8:24 p.m.


Mayor Dize

_____________________________

Town Clerk
At approximately 6:30 p.m. Councilman Bannon, having established a quorum, called to order the Executive Session of the Town Council. In addition to Councilman Bannon, present were Councilmen Buchholz and Grossman, and Councilwomen Burge and Holloway. Mayor Dize and Vice Mayor Bennett were not in attendance.

Councilwoman Holloway stated that her husband, James Holloway, was one of the candidates being interviewed and she recused herself from participating in his interview.

**Motion made by Councilwoman Burge, seconded by Councilwoman Holloway, 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 1:** Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

**Specifically:** Interviews of Potential Appointees for Board of Zoning Appeals, Historic District Review Board and Planning Commission

**Motion made by Councilwoman Burge, seconded by Councilman Buchholz, to return to Open Session. The motion was unanimously approved.**

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; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

**Motion made by Councilman Grossman, seconded by Councilwoman Burge, to appoint Mr. James Holloway to the Board of Zoning Appeals for a term expiring on October 31, 2020. The motion was approved by unanimous vote.**

**Motion made by Councilwoman Burge, seconded by Councilman Buchholz, to appoint Ms. Diane D’Amico to the Planning Commission for a term expiring on October 31, 2020. The motion was approved by unanimous vote.**

**Motion made by Councilman Grossman, seconded by Councilman Buchholz, to appoint Ms. Susan Eidam to the Historic District Review Board, effective when the expected vacancy occurs, for a term expiring on January 8, 2023. The motion was approved by unanimous vote.**

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Holloway, to adjourn the Town Council Executive Session. The motion was approved by unanimous vote.**

The meeting adjourned at 9:25 p.m.

______________________________
Councilman Bannon

______________________________
Town Clerk
At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Diane D’Amico, Keith Kostek and Sandra Salopek. Commissioners Paul Grossman, Dennis McCoy and Michael Strub were not in attendance. Also, in attendance were Town Planner Larry DiRe and Deputy Clerk Tracy Outten. There were three members of the public in attendance.

Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon and Buchholz, and Councilwoman Burge. Councilman Grossman and Councilwoman Holloway were not in attendance. Also in attendance was Town Clerk Libby Hume.

**PUBLIC HEARING PUBLIC COMMENTS:**
Chairman Stramm read the Notice of Public Hearings and opened the floor for comments.

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

**Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, to adjourn the Town Council Public Hearing. The motion was approved by unanimous vote.**

Bill Stramm closed the Public Hearing portion of the Planning Commission Regular Meeting.

The Joint Public Hearing adjourned at 6:03 p.m.

________________________________________
Chairman Bill Stramm

________________________________________
Mayor William “Smitty” Dize

________________________________________
Town Clerk
JUNE 2017 Treasurer’s Report

Page 1

No comments

Page 2

• Page 2 shows FY 2018 fund balances. Please note that there are still interest and revenue accruals and depreciation calculations to be done prior to our hard close on September 30th. I will provide an updated FY 18 pre-audit report after that date. This is new-in the past Council hasn’t received an update until audit completion.

• The apparent net loss in the general fund is budgeted (prior year loan proceeds for the trail project match) and will likely change once the revenue accruals have been entered. That data won’t be available until the end of August.

• The public utilities fund shows a net gain at this point, however $240,140 of that amount is attributable to facility fees and is restricted.

• It is notable that the harbor appears to have covered its operating expenditures in FY18, excluding debt service.

Pages 3 & 4

• No comments

Page 5

These figures show the tax payments that were received in this fiscal year, not the taxes that were earned. Therefore, they will be somewhat different than that reported in the FY18 audit. It is still good information and useful for budgeting, cash forecasting and trend analysis.
### Cash on Hand

<table>
<thead>
<tr>
<th>Account</th>
<th>5/31/2018</th>
<th>6/30/2018</th>
<th>Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xenith Bank Checking Account</td>
<td>$778,343</td>
<td>$819,254</td>
<td>$40,911</td>
</tr>
<tr>
<td>Xenith Bank Money Market Account</td>
<td>$684,316</td>
<td>$684,503</td>
<td>$187</td>
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<tr>
<td>LGIP Account 1 - Unrestricted</td>
<td>$99,810</td>
<td>$99,975</td>
<td>$165</td>
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<tr>
<td>LGIP Account 2 - Unrestricted</td>
<td>$287,603</td>
<td>$288,128</td>
<td>$525</td>
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<td><strong>Total Cash On Hand</strong></td>
<td>$1,850,071</td>
<td>$1,891,860</td>
<td>$41,264</td>
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### Restricted and Reserved Cash Balances

<table>
<thead>
<tr>
<th>Account</th>
<th>5/31/2018</th>
<th>6/30/2018</th>
<th>Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xenith Bank Savings Account - Facility Fees Reserved (Utilities)</td>
<td>$603,425</td>
<td>$603,484</td>
<td>$60</td>
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<tr>
<td>Xenith Bank Checking Account - Police Funds</td>
<td>$431</td>
<td>$431</td>
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<tr>
<td>LGIP Account 2 - Restricted for USDA loans</td>
<td>$29,643</td>
<td>$29,643</td>
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<tr>
<td>PNC SNAP Account- 2013 Bond Proceeds - Principal</td>
<td>$848,917</td>
<td>$848,917</td>
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<tr>
<td>PNC SNAP Account- 2013 Bond Proceeds - Interest</td>
<td>$23,629</td>
<td>$25,157</td>
<td>$1,528</td>
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<tr>
<td>Xenith Bank Checking Account - E-Summons Revenue Reserved</td>
<td>$1,363</td>
<td>$1,740</td>
<td>$377</td>
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<tr>
<td>US Bank - Reserved per VRA Interest Free Loan Requirements</td>
<td>$257,581</td>
<td>$257,867</td>
<td>$286</td>
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<tr>
<td>Wells Fargo 2010 Debt Service pass through account #300</td>
<td>$2,350</td>
<td>$2,353</td>
<td>$3</td>
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<tr>
<td>Wells Fargo 2010 Debt Service pass through account #308</td>
<td>$505</td>
<td>$506</td>
<td>$1</td>
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<tr>
<td><strong>Total Cash Held in Reserve</strong></td>
<td>$1,767,843</td>
<td>$1,770,098</td>
<td>$2,255</td>
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</table>

**Total Cash - All Accounts**

<table>
<thead>
<tr>
<th>Amount</th>
<th>5/31/2018</th>
<th>6/30/2018</th>
<th>Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,617,915</td>
<td>$3,661,958</td>
<td>$44,044</td>
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## REVENUE VS. EXPENDITURES

<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 FY17</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>REVENUES</td>
<td>110,407</td>
<td>4,202,758</td>
<td>2,828,507</td>
<td>(1,374,251)</td>
<td>3,349,283</td>
<td>84.45%</td>
</tr>
<tr>
<td>EXPENDED</td>
<td>307,770</td>
<td>4,477,702</td>
<td>2,849,580</td>
<td>(1,628,122)</td>
<td>3,349,283</td>
<td>85.08%</td>
</tr>
<tr>
<td>NET</td>
<td>(197,364)</td>
<td>(274,944.01)</td>
<td>(21,073)</td>
<td>253,871</td>
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<tr>
<td></td>
<td></td>
<td>Budgeted loss-proceeds of prev yr loan</td>
<td>Budgeted loss-proceeds of prev yr loan</td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>PUBLIC UTILITIES</strong></td>
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</tr>
<tr>
<td>REVENUES</td>
<td>134,942</td>
<td>1,664,227</td>
<td></td>
<td>(1,664,227)</td>
<td>2,119,518</td>
<td>0.00%</td>
</tr>
<tr>
<td>EXPENDED</td>
<td>109,591</td>
<td>1,289,425</td>
<td>1,573,751</td>
<td>284,326</td>
<td>2,119,518</td>
<td>74.25%</td>
</tr>
<tr>
<td>NET</td>
<td>25,352</td>
<td>374,802</td>
<td>(1,573,751)</td>
<td>(1,948,553)</td>
<td>0</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>'$166.7K debt svc/ +$3.72K ops</td>
<td>'$103K debt svc/ +8.3k ops</td>
<td></td>
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</tr>
<tr>
<td><strong>HARBOR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>REVENUES</td>
<td>115,689</td>
<td>620,568</td>
<td>663,597</td>
<td>43,029</td>
<td>1,659,957</td>
<td>39.98%</td>
</tr>
<tr>
<td>EXPENDED</td>
<td>80,191</td>
<td>783,625</td>
<td>758,250</td>
<td>(25,374)</td>
<td>1,659,957</td>
<td>45.68%</td>
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<tr>
<td>NET</td>
<td>35,498</td>
<td>(163,057)</td>
<td>(163,057)</td>
<td>68,404</td>
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<tr>
<td></td>
<td></td>
<td>-$166.7K debt svc/ +$3.72K ops</td>
<td>-$103K debt svc/ +8.3k ops</td>
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</tr>
<tr>
<td><strong>SANITATION</strong></td>
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<td></td>
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</tr>
<tr>
<td>REVENUES</td>
<td>18,743</td>
<td>179,722</td>
<td>186,078</td>
<td>6,356</td>
<td>179,803</td>
<td>103.49%</td>
</tr>
<tr>
<td>EXPENDED</td>
<td>31,734</td>
<td>173,082</td>
<td>186,197</td>
<td>13,116</td>
<td>179,803</td>
<td>103.56%</td>
</tr>
<tr>
<td>NET</td>
<td>(12,991)</td>
<td>6,641</td>
<td>(120)</td>
<td>(6,760)</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>
## FY 2018 Capital Improvement Project Tracking Report

**As of:**

<table>
<thead>
<tr>
<th>6/30/2018</th>
<th>FY18 Status or Start Date</th>
<th>Percent of Completion</th>
<th>FY18 FY18 QTR 1 FY18 QTR 2 FY18 QTR 3 FY18 QTR 4 FY18 YTD (Over)/Under</th>
<th>FY18 Budgeted</th>
<th>FY18 Expended</th>
<th>FY18 Expended</th>
<th>FY18 Expended</th>
<th>FY18 Expended</th>
<th>FY18 Expended</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Replacement Police Vehicle</td>
<td>Complete</td>
<td>100%</td>
<td>$34,000 $ - $29,178 $ - $4,255 $ 33,433 $ 567</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Police ATV and Trailer</td>
<td>Complete</td>
<td>100%</td>
<td>$9,800 $ 10,367 $ - $ - $ - $ 10,367 $ (567)</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Central Park Light Poles X 4</td>
<td>Complete</td>
<td>100%</td>
<td>$20,000 $ 3,800 $ - $ - $ - $ 3,800 $ 16,200</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Strawberry St Plaza Improvements &amp; Parking Ext</td>
<td>Complete</td>
<td>100%</td>
<td>$32,000 $ 32,000 $ - $ - $ - $ 32,000 $</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Strawberry St Plaza Parking Lot Improvements</td>
<td>pending electric and lighting</td>
<td>#DIV/0!</td>
<td>$ - $ - $ - $ 6,755 $ 1,248 $ 8,003 $ (8,003)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Public Works Dump Truck</td>
<td>Complete</td>
<td>100%</td>
<td>$40,000 $ - $ 39,580 $ - $ 39,580 $ 420</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Public Works Dingo Sand Mover</td>
<td>Complete</td>
<td>100%</td>
<td>$24,000 $ 21,578 $ - $ - $ - $ 21,578 $ 2,422</td>
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</tr>
<tr>
<td>Sidewalk Infill Central Park Strawberry St</td>
<td>Complete</td>
<td>100%</td>
<td>$30,000 $ - $ - $ - $ - $ 30,000 $</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Cape Chas Multi-Use Trail Phase 2</strong></td>
<td>Complete, pending final billing</td>
<td>100%</td>
<td>$600,000 $ 308,246 $ 2,699 $ 18,336 $ 3,216 $ 332,497 $ 267,503</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>Cape Chas Multi-Use Trail Phase 3</strong></td>
<td>Engineering</td>
<td>#DIV/0!</td>
<td>$15,664 $ 12,260 $ 12,370 $ 12,427 $ 52,721 $ (52,721)</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Golf Cart path Old Stone Rd</td>
<td>new project</td>
<td>100%</td>
<td>$10,000 $ - $ - $ 10,000 $ 110 $ 10,110 $ (110)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Stormwater Outfall</td>
<td>new project</td>
<td>100%</td>
<td>$ - $ - $ - $ 5,209 $ 6,937 $ 12,145 $ (12,145)</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td><strong>subtotal</strong></td>
<td></td>
<td></td>
<td>$799,800 $ 391,655 $ 83,717 $ 52,670 $ 28,193 $ 556,234 $ 243,566</td>
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<tr>
<td><strong>Water Fund</strong></td>
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<td></td>
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<tr>
<td>Keck Well Connection (Grant dependent)</td>
<td>suspended</td>
<td>0%</td>
<td>$500,000 $ - $ - $ - $ - $ - $ 500,000</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Stone Rd Water Line Extension</td>
<td>Complete</td>
<td>100%</td>
<td>$8,000 $ - $ 14,535 $ 31,195 $ 1,570 $ 44,078 $ (36,078)</td>
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<tr>
<td><strong>subtotal</strong></td>
<td></td>
<td></td>
<td>$8,000 $ - $ 14,535 $ 31,195 $ 1,570 $ 44,078 $ (36,078)</td>
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<tr>
<td><strong>Sewer Fund</strong></td>
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</tr>
<tr>
<td>Xenon Controls</td>
<td>Replacement of unsupported (inoperable electronics)</td>
<td>100%</td>
<td>$ - $ - $ - $ - $ - $ 24,901 $ (24,901)</td>
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<td></td>
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</tr>
<tr>
<td>Stone Rd Sewer Line Extension</td>
<td>Complete</td>
<td>100%</td>
<td>$10,000 $ - $ 1,302 $ 643 $ 1,944 $ 8,056</td>
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<td></td>
</tr>
<tr>
<td><strong>subtotal</strong></td>
<td></td>
<td></td>
<td>$10,000 $ - $ 1,302 $ 643 $ - $ 1,944 $ 8,056</td>
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<tr>
<td><strong>Harbor Fund</strong></td>
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</tr>
<tr>
<td>Shade Sails in Bathhouse Area</td>
<td>Postponed - FY 19</td>
<td>0%</td>
<td>$8,000 $ - $ - $ - $ - $ - $ 8,000</td>
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</tr>
<tr>
<td>Breakwater #4</td>
<td>Postponed - FY 19</td>
<td>0%</td>
<td>$875,000 $ - $ - $ - $ - $ 875,000</td>
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<tr>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td>$1,700,800 $ 391,655 $ 98,170 $ 83,865 $ 26,623 $ 602,257 $ 1,098,543</td>
<td></td>
<td></td>
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</table>

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT*
YTD 2017 Real Estate Tax Collections

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Taxable Land Value</td>
<td>$151,302,000</td>
</tr>
<tr>
<td>Total Improvement Value</td>
<td>$210,553,300</td>
</tr>
<tr>
<td>Exemptions</td>
<td>$(5,405,333)</td>
</tr>
<tr>
<td>Additional Assessments (SCC Utility)</td>
<td>$3,651,067</td>
</tr>
<tr>
<td><strong>Total Real Estate Value (taxable)</strong></td>
<td><strong>$360,101,034</strong></td>
</tr>
</tbody>
</table>

6/30/2018

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Budgeted</td>
<td>$1,116,000</td>
</tr>
<tr>
<td>Total Tax Billed</td>
<td>$1,171,766</td>
</tr>
<tr>
<td>Total Adjustments</td>
<td>$(971.00)</td>
</tr>
<tr>
<td>Total Collected YTD (percent of budget)</td>
<td>$1,141,864 102%</td>
</tr>
<tr>
<td><strong>Amount Due per Accounts Receivable</strong></td>
<td><strong>$28,930.54</strong></td>
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</tbody>
</table>

YTD 2017 Personal Property Tax, Machinery and Tools Tax & 2017 License Tax Collections

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Personal Property Value</td>
<td>$13,974,700</td>
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</table>

6/30/2018

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Budgeted</td>
<td>$164,300</td>
</tr>
<tr>
<td>Total Tax Billed less PPTRA</td>
<td>$205,453</td>
</tr>
<tr>
<td>Supplemental Billing June 2017</td>
<td>$33,310</td>
</tr>
<tr>
<td>Total Adjustments</td>
<td>$(14,763)</td>
</tr>
<tr>
<td>Total Collected YTD (percent of budget)</td>
<td>$182,734 111%</td>
</tr>
<tr>
<td><strong>Amount Due per Accounts Receivable</strong></td>
<td><strong>$41,266.04</strong></td>
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</table>

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

6/30/2018

<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</td>
<td>$128,414 122%</td>
</tr>
<tr>
<td><strong>Amount Due Per Budget</strong></td>
<td><strong>$(23,414)</strong></td>
</tr>
</tbody>
</table>
Monthly Department Reports
Code Enforcement  
Month of July FY19

Building Permits Issued/Permit Fees Collected:
Permits this month: 48  
Permits this year: 48  
Total construction this month: $445,599  
Total construction this year: $445,599  
Permit fees this month: $18,832.72  
Permit fees this year: $18,832.72  
Connection & Facility Fees this month: $12,350  
Connection & Facility Fees this year: $12,350  
Fire Dept. levy this month: $498.46  
Fire Dept. levies this year: $498.46  
Miscellaneous Revenue: $0  
Grass cutting enforcement: 10  
Grass cutting: 6

Other items of note:
1. Completed 82 inspections
2. Completed 6 courtesy residential inspections
3. Conducted 9 courtesy commercial inspection
4. Conducted 28 E & S control inspections
5. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
6. Completed 1 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. Staff is working on an enforcement case on Mason Avenue. Update: Met with engineer regarding a demolition plan. Currently meeting with contractors for bids. A notice has been posted on the front door of the property and will run 2 weeks in the newspaper. Demolition is slated for some time after September 10. Staff sent out a letter regarding some fire code violations on a house on Randolph Avenue.
11. Staff is continuing to work on an ongoing enforcement cast of a derelict building on Jefferson Avenue.
12. Staff has been working with Fireworks contractor to resolve some issues with the 4th of July show. The Town will be receiving a $5,000 refund.
<table>
<thead>
<tr>
<th>Map Number</th>
<th>Permit #</th>
<th>Type</th>
<th>Date</th>
<th>Address</th>
<th>Work Description</th>
<th>Permit Fee</th>
<th>Contractor</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/06/18</td>
<td>PG180020</td>
<td>Gas</td>
<td>07/25/2018</td>
<td>8 Bay Avenue</td>
<td>Run Gas Lines in Res Addition for Fumac</td>
<td>$56.00</td>
<td>Harris Gas Service</td>
<td>$2,000</td>
</tr>
<tr>
<td>083A3-0100-01</td>
<td>PP180059</td>
<td>Plumbing</td>
<td>07/03/2018</td>
<td>104 Bay Avenue</td>
<td>Replace On Site Water Line</td>
<td>$56.00</td>
<td>Davishar Plumbing</td>
<td>$2,400</td>
</tr>
<tr>
<td>PM180026</td>
<td>PP180061</td>
<td>Plumbing</td>
<td>07/11/2018</td>
<td>204 Jefferson Avenue</td>
<td>Install 2 Air to Air Heat Pumps, 2 Duct Work</td>
<td>$187.60</td>
<td>Absolute Comfort Heating</td>
<td>$18,500</td>
</tr>
<tr>
<td></td>
<td>PG180019</td>
<td>Gas</td>
<td>07/11/2018</td>
<td>204 Jefferson Avenue</td>
<td>New Plumbing for S/F Res</td>
<td>$162.40</td>
<td>Elite Plumbing</td>
<td>$14,000</td>
</tr>
<tr>
<td></td>
<td>PP180062</td>
<td>Plumbing</td>
<td>07/19/2018</td>
<td>405 Madison Avenue</td>
<td>Plumbing for New S/F Residence</td>
<td>$156.00</td>
<td>Velvet Enterprises, LLC</td>
<td>$1,000</td>
</tr>
<tr>
<td>PF180007</td>
<td>Fire Suppresio</td>
<td></td>
<td>07/11/2018</td>
<td>900 Marina Village Cir</td>
<td>Fireworks Display for August 4, 2018</td>
<td>$117.60</td>
<td>Cherrystone Creek, LLC</td>
<td>$5,500</td>
</tr>
<tr>
<td></td>
<td>PE180067</td>
<td>Electrical</td>
<td>07/12/2018</td>
<td>7 Mason Avenue</td>
<td>Electrical for Complete Residential Renovati</td>
<td>$154.00</td>
<td>C.L. Edwards Electric IN</td>
<td>$12,500</td>
</tr>
<tr>
<td>PM180028</td>
<td>Mechanical</td>
<td></td>
<td>07/09/2018</td>
<td>203 Mason Avenue</td>
<td>Install 2 Air To Air Heat Pumps</td>
<td>$138.88</td>
<td>All Weather Heating &amp; U</td>
<td>$7,400</td>
</tr>
<tr>
<td>PE180073</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>220 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$93.52</td>
<td>Chapman Electric</td>
<td>$3,350</td>
</tr>
<tr>
<td>PE180074</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>222 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$93.52</td>
<td>Chapman Electric</td>
<td>$3,350</td>
</tr>
<tr>
<td>PE180075</td>
<td>Electrical</td>
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<td>07/30/2018</td>
<td>224 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
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<td>Chapman Electric</td>
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</tr>
<tr>
<td>PE180076</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>226 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$93.52</td>
<td>Chapman Electric</td>
<td>$3,350</td>
</tr>
<tr>
<td>PE180077</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>228 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$93.52</td>
<td>Chapman Electric</td>
<td>$3,350</td>
</tr>
<tr>
<td>PE180078</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$179.20</td>
<td>Chapman Electric</td>
<td>$17,000</td>
</tr>
<tr>
<td>PE180084</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue A</td>
<td>New Electrical for Residential Unit In Mixed</td>
<td>$72.80</td>
<td>Chapman Electric</td>
<td>$5,500</td>
</tr>
<tr>
<td>PE180085</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue B</td>
<td>New Electrical for Residential Unit In Mixed</td>
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<td>Chapman Electric</td>
<td>$5,500</td>
</tr>
<tr>
<td>PE180086</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue C</td>
<td>New Electrical for Residential Unit In Mixed</td>
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<td>Chapman Electric</td>
<td>$5,500</td>
</tr>
<tr>
<td>PE180087</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue D</td>
<td>New Electrical for Residential Unit In Mixed</td>
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<td>Chapman Electric</td>
<td>$5,500</td>
</tr>
<tr>
<td>PE180088</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue E</td>
<td>New Electrical for Residential Unit In Mixed</td>
<td>$72.80</td>
<td>Chapman Electric</td>
<td>$5,500</td>
</tr>
<tr>
<td>PE180089</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue F</td>
<td>New Electrical for Residential Unit In Mixed</td>
<td>$72.80</td>
<td>Chapman Electric</td>
<td>$5,500</td>
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<tr>
<td>PE180090</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue G</td>
<td>New Electrical for Residential Unit In Mixed</td>
<td>$72.80</td>
<td>Chapman Electric</td>
<td>$5,500</td>
</tr>
<tr>
<td>PE180091</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue H</td>
<td>New Electrical for Residential Unit In Mixed</td>
<td>$72.80</td>
<td>Chapman Electric</td>
<td>$5,500</td>
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<tr>
<td>PE180092</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>230 Mason Avenue I</td>
<td>New Electrical for Residential Unit In Mixed</td>
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<td>Chapman Electric</td>
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<tr>
<td>PE180079</td>
<td>Electrical</td>
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<td>07/30/2018</td>
<td>232 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
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<td>Chapman Electric</td>
<td>$3,350</td>
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<tr>
<td>PE180080</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>234 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$93.52</td>
<td>Chapman Electric</td>
<td>$3,350</td>
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<tr>
<td>PE180081</td>
<td>Electrical</td>
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<td>07/30/2018</td>
<td>236 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$93.52</td>
<td>Chapman Electric</td>
<td>$3,350</td>
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<tr>
<td>PE180082</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>238 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$93.52</td>
<td>Chapman Electric</td>
<td>$3,350</td>
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<tr>
<td>PE180083</td>
<td>Electrical</td>
<td></td>
<td>07/30/2018</td>
<td>240 Mason Avenue</td>
<td>New Electrical for Commercial Unit In Mixed</td>
<td>$93.52</td>
<td>Chapman Electric</td>
<td>$3,350</td>
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<tr>
<td>PB180090</td>
<td>Building</td>
<td></td>
<td>07/26/2018</td>
<td>238 Monroe Ave</td>
<td>Adding Bathroom Within Utility Room</td>
<td>$56.00</td>
<td>Michelle Cross</td>
<td>$2,500</td>
</tr>
<tr>
<td>Permit Number</td>
<td>Permit #</td>
<td>Type</td>
<td>Date</td>
<td>Address</td>
<td>Work Description</td>
<td>Permit Fee</td>
<td>Contractor</td>
<td>Value</td>
</tr>
<tr>
<td>---------------</td>
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<td>-----------</td>
<td>--------------------------</td>
<td>-------------------------------------------------------</td>
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<tr>
<td>083A3-0100-23</td>
<td>PE180066</td>
<td>Electrical</td>
<td>07/10/2018</td>
<td>635 Monroe Avenue</td>
<td>Electrical for Bathroom Remodel to include</td>
<td>$56.00</td>
<td>J&amp;J Electrical</td>
<td>$800</td>
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<td></td>
<td>PB180091</td>
<td>Building</td>
<td>07/26/2018</td>
<td>12 Peach Street</td>
<td>Interior Demolition Including Non Load Beari</td>
<td>$56.00</td>
<td>Westerhouse Holdings L</td>
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<tr>
<td>083A3-0100-49</td>
<td>PP180057</td>
<td>Plumbing</td>
<td>07/02/2018</td>
<td>111 Peach Street</td>
<td>Rough In &amp; Hook Up All Plumbing Fixtures</td>
<td>$151.20</td>
<td>Scott &amp; Mikes Plumbing</td>
<td>$12,000</td>
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<tr>
<td>083A3-0100-49</td>
<td>PM180029</td>
<td>Mechanical</td>
<td>07/27/2018</td>
<td>111 Peach Street</td>
<td>Install 2 Air to Air Heat Pumps &amp; Air Handler</td>
<td>$86.80</td>
<td>A W Rayfield Mechanic</td>
<td>$8,000</td>
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<tr>
<td></td>
<td>PP180058</td>
<td>Plumbing</td>
<td>07/02/2018</td>
<td>113 Peach Street</td>
<td>Rough In &amp; Hook Up All Plumbing Fixtures (</td>
<td>$151.20</td>
<td>Scott &amp; Mikes Plumbing</td>
<td>$12,000</td>
</tr>
<tr>
<td></td>
<td>PM180030</td>
<td>Mechanical</td>
<td>07/27/2018</td>
<td>113 Peach Street</td>
<td>Install 2 Air To Air Heat Pumps &amp; Air Handle</td>
<td>$86.80</td>
<td>A W Rayfield Mechanic</td>
<td>$8,000</td>
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<tr>
<td></td>
<td>PM180027</td>
<td>Mechanical</td>
<td>07/03/2018</td>
<td>205 Peach Street</td>
<td>Install One Air to Air Heat Pump</td>
<td>$81.20</td>
<td>All Weather Heating &amp;</td>
<td>$7,000</td>
</tr>
<tr>
<td></td>
<td>PB180089</td>
<td>Building</td>
<td>07/25/2018</td>
<td>4 Randolph Avenue 1st</td>
<td>Interior Renovation</td>
<td>$308.00</td>
<td>Ocean Bay Contracting,</td>
<td>$40,000</td>
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<tr>
<td></td>
<td>PF18006</td>
<td>Fire Suppres</td>
<td>07/18/2018</td>
<td>718 Randolph Avenue</td>
<td>Wet Sprinkler System for New Commercial</td>
<td>$165.76</td>
<td>Professional Fire Prote</td>
<td>$9,800</td>
</tr>
<tr>
<td></td>
<td>PE180069</td>
<td>Electrical</td>
<td>07/26/2018</td>
<td>718 Randolph Avenue</td>
<td>Electrical For New Residential Unit</td>
<td>$61.60</td>
<td>Townsend Electric</td>
<td>$3,500</td>
</tr>
<tr>
<td></td>
<td>PE180070</td>
<td>Electrical</td>
<td>07/26/2018</td>
<td>718 Randolph Avenue</td>
<td>Electrical For New Residential Unit</td>
<td>$56.00</td>
<td>Townsend Electric</td>
<td>$2,500</td>
</tr>
<tr>
<td></td>
<td>PE180071</td>
<td>Electrical</td>
<td>07/26/2018</td>
<td>718 Randolph Avenue</td>
<td>Electrical For New Residential Unit</td>
<td>$56.00</td>
<td>Townsend Electric</td>
<td>$2,500</td>
</tr>
<tr>
<td></td>
<td>PE180072</td>
<td>Electrical</td>
<td>07/26/2018</td>
<td>718 Randolph Avenue</td>
<td>Electrical For New Commercial Unit (Garage)</td>
<td>$84.00</td>
<td>Townsend Electric</td>
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<tr>
<td></td>
<td>PE180068</td>
<td>Electrical</td>
<td>07/17/2018</td>
<td>615 Strawberry Street</td>
<td>Wire New Garage Building</td>
<td>$61.60</td>
<td>Mabalot Services</td>
<td>$3,500</td>
</tr>
<tr>
<td></td>
<td>PU180002</td>
<td>Shallow W</td>
<td>07/23/2018</td>
<td>106 Sunset Blvd.</td>
<td>Install a Shallow Well</td>
<td>$100.00</td>
<td>Bundick Well &amp; Pump</td>
<td>$4,999</td>
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<tr>
<td></td>
<td>PP180060</td>
<td>Plumbing</td>
<td>07/10/2018</td>
<td>723 Tazewell Avenue</td>
<td>Plumbing for New S/F Residence</td>
<td>$91.84</td>
<td>David Neil Andrews</td>
<td>$8,900</td>
</tr>
<tr>
<td></td>
<td>PB180088</td>
<td>Building</td>
<td>07/09/2018</td>
<td>218 Washington Aven</td>
<td>New S/F Res</td>
<td>$14,175.44</td>
<td>QS LLC</td>
<td>$130,000</td>
</tr>
</tbody>
</table>

**Total Permits:** 48

**Permit Issued Range from 07/01/2018 to 07/31/2018**
Town Harbor Town Council Report

July 2018

Items of Interest:

1. July was a very successful month for the Harbor, the 4th week was eventful ending with the 1st annual Harbor Classic Cars Show which was front page news in the Eastern Shore Post. Partnered with the Eastern Shore Cruisers and planning for next season to attract more than 100 cars, trucks, tractors and motorcycles.
2. Weekends are full for 2018/19 season. All slips over 20 foot are rented either by commercial vessels or seasonal and annual customers.
3. College bound seasonal helpers are heading back to school and finished for the season at the end of July. Currently 2 part time students to carry us to the end of season.
4. Installed new HD chain on all No Wake Buoys and installed 2 additional Danger Buoys on west side of basin entrance marking the shoal in front of Coast Guard seawall.
5. Crab season is picking up. Approximately 15 workboats were here for the summer crabbing season, all large inner harbor slips were booked for crabbing. A vital part of the harbor and great to see the crabs are finally cooperating!
6. Shanty parking lot is being maintained by public works. Weather has not been on our side. The plan is to incorporate crush n run or 67 stone in the shells for durability and longevity which will be easier to maintain and more cost effective. (work in progress, ideas & bids)
7. The Eastern Shore Marlin Club based out of Wachapreague has joined the Town Harbor as the southern location for a weight station during their events. This promotes Cape Charles Harbor as an offshore fishing destination which is as close as Rudee Inlet, Lynnhaven Inlet and other marina locations to the offshore fishing grounds.
8. The harbor participated in a joint training exercise assisting the United States Army Special Operations Command 95th Civil Affairs Brigade (Airborne) the harbor provided the location and subject matter personal to interact with a 4 personal team that are specialized in operating around the globe in politically sensitive and often hostile environments where a larger US Governments may not be desired or feasible. They specialize in inter-agency coordination, rapid critical infrastructure assessment, human terrain mapping through civil reconnaissance, as well as non-lethal target development in support of counterterrorism operations. The team spent 4 days in Cape Charles interacting with Town officials observing critical areas and target areas creating a very informative report to be presented by the town manager in the near future.

Maintenance/Repairs:

1. The harbor staff is currently working on dock/facility maintenance projects around the harbor. Harbor restrooms are remodeled and facilities are easier to maintain.
2. The staff is currently working to complete the laundry facility, WORK IN PROGRESS!
3. General maintenance being performed on all docks.

Capital Projects and Harbor improvements

1. Shade sail preparation for piling layout and foundation design. Working out logistics and time frame to start footer work this July/Aug. Obtaining bids for the aluminum columns.
2. **Harbor Fuel System- BIG Tier I Grant:** Approved, funding available Aug 2018.
Cape Charles Memorial Library  
Monthly Report, July 2018

Youth Programs
Book Reading with Andrew Barbour from Barrier Island Center - 30
Toddler Storytime (4 programs) - 82
Curious Kids (2 programs) - 24
Wild Minds! – 22
Geocaching with Kiptopeke State Park - 20
ES Soil & Wildlife Conservation District - 6
Stuffed Animal Sleepover - 26
Barefoot Puppet Theatre - 105
Barefoot Puppet Workshop - 40
Bird Migration Adventure with Kiptopeke State Park - 30
Tween Night - 15
Owl Prowl - 17

Adult Programs
Memoir Class (1 class) - 10
Barrier Island Center film - 6

Outreach Programs
Stem programs with migrant children at Kiptopeke Elementary School. (4 programs)
Programs with ES Migrant Head Start in Cheriton. (2 programs)
Attended Health Fair at KS Migrant Camp in Cheriton with informational brochures and activities for children.

Total 433

• Library Services
  • We have had a busy summer with up to 160 people visiting the library on some days.

• Meetings
  • Attended Friends of the Library Meeting. 7/2
  • Attended Eastern Shore Public Library Trustee Meeting 7/10
  • Attended Library Board Meeting. 7/11
  • Attended Ethics in Government. 7/26

• Marketing & Communication
  • Installed 2 new business card holders in the lobby.
  • Displays for the month featured books on summer theme; Reading Takes You Everywhere, and Eastern Shore local history.
  • Special publicity was completed for the Summer Reading Program July events, (flyers, Facebook, ESPL website, Town of Cape Charles website, Friends of CCML calender, and e-mail distribution list).

• Outreach
  • Presented a StEM program for migrant children at Kiptopeke Elementary every Monday at 1:00.
  • Presented a program for Eastern Shore Migrant Head Start in Cheriton.
• Participated in the Eastern Shore Rural Health Migrant Health Fair. 7/26, 6:00 p.m.

• Facility
  • There is still an odor in the Library.
  • The 3 newer air-conditioning units were cleaned and freon was added.

• Technology

• Continuing Education
  • All four of the Eastern Shore Public libraries attended a day of staff training.

• Personnel
  • Library Assistant Austin Riopel resigned as of July 26 to attend library school.
  • We interviewed 4 applicants and hired Bobby Harman to fill this position. He will begin on August 13.

• Youth Services
  • Toddler Storytime, 10:30 Thursday
  • Summer Reading Program—Reading Takes You Everywhere
    ▪ Book Reading with author Andrew Barbour-Barrier Island Center, 7/3, 11:00
    ▪ Preschool Art for Curious Kids, 7/5, 11:00
    ▪ Wild Minds! Designed for ages 8+, 7/5, 2:30
    ▪ Geocaching with Kiptopeke State Park, 7/9, 4:00
    ▪ Water’s Incredible Journey: The Chesapeake Bay, 7/10, 11:00.
    ▪ Stuffed Animal Sleepover! 7/12, 7:00
    ▪ Owl Prowl with Ranger Bill of Kiptopeke State Park. 7/14, 7:30
    ▪ Barefoot Puppet Theatre at Civic Center, 7/17, 11:00
    ▪ Barefoot Puppet Workshop, 7/17, 12:00
    ▪ Bird Migration with Ranger Stan of Kiptopeke State Park, 7/24, 11:00
    ▪ Preschool Art for Curious Kids, 7/17, 11:00
    ▪ Wild Minds! Imagine & Create, 7/26, 2:30

• Adult Programs
  • Memoir/Creative Writing Class (met one additional time this month.)
  • Barrier Islands Center film, Welcome to the table, 7/10, 7:00

• Friends of Cape Charles Memorial Library
  • Provided Computer Tutor one-on-one training for patrons.

• Volunteers
  • Had 150.5 volunteer hours this month.

Upcoming Events
  • Silent Comedy with Hoopee, 7/25, 11:00
  • Meet the Tooth Fairy, 8/2, 10:30
  • Pirate Treasure Hunt with Pirate Stan, 8/7 11:00
  • Turtle Tales with Virginia Living Museum, 8/8, 10:30
  • Wild Minds! 8/13, 1:30
  • Owl Prowl with Ranger Bill of Kiptopeke State Park, 8/17, 7:30
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Planning Department Report for Town Council

From: Larry DiRe
To: Town Council
Date: August 1, 2018
Subject: July 2018 monthly report of Boards and Commissions, and items of interest
Attachment: Civil Affairs Team report

Planning Commission:

1. The Planning Commission met on July 3 for their regular monthly meeting. In addition to the monthly department activity report, staff brought forward two items for final review and recommendation to Town Council. The first, a general review of zoning ordinance Article IV (regulations applicable to all districts). Secondly, the Commissioners also reviewed proposed draft language for accessory dwelling units and discussed draft language to clarify water/sewer/trash services to these units, and set August 7, 2018 as the public hearing date. The issue will be considered again at the August 7 regular monthly meeting following the scheduled public hearing on proposed draft text amendments. https://capecharles.municipalcms.com/files/documents/PlanningCommissionAgenda07-03-18010713062718PM1468.pdf

Historic District Review Board:

1. The Historic District Review Board received one new application for Certificate of Appropriateness to consider at their July 17 regular monthly meeting. That application was for construction of a new single-family dwelling, which was approved as submitted. The Board also rescheduled the August meeting date to August 14 rather than the 21st. https://capecharles.municipalcms.com/files/documents/HistoricDistrictReviewBoardAgenda07-17-18102652071118AM1701.pdf

Harbor Area Review Board:

1. The Harbor Area Review Board had no business and did not meet in July.

Board of Zoning Appeals:

1. The Board of Zoning Appeals had no business and did not meet in July

Wetlands and Coastal Dune Board:

1. The Wetlands and Coastal Dune Board had no business and did not meet in July.

Of interest:

1. An application for waterside development of a pier and jetty was received by the town for the proposed development at the waterfront Ferry Dock lot. The Wetlands and Coastal Dune Board is scheduled to hold a public hearing and meeting on this application on Tuesday August 28.  

2. Staff met with US Army Civil Affairs Team conducting an exercise to assess asset strengths and vulnerabilities as part of a state-side exercise before deployment. Please see the team’s report attached as an informational item.

3. Staff attended VDOT’s public meeting on the proposed traffic safety improvement project at Food Lion and Stone Road on July 24. The public comment period is open until
August 3 and project information may be found at this link.  

4. Staff attended both of the Coast Guard’s July 10 public meetings on the proposed rules change for an anchorage in the lower Chesapeake Bay. Although the public comment period closed on July 17, all documents and comments can be found at this link.  

5. Staff attended the Eastern Shore Healthy Communities meeting at the Eastern Shore Chamber of Commerce in Melfa, VA on July 24. At this meeting the trails group accepted the role of serving as the walkable communities committee.

6. Staff met with the Wetlands and Coastal Dune Board chair on the beach management plan drafting process.
96th Civil Affairs Battalion (SO) (A)
Civil Information Management Exercise

23-26 JULY 2018
Cape Charles, VA
Agenda

Who We Are
Mission Statement
Exercise Overview
Methodology
Findings
Recommendations
Overarching Themes
Who We Are

Team Leader
CPT Brendan McKnight

- Hometown: Canton, OH
- Degree: B.A. USMA – Geopolitics
- Military Experience
  - Time in Service: 7 Years
  - Former Armor Officer
  - 2 Deployments
    - 2014: Kuwait, Saudi Arabia, Oman
    - 2017: Syria
- Training
  - Airborne
  - First Aid
  - Arabic

Team Sergeant
SFC Scott Balliett

- Hometown: Muncy, PA
- Degree: B.S. ECU – Criminal Justice
- Military Experience
  - Time in Service: 12 Years
  - Former Communications Sergeant
  - 3 Deployments
    - 2008-09: Iraq
    - 2011: Iraq
    - 2016: Poland
- Training
  - Airborne / Air Assault
  - Ranger
  - First Aid
  - Urdu

Civil Affairs Sergeant
SSG Brendan Harris

- Hometown: Richmond, KY
- Degree: B.S. Campbell U- Health Science
- Military Experience
  - Time in Service: 10 Years
  - Former Medic
  - 2 Deployments
    - 2009: Afghanistan
    - 2010: Iraq
- Training
  - Airborne
  - Special Operations Combat Medic
  - Arabic
What We Do

Civilian Population

Military Interests

Civil Affairs Team
How We Train

Schoolhouse
- Most Soldiers already have 3-5 years of service before applying
- Involves extensive assessment and selection process
  - Adaptability
  - Teamwork
  - Cultural awareness
  - Leadership
- Approximately one year in the Civil Affairs Qualification Course

Unit Training
- Advanced Language
- Advanced Tactical Training
- Tactical Combat Casualty Care/Combat Trauma Management
- Communications
- Project Management and Funding
Where We Go
What We’re Doing Here

• Final event of a 2-week culminating exercise

• Last major training event prior to upcoming deployment

• Provides real-world similarities and applications to what we can expect while overseas
(U) Mission. Civil Affairs Team 642 conducts a civil information management exercise in partnership with the town of Cape Charles, VA, from 23-26 April 2018 in order to assess civil vulnerabilities and risk mitigation in preparation for future contingencies in the event of a large-scale disaster event.

(U) Purpose. In order to provide the town of Cape Charles with an outside perspective and informed recommendations on emergency response capabilities, while developing the team’s ability to gather and analyze civil information to prepare them for future deployments to the Central Command area of operations.
Exercise Overview

Exercise Length: 3 Days
Areas Surveyed: 5
Total Engagements: 6
Findings

Existing Systems/Infrastructure
Town Management
• NIXLE Community Notification System
• NIMS training
• Community response
Police
• FEMA training
• 2014 tornado response adopted in State Plan
• Community response
Fire
• Recent funding support from community
• Community response
Harbor
• Evacuation Plan and Preparation Guide
• Port Authority granting
• Professional relationships
• USCG resources
• Community response

Gaps in Systems/Infrastructure
• Mass notification to non-residents (siren)
• Non-resident education
• Adapting to aging demographic
• Critical personnel residing out-of-town
• Back-up power in critical infrastructure
• Internet-based phone line
• Emergency shelters
• Infrastructure to address narrow streets
• RTE 184 maintenance
• Decrease in volunteerism
• Regular coordination and communication
• County Emergency Response Plan familiarization
• Town Emergency Response Plan
Overarching Themes

- Increase communication and coordination
- Leverage institutional knowledge and allow for continuity
- Utilize unique resources
- Plan for contingencies
- Leverage close-knit community
- Increase public awareness

Key Links/Nodes

- RTE 184
- Harbor
Recommendations

1. Town Emergency Response Plan
   • Nested in existing County Plan
   • Implemented through community organization (neighborhood/street POCs)
     • Regular tabletops
     • Widest dissemination

2. Mass Notification to and education of part-time and non-residents
   • Z Card distribution in shops, library, harbor
   • Big Voice

3. Adopt RTE 184
   • Protect key infrastructure
   • Equipment from County
Questions?

CAT 642 Team Leader
CPT McKnight, Brendan
910-907-3108 (Office)
330-806-9674 (Cell)
brendan.mcknight@socom.mil

CAT 642 Team Sergeant
SFC Balliett, Scott
910-907-3108 (Office)
706-580-4354 (Cell)
scott.balliett@socom.mil

CAT 642 CA NCO
SSG Harris, Brendan
910-907-3108 (Office)
803-466-4450 (Cell)
brendan.harris@socom.mil
The following information is the monthly statistics regarding law enforcement activities for the Cape Charles Police Department.

- Calls for service in Cape Charles: 65
- Calls for service outside of Cape Charles: 9
- Felony arrests: 0
- Misdemeanor Arrests: 7
- Traffic Summons: 15
- Traffic Warnings: 17 (written & verbal):
- Parking tickets: 66
- Building Checks: 21
- Assisted Northampton County Sheriff’s Office: 7
- Assisted Virginia State Police: 2
- Assisted Federal Agencies: 0
- Assisted Fire & Rescue: 0
- Foot Patrol Hours: 78
- Bay creek patrol hours: 28

The following took place in July:
- Officers Diaz, and Charlton started police academy July 17th.
- Officers Diaz, and Charlton completed RADAR certification.
- Michael Charlton is the new member of the Police dept. he was hired July 6th.

Arrests:
1. Violation of court order
2. Assault & Batter family member
3. Driving without license
4. Wanted person (NY)
5. Possession of tobacco
6. Possession of marijuana
7. Wanted person (Accomack county)
Public Utilities
Monthly Report
July 2018

Production Summary

➢ Miss Utility Tickets: 20
➢ Sludge Tons 30 tons
➢ *Water: Total Production: 4,995,434 Gallons
   High: 243,282
   Low: 116,401

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All Data in PPM

➢ *Waste Water: 
   Average Flow 145,000 gpd
   Maximum 185,000 Gallons
   Total for Month 4,350,000 Gallons
   Nutrients:
   Phosphorus Average .09 Limit .3 mg/l annual average
                       YTD .05
   Nitrogen Average .8 Limit 4 mg/l annual average
                      YTD 1.03

(*Numbers are from previous month)

Personnel

○ Water
  o Scottie Neville Operator Class 3 Water, Operator in Charge
  o Patrick Christman Operator Class 3 Water,
  o Freddie Meditz Trainee
  o Gerald Elliott Maintenance
  o Dan Dabinett Operator Class 3 Water, Maintenance
  o Dehric Parker Part Time Trainee

○ Waste Water
  o Patrick Christman Operator Class 2 WW, Operator in Charge
  o Freddie Meditz Operator Class 3 WW
  o Dan Dabinett Operator Class 2 WW, Maintenance
  o Billy Powell Maintenance Supervisor
  o Ralph Bowen Trainee
Public Utilities

Current Projects

➢ Received Ditch Witch Vacuum Excavation System
➢ Repaired water main break in Plantation Point

Capital Projects

➢ Wastewater:
  • Replace four (4) 4620 mixers with larger 4630 mixers at waste water treatment plant $26,000.
  • 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

2) Set up signs, cones and fencing for the Reel and Raw.
3) Removed sand from Bay Avenue side walks
4) Repaired Central park Fountain.
5) Keeping storm drains clear and flowing during heavy rains
6) Worked on Library plumbing
7) Cleared hedgerows along RR ROW for golf cart path to museum and brewery

In Progress

Upcoming Projects

➢ Installing east portion of lighting in RR parking lot
Recreation Department
August 2018 Council Report

1. Time was spent cleaning out file cabinets. Tracy Outten is assisting in making sure the proper paperwork is submitted to the Library of Virginia and files are stored or destroyed properly according to guidelines.

2. Finished report to be submitted for the Town Manager transition book. This was a great opportunity for staff to suggest changes to be made to the job description and responsibilities as the position has changed somewhat in the past 8 years.

3. Street closure submitted for the Shriner’s Parade to be held on August 4. Request was also submitted to Coast Guard Cape Charles for a color guard for the event.

4. July 23 – Meeting with Hank and Bill from CCP about budgeting for Summer Concerts. During the last budget session the concert series funding was moved to the Community Events/Recreation Budget with no direction for this decision. Jen, Larry, Hank and Bill had a very good meeting to discuss how funding would be disbursed and how we would move forward with scheduling and funding.

5. July 24 – Meeting with Carol Evans to discuss the Kiss the Summer Goodbye Event sponsored by the Main Street Events Committee. Provided Carol with a use of facility form and discussed requirements from the Town. Provided information and offered services for the event.

6. July 26 – Meeting with Main Street, CCBA and Town of Cape Charles to finalize last minute details for the Governor’s visit.

7. Meeting with Larry and Shelly to help with the transition of Main Street from the Town of Cape Charles. Items discussed were space in the Chesapeake Bay Bridge Tunnel Welcome Center, presence in other welcome centers, Town Map, assistance with programs such as Festive Fridays and budgeting issues such as Christmas decorations. Some additional research will be done by all and Larry, Shelly and Jen will continue to meet until each party is comfortable with the transition of each item. Some items will need to be sorted out as we experience certain events and/or situations but it is felt that this can be accomplished with time.

8. Met with Talley and Jim Powell for a visit from MTOA in September. She stated they would be bringing over 75 people for their visit to Kings Creek Marina. I supplied them with maps, list of restaurants and rack cards for the museum. I will be sending them a schedule of events to pass out upon their arrival.

9. Working with Pamela Barefoot through KOA Sunset Beach. They will be having an RV rally and will be planning a visit for the participants to Cape Charles. We will work together to make sure all the restaurants and businesses are notified before their arrival. I have provided them with a list of restaurants in Cape Charles.

10. There will be a health fair in October that Cape Charles has asked to participate in. Spoke with the Town Manager and this may be a good chance to share information on the Community Trail as a great form of exercise.

11. Will be working with the Town of Parksley for Cape Charles to have a presence at their Fall Festival in October. I will be reaching out to other organizations in Town to have materials present.
ITEM SPECIFICS:
The Town Council interviewed three town manager candidates on June 25, June 27, and July 2. The candidates were given golf cart tours of the town and facilities by Interim Town Manager Larry DiRe, Mayor George Proto and Mayor-elect William “Smitty” Dize. They were also given an opportunity to meet the town staff.

The following has occurred since the July Council meeting:
- The results of the background checks were received for the three finalists.
- Council met to discuss the three finalists.
- An offer was made to a candidate and an employment agreement was drafted. Mayor Dize negotiated the specifics of the employment agreement with the candidate. The candidate tentatively accepted the position pending finalization of the employment agreement. The final draft of the employment agreement was submitted for legal review.
- The draft employment agreement was updated based on comments from legal counsel and forwarded to Council for review. An executive session was scheduled for August 9, 2018 for Council to discuss and finalize the employment agreement.
- Upon finalization of the agreement, it will be forwarded to the candidate.

RECOMMENDATION:
Provided for information only.
**AGENDA TITLE:** Accessory dwelling units – set public hearing date.  

**SUBJECT/PROPOSAL/REQUEST:** Review proposed draft text amendments to zoning ordinance making accessory dwelling units a conditional use in the Residential Estate, Commercial – Residential, Residential -1, and Residential – 2 zoning districts.  

**ATTACHMENTS:** Proposed draft text amendments to several sections of the zoning ordinance making accessory dwelling units a conditional use.  

**STAFF CONTACT(s):** Larry DiRe  

**BACKGROUND:**  
Accessory dwelling units have been considered by both the Planning Commission and the Town Council for several years. The revised comprehensive plan, adopted on December 15, 2016, cites such units as adding diversity to the housing stock, and providing affordable housing options. Currently, the zoning ordinance prohibits such units. While that disconnect needs to be reconciled, staff is bringing the matter forward for review should such units be made a legal land use option.

**ITEM SPECIFICS:**  
In brief the proposed text amendments state the following: 1) accessory dwelling units are a conditional use, not a by right use; 2) accessory dwelling units must be part of an accessory building; 3) accessory dwelling units may have a separate water/sewer/trash account from the main structure and are billed accordingly; 4) accessory dwelling units have a separate entrance from the accessory building’s entrance; 5) accessory dwelling units must meet all building, fire, and residential code requirements. The following specifics should be remembered as well:

- Accessory dwelling units are not synonymous with tiny houses, all dwelling units are still by way of “accessory” use to a garage, workshop, or other secondary use of the main structure residential dwelling.

- Accessory dwelling units are by conditional use only and need to meet all zoning ordinance requirements of a conditional use.

- Accessory dwelling units must conform to all relevant building, fire, and property maintenance code regulations.

- Accessory dwelling units length of stay period for occupants aligns with the terms identified in the Town’s current transient occupancy tax and building code regulations.

- Water/sewer/trash monthly fee – All accessory dwelling units shall be billed as a water/sewer/trash account separate from the account for the main structure and shall pay the minimum monthly account fee as set by Town Council.

- Water meter option – An accessory dwelling unit may have a separate water meter from that of the main structure upon request by the property owner. If so requested the property owner shall pay all water and sewer utility connection fees as set by Town Council. Metered accessory dwelling units will receive a water/sewer bill based on the metered use, but not less than the minimum monthly account fee.
trash can – All accessory dwelling units shall have a separate trash can provided by the contract waste disposal company.

Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.

Several additional procedural or application matters should be considered including submittal of a current (less than one year) survey plat showing all building locations and calculations of lot coverage area; permeable pavers may be used to accommodate off-street parking and meet lot coverage maximums; any required Virginia Department of Transportation right of way permit approval be secured prior to approval of a conditional use permit.

Following discussion at the July 3, 2018 Planning Commission regular meeting, staff has struck out the previous language linking number of occupants to dwelling unit square footage. At that same meeting the Commissioners set Tuesday August 7, 2018 as the date for the required public hearing. A public hearing was held on that date, and no public comment was received. Following the close of the public hearing, the Commissioners voted to approve the draft text amendments as attached and recommend approval by the Town Council.

RECOMMENDATION:

Following any discussion provide direction to staff for further review, or if further review is not required of the proposed draft text amendments staff recommends Town Council set Monday, September 17, 2018 as the date for a public hearing.
Section 2.9 Definitions (insert accessory dwelling definition, modify accessory building and single-family dwelling definitions)

DWELLING, ACCESSORY is a dwelling unit which is an accessory use to a single-family dwelling.

BUILDING, ACCESSORY means a subordinate and separate building located upon the same lot occupied by the main structure or where a main structure was previously located. Accessory buildings shall not be used as dwelling units, unless a conditional use permit is issued for an accessory dwelling.

Section 3.1.C, 3.2.C, 3.3.C, and 3.5.C (insert “Accessory dwellings” in Conditional Use sections)

Section 4.2.J Accessory Dwellings (insert in Article IV)

One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:

A. Physical characteristics.

1. Accessory dwellings shall be located in an accessory building.
2. Accessory dwellings housing one occupant shall have a floor area of at least 350 square feet.
3. Accessory dwellings housing two occupants shall have a floor area of at least 500 square feet.
4. Accessory dwellings housing three occupants shall have a floor area of at least 650 square feet.
5. Accessory dwellings shall not have a floor area exceeding 45 percent of the floor area of the main building.
6. Accessory dwellings shall have one kitchen and one bathroom.
7. Accessory buildings containing an accessory dwelling shall maintain the exterior appearance of an accessory building and shall not have the appearance of a single-family dwelling.

B. Occupancy characteristics.

1. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in
writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Article IV, Section 4.3.F.

2. Water\sewer\trash monthly fee – All accessory dwelling units shall be billed as a water\sewer\trash account separate from the account for the main structure and shall pay the minimum monthly account fee as set by Town Council.

3. Water meter option – An accessory dwelling unit may have a separate water meter from that of the main structure upon request by the property owner. If so requested the property owner shall pay all water and sewer utility connection fees as set by Town Council. Metered accessory dwelling units will receive a water\sewer bill based on the metered use, but not less than the minimum monthly account fee.

4. Trash can – All accessory dwelling units shall have a separate trash can provided by the contract waste disposal company.

5. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.

C. Other requirements.

1. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.

2. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.

3. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1 C. 6. (Table of Parking Standards) using both on and off street parking areas.

4. Floor plans of the proposed accessory dwelling shall be submitted as a part of the conditional use permit application. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic District Overlay.

Section 4.5.1 Table of Parking Standards (insert)

C. Residential

6. Accessory dwelling 1.0 space per accessory dwelling unit (minimum); otherwise 1.0 spaces per accessory dwelling unit bedroom.
BACKGROUND:
Staff has been working with the various boards and commissions on review and proposed revision to sections of the zoning ordinance and town code for several years. The proposed draft text amendment to Article IV Section 4.3.C.1 reconciles the section to language found in Article II Section 2.6.2.C which states one of the specific powers and duties of the Board of Zoning Appeals being the public body responsible for hearing appeals of the zoning administrator’s decisions. At their regular monthly meeting on June 5, 2018 the Planning Commission set the public hearing date of Tuesday August 7, 2018 to hear comment on the proposed draft text amendment. The Town Council did likewise at their July 12, 2018 regular meeting. A joint public hearing was held on Tuesday August 7 and no comments were received. Following the close of the public hearing, the Commissioners voted to approve the draft text amendment as cited below and recommend approval by the Town Council.

ITEM SPECIFICS:
The process of amending the zoning ordinance text is stated in Article II, Section 2.7. Public hearing requirements for both the Planning Commission and Town Council are cited in Sections 2.7.B and 2.7.C respectively.

The role of the zoning administrator, and the corresponding appellate public bodies or staff officials above that position, are in conflict throughout the zoning ordinance. In part the current Article IV, Section 4.3.C.1 language reads as follows: *Any appeal of the Zoning Administrator may be made directly to the town manager.* Article II, Section 2.6.2.C states the following under the powers of the Board of Zoning Appeals:

> To hear and decide appeals from the decision of the zoning administrator. No such appeal shall be heard until after such notice and hearing as provided in Section 15.2-2204 of the Code of Virginia.

The current conflicting language should be revised to present clarity of roles and responsibilities, and to ensure that property owners and other aggrieved parties know process in their respective right to appeal. **The proposed draft text amendment to Article IV, Section 4.3.C.1 reads as follows:**

> Any appeal of the Zoning Administrator shall be made to the Board of Zoning Appeals, as stated in Article II, Section 2.6.2.C.

This change in the appeal process was discussed by both the Board of Zoning Appeals and the Planning Commission at their May 8, 2018 joint work session.

RECOMMENDATION:
Following any discussion staff recommends Town Council adopt the proposed draft text amendments as cited above.
BACKGROUND:
Staff has been working with the various boards and commissions on review and proposed revision to sections of the zoning ordinance and town code for several years. The proposed draft text amendments to Article VIII have been reviewed and discussed by the Board of Zoning Appeals, Historic District Review Board, and Planning Commission at numerous regular and joint work sessions. At their regular monthly meeting on June 5, 2018 the Planning Commission set the public hearing date of Tuesday August 7, 2018 to hear comment on these proposed draft text amendments. The Town Council did likewise at their July 12, 2018 regular meeting. A joint public hearing was held on Tuesday August 7 and no comments were received. Following the close of the public hearing, the Commissioners voted to approve the draft text amendments as attached and recommend approval by the Town Council.

ITEM SPECIFICS:
The process of amending the zoning ordinance text is stated in Article II, Section 2.7. Public hearing requirements for both the Planning Commission and Town Council are cited in Sections 2.7.B and 2.7.C respectively.

Specifically the proposed draft language in Section 8.15 establishes the Board of Zoning Appeals, rather than the Historic District Review Board, as the appellate body for decisions of the zoning administrator in all matters pertaining to the application of the Article VIII regulations; the preamble roots the ordinance within the context of other established Cape Charles-specific preservation planning documents and participation in the Certified Local Government program; economic hardship language is removed; redundant demolition language is removed since Article IV, Section 4.10 addresses demolition in all zoning districts; Section 8.32 establishes procedural steps of the appeal process.

RECOMMENDATION:
Following any discussion staff recommends Town Council adopt the proposed draft text amendments as attached.
Town of Cape Charles
Article VIII
Historic District Overlay

“The Cape Charles Historic District encompasses nearly all of the town of Cape Charles as it was originally laid out in 1883-1884 as well as the Sea Cottage addition, an area west of the original limits of the town, that was developed after 1909...The town was originally laid out in an unusual twenty-seven block grid pattern dominated by a central park with four landscaped streets that radiate from the park and serve as a main cross axis for the town’s circulation pattern. No other such plan is known to exist in Virginia.” – 1989 National Register of Historic Places Registration Form Section 7, page 1.

“An interesting stock of architectural styles in both the residential area and the downtown commercial area contribute an historic style and authenticity. The street patterns, lot configurations and boundaries, which were laid out in an historic grid pattern, have remained largely unaltered, adding to the Town’s historical integrity. Cape Charles’ late nineteenth and early twentieth century character is a key element in the Town’s interest and attractiveness to tourists. The traditional downtown commercial area on Mason Avenue still serves as the commercial center for the Town. It is important that the Town’s historic character be protected, not only for its intrinsic value, but also to continue to attract and expand tourism in Cape Charles.”- Town of Cape Charles 1999 Compressive Plan, page 40.

The Town of Cape Charles participates in the Certified Local Government program and in so doing demonstrates a commitment to keep what is significant from the past for the benefit of future generations. The architectural integrity of existing structures shall be recognized, and future development shall be compatible.

Section 8.1 Purpose of the District

The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of registered architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is also the purpose of the district to preserve the designated historic areas and historic landmarks and other historic or architectural features from destruction, damage, defacement to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the historic district.

Section 8.2 Criteria for Establishing Historic Districts--General Character

The boundaries of the Historic District shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable
distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone.

Section 8.3 Inventory of Landmarks and Contributing Properties Established

The Town of Cape Charles has established as part of this ordinance an inventory map covering the area included in the Historic District, based on the criteria set forth in this ordinance. This map herein after called the inventory map shall be as much a part of this ordinance as if fully described herein and shall be filed as a part of this ordinance by the Town Clerk of the Town of Cape Charles. Structures or sites designated as properties which contribute to the historic character of the Town shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. The inventory map may be amended from time to time in the same manner as the zoning district map.

Section 8.4. Application of the District; Relation to Other Zoning Districts

To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the Historic District is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning District Map. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum height, and accessory uses and accessory signs shall be determined by the regulations applicable to the other districts over which the Historic District is superimposed except as these other district regulations may be modified by application of the regulations in the Historic District.

Section 8.5 Permitted Uses

A building or land shall be used only for any use or accessory use permitted in the zoning district in which the premises are situated and upon which the Historic District is superimposed.

Section 8.6 Historic District Review Board; Creation

For the general purposes of this Article as herein stated and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is created a board known as the Historic District Review Board.

Section 8.7 Historic District Review Board; Membership

The members of the Historic District Review Board shall be appointed by the Town Council. The Membership shall consist of five citizens, at least three of whom shall be residents of the local historic district.
Section 8.8 Historic District Review Board; Terms
Upon approval by the Town Council, members shall be appointed for a term of five years. Appointments to fill vacancies shall be only for the unexpired term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until a successor is appointed and qualifies.

Section 8.9 Historic District Review Board; Qualifications
Members of the Historic District Review Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town.

Section 8.10 Historic District Review Board; Organization
The Historic District Review Board shall elect from its own membership a chairman and vice chairman who shall serve annual terms and may succeed themselves. The chairman shall preside over all meetings in addition to having the duties and responsibilities of other members of the Board. The vice chairman shall preside over meetings of the Board in the absence of the chairman.

Section 8.11 Historic District Review Board; Rules
The Board shall meet in regular session on the third Tuesday of every month when an application has been filed requiring consideration. Special meetings of the Board may be called by the chairman or a majority of the members after public notice as required.

Section 8.12 Historic District Review Board; Meetings; Hearings
Written notice of a special meeting is not required if the time of special meeting has been fixed at a regular meeting or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the Board. The Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the Commonwealth of Virginia.

Section 8.13 Historic District Review Board; Procedures
The Board shall establish procedures for all matters coming before it for review and all meetings shall be open to the public.

Section 8.14 Historic District Review Board; Powers and Duties
The Historic District Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the historic district: In addition, the Board shall have the following duties:

A. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies, and property owners in matters involving historically
significant sites at buildings or other properties in historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs.

B. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.

C. To conduct studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts and means of preservation, utilization, improvement, and maintenance of historic assets in the Town.

D. To propose additional historic districts or additions or deletions to districts.

E. To adopt standards for review to supplement the standards set forth in this Ordinance.

F. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.

G. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites, or areas within the Town.

Section 8.15 Summary of Administration Review Procedures

In general, it is the purpose of this ordinance to establish review procedures for actions affecting properties in the Historic District. To this end, some actions are exempted from special historic and architectural review altogether, except as normal review may be necessary for issuance of a building permit. Other actions, depending on the possible consequences thereof, may be reviewed by the Zoning Administrator or by the Historic District Review Board acting with original jurisdiction, or, in the most serious cases, action by the Town Council following action by the Historic District Review Board. In all cases the decisions of the Zoning Administrator may be appealed to the Historic District Review Board, shall be appealed to the Board of Zoning Appeals as stated in Article II Section 2.6.2.C, the decisions of the Historic District Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Circuit Court of Northampton County.

Section 8.16 Certain Minor Actions Exempted from Review by the Historic District Review Board

Within the Historic District certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Historic District Review Board. Such actions shall include the following
and any similar actions which in the opinion of the Zoning Administrator will have no more
effect on the character of the district than those listed:

A. Repainting the structure. (Original painting of masonry surfaces is not exempted
from review.)

B. Replacement of missing or broken window panes, roofing slates, tiles, porch floor,
posts, rails, shingles, window frames, or shutters where no substantial change in
design or material is proposed.

C. Addition or deletion of storm doors or storm windows, window gardens, or similar
appurtenances and portable air conditioners located in existing windows, doors, or
other existing wall openings (if no building permit is required for such addition or
deletion).

D. Addition or deletion of television and radio antennas or skylights and solar collectors
in locations not visible from a public street or a waterway.

E. Landscaping involving minor grading, walks, low retaining walls, temporary fencing,
small fountains, and ponds which will not affect the character of the property and its
surroundings.

F. Construction of off-street loading areas and off-street parking areas.

G. Creation of outside storage in a commercial or industrial district which does not
require structural changes or major grading and is not visible from a public street or
waterway.

Section 8.17 Delegation of Authority
A. The Zoning Administrator shall have authority to order that work be stopped and
that an appropriate application be filed for review by the Historic District Review
Board in any case where the action has an adverse effect on the Historic District.

B. The Historic District Review Board shall periodically review the design guidelines
contained in this section.

Section 8.18 Approval of Historic District Review Board Required
A. Except as herein otherwise provided in this article, no building or structure, including
signs, shall be erected, reconstructed, restored, or substantially altered in exterior
appearance and no buildings or structures shall be razed or demolished within a
historic district and no permit authorizing same shall be granted unless and until the
same is approved by the Historic District Review Board and a Certificate of
Appropriateness has been issued by that body, with right of direct appeal to the
Town Council as hereinafter provided, as being architecturally compatible with the
historical, cultural, and/or architectural aspects of the structure and its surroundings.
B. "Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites in a historic district other than those specifically exempted herein:

1. General examples of "non-substantial" alterations:

   a. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or

   b. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.

2. Examples of work not constituting "substantial alteration" include those minor actions exempted from review by §8.16 of this article.

3. General examples of work constituting "substantial alterations" include:

   a. Construction of a new building at any location or a new accessory building on a landmark or contributing property or on a site within the Historic District.

   b. Any addition to or alteration of a building which increases the square footage of the building or otherwise alters its size, height, contour, or outline.

   c. Any change or alteration of the exterior architectural style of a structure, including removal or rebuilding of porches, openings, dormers, window sashes, chimneys, columns, structural elements, stairways, terraces, and the like.

   d. Any change or alteration of the structure or any of its significant elements, including porches, openings, dormers, window sashes, awnings, canopies, chimneys, columns, stairways, terraces, or any other structural elements. This also applies to all structures on the site.

   e. Addition to or removal of one or more stories or alteration of a roof line.

   f. Any other major actions not specifically covered by the terms of this section but which would have an effect on the character of the historic district.

C. In any case in which there might be some question as to whether a project may be exempted from review may constitute a minor action or may constitute "substantial alteration," the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.
Section 8.19. Certificate of Appropriateness

Evidence of the approval required under the terms of the Historic District shall be a certificate of appropriateness issued by the Historic District Review Board, stating that the demolition, moving, or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Historic District Review Board. The Historic District Review Board may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. A certificate of appropriateness shall be in addition to any other permits required. Any action by applicants following issuance of a permit-requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

Section 8.20 Design Guidelines; Standards for Review

A. The Historic District Review Board shall be guided in its decisions by the design guidelines as authorized in subsection B of this section.

B. It shall be the duty of the Historic District Review Board to prepare, and adopt, and amend specific design guidelines, illustrated as necessary, for buildings, structures, and sites in the historic district.

C. The Historic District Review Board may adopt and amend a set of design guidelines after conducting at least one public hearing pursuant to Section 15.22204 Code of Virginia.

Section 8.21 Hazardous Buildings or Structures [adopted by Council 2/9/12]

Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the Historic District Review Board which is in such an unsafe condition that it would endanger life or property, and protection from such condition is provided for in the Building Code and/or other applicable Town ordinances. However, such razing or demolition shall not be commenced without the following:

A. Written approval of the Town Manager.

B. Letter sealed by a Structural Engineer, licensed in Virginia stating the structural problems that render the building a hazard and not practicably rebuildable.

C. Written concurrence by the Zoning Administrator and Code Official with the engineer’s report.


E. Reconstruction plans for the property shall meet the requirements of the ordinance.
Section 8.21 Maintenance and Repair Required

A. The purpose of this section is solely to stop demolition by neglect, whereby owners of property in the Historic District allow the structure, or historic attributes of the structure, to become a hazardous building or structure.

B. All buildings and structures in the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration, or defects may, in the opinion of the Historic District Review Board and Town Council, result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:

1. The deterioration of exterior walls or other vertical supports, including broken doors and window panes;
2. The deterioration of roofs or horizontal members;
3. The deterioration of exterior chimneys;
4. The deterioration or crumbling of exterior plaster, wood, or mortar;
5. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

C. After notice by the Historic District Review Board by certified mail of specific instances of failure to maintain or repair and of an opportunity to appear before the Historic District Review Board, the owner or person in charge of said structure shall have ninety (90) days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Historic District Review Board may recommend to the Town Council that the Zoning Administrator, after due notice to the owner, enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property. or, in a proper hardship case as determined by the Town Council, paid by the Town from a fund established for such purposes.

Section 8.22 File of Actions to be Maintained

In order to provide guidance for application of standards and guidelines, for the improvement of standards and guidelines, and for assistance to future applicants and the promotion of consistent policies in guiding applicants toward better standards of design, the Zoning Administrator and the Historic District Review Board shall maintain a file containing a record of all applications brought before them, including drawings and photographs pertaining thereto and the decision of the Zoning Administrator or the Historic District Review Board.
in each case. The file documents shall remain the property of the Town but shall be held available for public review.

Section 8.23 Administration; Zoning Administrator
Except as authorized herein the Zoning Administrator shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition, or razing of a building or structure in the Historic District until the same has been approved by the Historic District Review Board as set forth in the following procedures.

Section 8.24 Receipt of Application
Upon receipt of an application by the Zoning Administrator for each permit in the historic district, the Zoning Administrator shall:

A. Forthwith forward to the Historic District Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant if such application requires the Historic District Review Board to meet and render a decision;

B. Maintain in his office a record of all such applications and of his handling and final disposition of the same;

C. Require applicants to submit three (3) copies of material required to permit compliance with the foregoing.

Section 8.25 Material to be Submitted for Review
By general rule, or by specific request in a particular case, the Historic District Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and such other exhibits and reports as are necessary for its determinations.

Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or his agent.

Section 8.26 Other Approvals Required
In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Historic District Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Historic District Review Board. Final action by the Historic District Review Board shall be taken prior to consideration of proposals requiring site plan approval.

Section 8.27 Action by the Historic District Review Board; Issuance of Certificates of Appropriateness
The Historic District Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within sixty (60) days after the filing of an application
accepted as complete. Failure of the Historic District Review Board to render such a decision within said sixty (60)-day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Historic District Review Board had granted the Certificate of Appropriateness applied for prior to denying the Certificate of Appropriateness. The Historic District Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Historic District Review Board, would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Historic District Review Board may issue the Certificate of Appropriateness.

Section 8.28 Expiration of Certificates of Appropriateness

Any certificate issued pursuant to this article shall expire of its own limitation twelve (12) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, any such certificate shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this article shall be excluded from the computation of the twelve (12) months.

Section 8.29 Inspection by Administrator After Approval

When a Certificate of Appropriateness has been issued, the Zoning Administrator or Town Building Official shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the Town. The Zoning Administrator or Town Building Official may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

Section 8.30 Delay of Approval

In the case of a proposal other than for demolition or moving but involving a designated landmark where the Historic District Review Board or, on appeal, the Town Council cannot reach a satisfactory agreement with the owner and where the Historic District Review Board or, on appeal, the Town Council decides such action to be in the public interest and not in conflict with any provision of law, it may delay the effective date of an approval for a period of three months from the date of application or appeal to enable negotiations to be undertaken and completed for acquisition of the property for preservation or public use. Failure of negotiations within this period shall be the equivalent of a denial of the application by the Historic District Review Board or, on appeal, by the Town Council.

Section 8.31 Conditions Imposed by the Historic District Review Board

In approval of any proposal under this section, the Historic District Review Board or, on appeal, the Town Council may limit such approval by such reasonable conditions as the case may require, including but not limited to, the specifications enumerated for conditional uses and for the Town Council.
Section 8.32 Appeals; Decisions of the Historic District Review Board

An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved and suffering cognizable harm, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with property owner(s) associated with the project under appeal; a fee equal in value to the fee paid by the property owner(s) associated with the project under appeal.

The Zoning Administrator shall transmit to the Town Council within five (5) days all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the hearing, give public notice thereof and decide the same within sixty (60) days. At the hearing the appealing party may appear in person or by agent. In exercising its powers, the Town Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Historic District Review Board.

Section 8.33 Appeals; Decisions of the Zoning Administrator

An appeal from a decision of the Zoning Administrator may be taken to the Historic District Review Board Board of Zoning Appeals by the owner of the property in question or by any party aggrieved and suffering cognizable harm, which shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator the following: a notice of appeal specifying the grounds thereof; a signed statement listing any personal or business relationship with any general or subcontractors associated with the project under appeal; a signed statement that all real and personal property taxes are current as of the date of the filed appeal notice; a signed statement listing any personal or business relationship or partnership with property owner(s) associated with the project under appeal; a fee equal in value to the fee paid by the property owner(s) associated with the project under appeal.

The Zoning Administrator shall transmit to the Historic District Review Board Board of Zoning Appeals within five (5) days all the papers constituting the record upon which the action appealed from was taken. The Historic District Review Board Board of Zoning Appeals shall fix a reasonable time for the meeting, give public notice thereof as required pursuant to §15.2-2204; Code of Virginia, and decide the same within sixty (60) days. At the meeting the party may appear in person or by agent. In exercising its powers, the Historic District Review Board Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made.
Section 8.34 Appeal to the Circuit Court from a Decision of the Town Council

An appeal from a final decision of the Town Council may be filed with the Circuit Court within thirty (30) days after said decision in the manner prescribed by law by the owner of the property in question, by any party aggrieved and suffering cognizable harm, or by the Historic District Review Board. The filing of an appeal shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a designated landmark, building, or structure. The court may reverse or modify the decision of the Town Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

Section 8.35 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in §2.43 of the Zoning Ordinance.

Section 8.36 Definitions

For the purpose of this article, certain terms and words pertaining to the Historic District are hereby defined. The general rules of construction contained in Article II of this Ordinance are applicable to these definitions.

ALTERATION is any change, modification, or addition to a part or all of the exterior of any building or structure.

BUILDING is any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.

ADMINISTRATOR, THE ZONING ADMINISTRATOR, is that person appointed by the Town Council as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building.

BUILDING PERMIT is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or a part of any building.

CERTIFICATE OF Appropriateness is a certificate or other statement indicating approval by the Administrator or the Historic District Review Board as the case may require of plans for construction alteration, reconstruction, repair, restoration, relocation, demolition, or razing of a building or structure or part thereof in a historic district.

CONTRIBUTING PROPERTIES are those properties constructed fifty (50) years or more ago.
DESIGN GUIDELINES are those set of guidelines, standards, and regulations adopted pursuant to §8.20 of this Code.

HISTORIC DISTRICT means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

HISTORIC LANDMARK is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission.

RECONSTRUCTION is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials.

REPAIRS are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

RESTORATION is any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials.
BACKGROUND:
During the public comment section of the June 21, 2018 regular monthly meeting, several speakers addressed the issue of potential drilling operations in the local waters. According to the information provided by these speakers, there are numerous risks, which outweigh any real or potential rewards. The speakers each encouraged the Town Council to adopt a resolution opposing offshore drilling operations, and any corresponding seismic explorations for oil and natural gas deposits.

Since the request for this Council resolution was not on the agenda as an action item, that meeting was the last of the then-sitting Mayor and Council, and due to the fact that a voting majority of those expected to vote on such a resolution were not yet seated or absent and so not able to ask questions, staff brought the matter back as a formal presentation to Council at the July 12, 2018 regular meeting. A number of resolutions adopted by other localities were also reviewed and Council was in agreement to adopt a similar resolution in opposition to offshore drilling and exploration, including seismic testing.

ITEM SPECIFICS:
Resolution 20180816 was drafted based on Council discussion at the July 12, 2018 regular meeting, using resolutions adopted by other localities as samples.

RECOMMENDATION:
Staff recommends Council adoption of Resolution 20180816 – Opposing Offshore Oil and Gas Drilling and Exploration, Including Seismic Testing if so desired.
RESOLUTION 20180816

OPPOSING OFFSHORE OIL AND GAS DRILLING AND EXPLORATION, INCLUDING SEISMIC TESTING

WHEREAS, on January 4, 2018 the Secretary of the Interior announced a draft proposal to lease areas off the Atlantic coast, from the Delaware Bay to Cape Canaveral, for seismic testing, oil and gas exploratory testing and drilling; and

WHEREAS, in 2010 a similar proposal was scheduled to proceed but was cancelled after the Deepwater Horizon oil spill in the Gulf of Mexico starkly demonstrated the serious risks of offshore drilling; and

WHEREAS, Governor Ralph S. Northam has announced Virginia’s opposition to the offshore drilling proposal, and has requested that areas off the cost of Virginia be exempted; and

WHEREAS, federal, state and local governments and other community groups have spent billions of dollars in funding and other resources in an effort to improve and maintain the condition of regional waterways, including the Chesapeake Bay; and

WHEREAS, the tourism and commercial fishing and aquaculture industries are vital to the economies of the Town of Cape Charles, Northampton County and the Hampton Roads Region, and could be devastated by an offshore energy exploration catastrophe; and

WHEREAS, a healthy tourism industry and economy are necessary to protect the public health, safety and welfare of our citizens; and

WHEREAS, the speculative benefit of oil and gas drilling is not worth the risk of a Deepwater Horizon-type incident that could cripple the regional environment and economy for decades;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Cape Charles, Virginia

1. That the Council opposes offshore oil and gas exploration and drilling, including seismic testing.

2. That this resolution shall be in effect from and after its adoption.

***********************

Adopted by the Town Council of Cape Charles on August 16, 2018.

By: ________________________________
   Mayor

ATTEST:

______________________________
Town Clerk
**BACKGROUND:**

The Building Code Board of Appeals meets as needed to hear appeals concerning the Uniform Statewide Building Code and consists of five members each serving five-year terms.

**DISCUSSION:**

David Mitchell serves on the Building Code Board of Appeals and his term expires September 10, 2018. Mr. Mitchell has expressed his interest in continuing his service on Board for another term.

**RECOMMENDATION:**

Staff recommends Council reappoint Mr. David Mitchell to the Building Code Board of Appeals for another five-year term.
TOWN OF CAPE CHARLES

AGENDA TITLE: Cape Charles Day
AGENDA DATE: August 16, 2018

SUBJECT/PROPOSAL/REQUEST: Designation of March 1 of each year as Cape Charles Day
ITEM NUMBER: 7B

ATTACHMENTS: Resolution 20180816A
FOR COUNCIL: Action (X) Information ( )

STAFF CONTACT (s):
Libby Hume

REVIEWED BY:
Larry DiRe, Interim Town Manager

ITEM SPECIFICS:
The Town of Cape Charles was incorporated on March 1, 1886. Mayor Dize suggested designation of March 1 of each year as Cape Charles Day. The first annual Cape Charles Day would be celebrated in 2019 with a number of activities including a community clean-up day followed by a picnic in Central Park.

Adoption of a resolution is recommended to commemorate the annual Cape Charles Day celebration.

RECOMMENDATION:
Staff recommends Council discussion and, if deemed appropriate, adoption of Resolution 20180816A – Designating March 1 as Cape Charles Day to be Celebrated Annually.
RESOLUTION 20180816A

DESIGNATING MARCH 1 AS CAPE CHARLES DAY
TO BE CELEBRATED ANNUALLY

WHEREAS, the Town of Cape Charles was incorporated as the Municipal Corporation of Cape Charles on March 1, 1886; and

WHEREAS, Mayor Dize suggested designation of March 1 of each year as Cape Charles Day; and

WHEREAS, a number of activities would be planned, including a Community Clean-Up Day followed by a picnic in Central Park, which would be an opportunity to bring the residents and staff together for a good cause;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Cape Charles, Virginia that March 1 be designated as Cape Charles Day to be celebrated annually.

***************************
Adopted by the Town Council of Cape Charles on August 16, 2018.

By: ____________________________
Mayor

ATTEST:

_____________________________________
Town Clerk
BACKGROUND:

Staff received an application for a conditional use permit for residential units above first floor commercial at 12 Peach Street. The conditional use permit process is described in Article IV Section 4.3 of the Town Zoning Ordinance. Article IV Section 4.3.C.3 requires a public hearing before Town Council. Per Section 4.3.C.2 the Planning Commission voted at their August 7, 2018 meeting to hold a public hearing on Monday September 17, 2018.

This property is in the Commercial – 1 zoning district, which according to Article III, Section 3.6.C allows residential dwelling units “provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).” Article IV Section 4.3.B states the Conditions for Issuance as follows: 1) not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; 2) not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; 3) not be in conflict with the purpose of the comprehensive plan of the town.

While the Cape Charles Comprehensive Plan is silent on residential and commercial mixed use development on Peach Street, the document does speak to such use in a favorable, desired manner for the neighboring Mason Ave central business district. The Mason Avenue central business district is zoned Commercial – 1. The Comprehensive Plan also addresses the need for available affordable housing.

ITEM SPECIFICS:

A residential unit above first floor commercial space is by conditional use permit in the Commercial – 1 District. The location for the proposed residential unit is a large commercial building and contributing structure to the historic district.

Staff finds this application in order. The applicant must meet all procedural obligations, including building code compliance, before residing in any dwelling unit above first floor commercial.

RECOMMENDATION:

Staff recommends Town Council review the application and set Monday September 17, 2018 as the date for public hearing on this conditional use permit application.
Application for Conditional Use Permit
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Date: __________________________ Fee: __________________________
*(Attach Plans)

Applicant: Anne Payne
Address: 10684 Church Neck Rd
Telephone: 757-678-5745
Signature: __________________________
City: Machipongo
State: VA Zip: 23405
Email: gpayne@dominionconcrete.com

Owner(s): Westerhouse Holdings, LLC
Address: 10684 Church Neck Rd
Telephone: 757-678-5745
City: Machipongo
State: VA Zip: 23405
Email: gpayne@dominionconcrete.com

Contractor: DCCI
Address: 10684 Church Neck Rd
Telephone: 757-678-5745
City: Machipongo
State: VA Zip: 23405
Email: gpayne@dominionconcrete.com

Town License: TO BE ISSUED State License: 2705079766 A

Location of Improvement: 12 Peach Street
Lot No.: __________________________ Block No.: __________________________ Lot Size: 40.11' x 79.96' Lot Area: 3207.2 sf (approx 0.07ac)
Type of Improvement: complete interior renovation
Proposed Use: proposing 2- one bedroom residential units on second floor (over 2 office retail spaces on first floor)
Estimated Construction Costs: TBD

******************************************************************************
Conditional Use Permit Checklist
(Applicant must attach items 1-7)

1. ✔ completed application
2. ✔ payment of fees ($300.00 + $25.00 per acre)
3. ✔ letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. ✔ concept plan (see attached information for recommended contents)
5. ✔ plot plan of property
6. ✔ disclosure statement signed and notarized verifying ownership
7. ✔ names and addresses of adjacent property owners
8. ✔ Zoning Administrator’s review of documentation

******************************************************************************

CERTIFICATION OF APPLICANT
I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer, and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are constructed.

Signature of Owner/Agent: __________________________
## Conditional Use Permit Plan Checklist

**Town of Cape Charles**  
2 Plum Street  
Cape Charles, VA 23310  
757-331-2036 Fax: 757-331-4820  
planner@capecharles.org

**Contact Person:** Anne Payne  
**Address:** 10684 Church Neck Rd  
**Email:** gpayne@dominionconcrete.com

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are the project title, name of applicant, and project designer (if applicable) provided?</td>
<td></td>
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<td></td>
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<tr>
<td>Are the date, north arrow, and graphic scale provided?</td>
<td>✔</td>
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</tr>
<tr>
<td>Is the concept plan the minimum size of 8½” x 11” or maximum size 11” x 17”? If only plans larger than the maximum size are feasible, has the applicant provided 15 copies of the plan for distribution to the Planning Commission and Town Council?</td>
<td>✔</td>
<td></td>
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</tr>
<tr>
<td>Is the size of the entire parcel in acres and, if applicable, is size of portion of parcel showing? Are the meets and bounds provided?</td>
<td>✔</td>
<td></td>
<td></td>
<td>approx. 0.07 ac lot</td>
</tr>
<tr>
<td>Are the adjacent streets, alleys, railroads, water bodies, natural features, etc. shown?</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the locations, dimensions, and heights of all structures provided?</td>
<td>✔</td>
<td></td>
<td></td>
<td>height of building approx. 26 ft.</td>
</tr>
<tr>
<td>Are the number, type, and size of dwelling, retail or commercial office units, the gross density, and the location, size and type of recreational amenities provided for the residential, commercial, and mixed use projects?</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the location and dimensions of pedestrian access and plazas as well as vehicular driveways, parking spaces, and unloading facilities shown?</td>
<td>✔</td>
<td></td>
<td></td>
<td>street level pedestrian access indicated</td>
</tr>
<tr>
<td>Are any outstanding natural features to be conserved, such as slope, ground cover, surface water, trees and vegetation, floodplain, etc. shown?</td>
<td>✔</td>
<td></td>
<td></td>
<td>back yard to remain pervious</td>
</tr>
<tr>
<td>Are any signs, including type, area, height, and placement on site shown?</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Is lighting information provided, if applicable?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the location and description of any screening and buffering along the lot perimeter or within the lot provided?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the building elevations or renderings and description of landscape improvements provided?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there other information pertinent to the specific request including areas outdoors which are designated for conditional uses, for example, accessory uses, storage areas, recreation area, loading/unloading areas, and dumpster areas on the concept plan?</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
July 30, 2018

Mr. Larry DiRe  
Town Planner  
Cape Charles Department of Planning and Zoning  
2 Plum Street, Second Floor  
Cape Charles, VA 23310

RE: 12 Peach Street

Dear Mr. DiRe,

May this letter serve as our request for a conditional use permit at 12 Peach Street. Specifically, it is our desire to convert the second floor into two - 1 bedroom/1 bathroom residential units. This structure is currently zoned C-1 and per Article III, 3.6C an acceptable conditional use is a multi-family dwelling “provided that no such dwelling is located at street level and all dwelling units have direct access to the street level” separate than that access used by first floor commercial establishments.

We hired Mr. Leon Parham to serve as architect for the project, and while he is unable to develop full plans for a couple of months, he has drafted a schematic design study that illustrates our vision. Please understand that this sketch is preliminary and will be revised. However, it captures our proposal of 2 residential units on the second level with separate access to street level. I hope this sketch will suffice.

The proposed conditional use is consistent with multiple other buildings in the C-1 district, most closely the adjacent 10 Peach Street, (the Old Firehouse restaurant) that has a residential unit on the second floor. As expressed in the Cape Charles Comprehensive Plan, the citizens desire a community that is “self-sufficient and walkable” and the town faces the real challenge of available workforce housing. To address this, the Plan in section III encourages the residential over commercial hybrid - “Main Street Mixed-Use” - model (sec III.1.1, III.2.1.1, IIIA.5., etc.).

The reason for our request for a conditional use permit is that we believe that our proposed use represents the best use of the building’s space and dovetails with our understanding of the community’s desires for future growth.

Per the zoning ordinance, 1.0 parking spaces would be required per one-bedroom dwelling unit for multi-family dwellings (4.5.1.C) when a conditional use permit is required. As you are aware, I have expressed confusion regarding this ordinance. 12 Peach Street does not have any off-street accommodations that would satisfy this requirement, nor the potential to create such spaces. However, satellite parking in the lot behind the 300 Mason Street building is situated well within the 600ft requirement outlined in 4.5.D.2. Please let me know if this is acceptable and how I need to proceed.
We are excited to be a part of the vibrant community of Cape Charles. Thank you for all of your assistance thus far and for your consideration of our request. Please let me know if additional information is required.

Sincerely,

Anne Payne
Property Owners Adjacent to 12 Peach Street

Coincidently, both of these pieces of real estate are under contract for purchase.

Old Firehouse Restaurant
10 Peach Street
Cape Charles, VA 23310

Sharon and Mike Dunnagan
402 Randolph Ave
Cape Charles, VA 23310
<table>
<thead>
<tr>
<th>Item</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Manager Recruitment</td>
<td>Employment Agreement to be reviewed at 8/9 Exec Session</td>
<td>Applications collected; 1st review 4/16; Field narrowed to 8 candidates for Internet / Social Media research; TM Recruitment Committee Mtg 5/9; initial phone/Skype interviews held on 5/31; in-person interviews held on 6/25, 6/27 and 7/2; background check results received; references called; offer made &amp; Mayor negotiated; Final Draft Empl Agr forwarded to TC 8/7 after legal review; TC to review &amp; finalize employment agreement on 8/9;</td>
</tr>
<tr>
<td>Strawberry Plaza Parking Lot</td>
<td>In progress</td>
<td>parking bumpers &amp; signage installed; waiting on lighting &amp; electrical installation</td>
</tr>
<tr>
<td>VDOT - One-way traffic along Mason &amp; Randolph Avenues</td>
<td>Future Work Session</td>
<td>Police &amp; Emergency crews recommended against; Updated at 4/19 TC mtg</td>
</tr>
<tr>
<td>VDOT - Eliminate back-in angled parking on Mason Avenue</td>
<td>Future Work Session</td>
<td>Costs for survey, parking plan and restriping if approved by VDOT; Updated at 4/19 TC mtg.</td>
</tr>
<tr>
<td>VDOT - 25 MPH speed limit request from hump/Old CC Road to new Rte 642</td>
<td>In progress</td>
<td>Need to wait until VDOT Rte 642 project completed; Council request for staff to prepare all paperwork for submittal when appropriate; Updated at 4/19 TC Mtg</td>
</tr>
<tr>
<td>VDOT - Elimination of parallel parking on east side of Pine Street after completion of parking lot behind library</td>
<td>Future Work Session</td>
<td>Costs to construct parking lot behind library, including storm water mgmt ($250K+); Council request for staff to prepare all paperwork for submittal when appropriate; Updated at 4/19 TC mtg</td>
</tr>
<tr>
<td>VDOT - Additional handicap spaces on Mason Avenue</td>
<td>In progress</td>
<td>2 additional spaces as part of Phase 3 of Trail Project;</td>
</tr>
<tr>
<td>VDOT - Widening Strawberry Street to put in angled parking</td>
<td>Future Work Session</td>
<td>Mayor Proto request</td>
</tr>
<tr>
<td>VDOT - Loading zone for Wilson Bldg to enable residents to load and unload groceries, furniture, etc.</td>
<td>Future Work Session</td>
<td>Councilwoman Natali request</td>
</tr>
<tr>
<td>VDOT/Town - Sidewalk infill in Historic District, especially Fig St; Repair of roads re: slurry coating. Citizen requested staff look into issues and get back to her.</td>
<td>Future Work Session</td>
<td>Dianne Davis public comment made at 5/17 Council meeting;</td>
</tr>
<tr>
<td>Scheduling Strategic Planning Session(s)</td>
<td>Dates being reviewed 8/9 WS</td>
<td>As determined by Town Council; After July 1, 2018; Possibly in fall 2018; Dates proposed for review at 8/9 Work Session;</td>
</tr>
<tr>
<td>Work Session to review follow-up items in detail to determine process &amp; assign to appropriate staff for completion</td>
<td>Including in Strategic Session</td>
<td>Councilman Grossman request;</td>
</tr>
<tr>
<td>Potential installation of video cameras in Central Park to help with vandalism issues</td>
<td>Future Work Session</td>
<td>CCP offer to pay 50% up to $5K;</td>
</tr>
<tr>
<td>Sanding &amp; refinishing of Civic Center floors</td>
<td>Will be done late fall/early winter</td>
<td>Requested in FY2019 Legislative Budget; Quotes will be obtained; Project will be done late fall/early winter due to the number of activities in the facility;</td>
</tr>
<tr>
<td>Change ZO to pass advertising/mailing fees for various applications/permits to applicant</td>
<td>Future Work Session</td>
<td>currently, only Wetlands Board requires applicant to reimburse for ads</td>
</tr>
<tr>
<td>Item</td>
<td>Status</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Homestay accommodations</td>
<td>Work Session in Dec/Jan</td>
<td>Discussed at 4/20/2017 TC Mtg; LD recommendation for TC work session in Dec/Jan;</td>
</tr>
<tr>
<td>Planner to do study of Town Code re: maintenance of ROWs, sidewalks, etc.</td>
<td>On hold until after new TM</td>
<td>Planner currently also interim TM;</td>
</tr>
<tr>
<td>Schedule Work Session re: Ferry Dock Property conceptual plans</td>
<td>Plans under review</td>
<td>LD reviewed conceptual plans &amp; compare to CC Trail plans; easements for parking &amp; estimate amount of needed parking; plans received 8/2018 &amp; under review;</td>
</tr>
<tr>
<td>Town Code revision-Tourism Zone-possibly establish dollar amount for administrative approval vs. TC</td>
<td>Future Work Session</td>
<td>Councilwoman Natali request; Per Chief Pruitt-not enough officers to cover. If a call is received and officer is on foot, they would be unable to respond;</td>
</tr>
<tr>
<td>Increase Police foot patrol in old town &amp; Bay Creek</td>
<td>in-house study in progress</td>
<td>BP recommended in-house review &amp; working with DP &amp; DF gathering #s;</td>
</tr>
<tr>
<td>Water Quality Study</td>
<td>Removal of item recommended</td>
<td>BTM was working on this - current status unknown; LD recommends removal of item</td>
</tr>
<tr>
<td>RFP for Harbor Management Company</td>
<td>Joint Work Session</td>
<td>On 5/17/18, Council directed Wetlands &amp; Coastal Dune Board to develop a beach management plan for review and adoption by Council; Wetlands Board working on plan and will present to Council when drafted; Joint WS to be scheduled - potential discussion at 9/11/18 RAFT meeting with PC/WCDB &amp; TC??</td>
</tr>
<tr>
<td>Beach Management Plan</td>
<td></td>
<td>7/5 VA Institute of Government list-serve question. Requested copies of responses; Several responses received stating very difficult to enforce;</td>
</tr>
<tr>
<td>Enforcement of people not cleaning up after their dogs</td>
<td></td>
<td>added by Councilman Bennett; Code Official sent letters in July to several properties for code enforcement;</td>
</tr>
<tr>
<td>Potential enforcement of clean-up of unkept properties in highly visible areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boating Infrastructure Grant - inshore breakwater</td>
<td>Reconsider FY2020 Budget</td>
<td>significant town match &amp; relatively small number of days impacted during summer; revisit during FY2020 budget discussions</td>
</tr>
<tr>
<td>Work Session re: Annexation Agreement</td>
<td>Work Session 9/6/28</td>
<td>Work session scheduled with Mike Sterling; Eminent Domain issues also to be covered;</td>
</tr>
<tr>
<td>Possibly allow admin approval for water/sewer connection payment process/plans</td>
<td>Work Session 8/9/18</td>
<td>work session to be scheduled to review staff recommendations;</td>
</tr>
<tr>
<td>Offshore oil/gas drilling, exploration, seismic testing</td>
<td>On 8/16 TC agenda</td>
<td>Request fron Oceana.org 6/21; Oceana.org presentation 7/12; Resolution on 8/16 agenda;</td>
</tr>
<tr>
<td>Recognition of town staff celebrating significant anniversaries (5,10,15, etc.)</td>
<td>Implemented-Beginning 8/16</td>
<td>Mayor Dize suggestion; Certificates printed for 2018 &amp; staff to be recognized monthly-all to date for recognition at 8/16 mtg &amp; monthly going forward</td>
</tr>
<tr>
<td>Item</td>
<td>Status</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Grounds Maintenance Contract extension w/Browder Hite</td>
<td>completed</td>
<td>Fully executed</td>
</tr>
<tr>
<td>Commercial Activity Request in Open Space District at beachfront</td>
<td>completed</td>
<td>Request was approved at 3/15/18 TC Mtg</td>
</tr>
<tr>
<td>John Caton reappointed to HDRB</td>
<td>completed</td>
<td>Approved at 3/15/18 TC Mtg; all records have been updated</td>
</tr>
<tr>
<td>Mollie Pickron appointed to CEB</td>
<td>completed</td>
<td>Approved at 3/15/18 TC Mtg; all records have been updated</td>
</tr>
<tr>
<td>Resolution 20180315 Supporting Full Funding for Virginia State Parks</td>
<td>completed</td>
<td>Adopted at 3/15 18 TC Mtg; resolution finalized</td>
</tr>
<tr>
<td>CUP - 727 Tazewell Avenue</td>
<td>Approved 4/19/18</td>
<td>Joint Public Hearing with PC 4/16/18; On 4/19 TC agenda for vote</td>
</tr>
<tr>
<td>Creation of Summary of Action Items from every meeting, keeping a</td>
<td>Completed</td>
<td>Ongoing review</td>
</tr>
<tr>
<td>running list with current status of all items</td>
<td></td>
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<tr>
<td>Relocation of dumpsters from gravel lot - some to lot behind library &amp;</td>
<td>Completed 5/3/18</td>
<td></td>
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<tr>
<td>some to area by NRYG</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Add Dept Reports to Consent Agenda for Regular TC Mtgs</td>
<td>completed</td>
<td>Added to Consent Agenda beginning with 5/17/18 regular meeting</td>
</tr>
<tr>
<td>Zoning Ordinance Text Amendment-Article III § 3.13.B &amp; C</td>
<td>Approved 4/19/18</td>
<td></td>
</tr>
<tr>
<td>Zoning Ordinance Text Amendment-Article III § 3.2.C.7 &amp; 3.2.F.2</td>
<td>Approved 4/19/18</td>
<td></td>
</tr>
<tr>
<td>Issuance of Tourism Zone tax credits for: Like a Sailor, The Boardwalk</td>
<td>Approved 4/19/18</td>
<td></td>
</tr>
<tr>
<td>Moonrise Jewelry, Alyssa House B&amp;B</td>
<td></td>
<td></td>
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<tr>
<td>Langley &amp; McDonald contract change order for $7,500 for preliminary</td>
<td>Approved 4/19/18</td>
<td></td>
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<tr>
<td>engineering &amp; cost estimate for the inshore breakwater (for BIG</td>
<td></td>
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<tr>
<td>application).</td>
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<tr>
<td>Community Image &amp; Branding Services contract award to Otto (CCMS</td>
<td>Approved 4/19/18</td>
<td></td>
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<tr>
<td>project)</td>
<td></td>
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<tr>
<td>Disestablishment of the Community Enhancement Board since now</td>
<td>Approved 4/19/18</td>
<td></td>
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<tr>
<td>incorporated and with 501(c)3 status</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscape/Mulching Contract w/Browder Hite</td>
<td>completed</td>
<td></td>
</tr>
<tr>
<td>Revise TM Recruitment Timeline - meet &amp; greet gathering with</td>
<td>completed</td>
<td>to be reviewed by TM Recruitment Committee 5/9; TC decision on 5/17</td>
</tr>
<tr>
<td>finalists, staff and organizations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holiday lighting/decorations (Strawberry Street Plaza, Town Hall,</td>
<td>Completed</td>
<td>Requested in FY2019 Budget; Will be referred to CEB for review of</td>
</tr>
<tr>
<td>Library, Santa House), 18’ tree, etc. Need to refer to CEB and bring</td>
<td></td>
<td>details; Deleted from FY 2019 draft budget;</td>
</tr>
<tr>
<td>back formal proposal for TC review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remediation plan for odor in Library</td>
<td>Completed</td>
<td>Will continue to monitor</td>
</tr>
<tr>
<td>TC discussion &amp; identification of the town’s priorities for FY19</td>
<td>Completed</td>
<td>Discussed at 4/19 TC mtg</td>
</tr>
<tr>
<td>Need to determine total amount available in FY2018 budget for</td>
<td>Completed</td>
<td>5/17 TC mtg</td>
</tr>
<tr>
<td>re-allocation for needed projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mosquito Spraying-time change to late night or early a.m.</td>
<td>Completed</td>
<td>Start at 7PM on golf courses, in old town after 9PM</td>
</tr>
<tr>
<td>Treasurer’s Report - Need breakdown of costs of water/sewer</td>
<td>Completed</td>
<td>5/17 TC Mtg</td>
</tr>
<tr>
<td>connection charges for CC Brewing Co &amp; golf cart path</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Status</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Council Resource Priorities - Council review process for funding non-</td>
<td>Completed</td>
<td>Non-profit prioritization sheet developed</td>
</tr>
<tr>
<td>profit organizations and provide input to interim town manager</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support for Parking Restriction for Cape Charles Christian School Zone</td>
<td>Approved 5/17/18</td>
<td>Resolution awaiting Mayor's signature</td>
</tr>
<tr>
<td>FY2018 Budget Appropriation of $20K TOT and $28K general tax revenue for golf cart path to CC Brewing Co, Strawberry Street Plaza Parking Area lighting &amp; electric improvements, and Harbor wave study</td>
<td>Approved 5/17/18</td>
<td></td>
</tr>
<tr>
<td>FY2019 Proposed Budget &amp; Appropriation</td>
<td>Approved 6/21/18</td>
<td></td>
</tr>
<tr>
<td>Code 42-3 - Adoption of State Law (done annually)</td>
<td>Approved 6/21/18</td>
<td></td>
</tr>
<tr>
<td>MOA with CCMS</td>
<td>Completed</td>
<td>Discussed at 5/3/18 Work Session; Review by CEB 5/14; Forwarded for legal review; CCMS approved - TC approved 6/21/18; fully executed effective 7/1/18</td>
</tr>
<tr>
<td>Town Code § 62-4 (compelling property owners to install sidewalks) to</td>
<td>Completed</td>
<td>Ordinance 144 dated 11/3/1930 was forwarded to attorney along with § 170 of 1902 Constitution of VA and excerpt from 1930 VA Acts of Assembly for legal review; Determined that Town has authority</td>
</tr>
<tr>
<td>attorney for legal review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name Town Council representative to Planning Comission to replace</td>
<td>Completed 7/12</td>
<td>Paul Grossman named at 7/12 meeting</td>
</tr>
<tr>
<td>Joan Natali</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name Town Council representative to Harbor Focus Group to replace</td>
<td>Completed 7/12</td>
<td>Steve Bennett named at 7/12 meeting</td>
</tr>
<tr>
<td>Dora Sullivan who resigned in 2/2018</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work Session re: Ethics, Meeting Rules of Order, Annexation Agreement &amp; Eminent Domain with legal counsel</td>
<td>Work Session held 7/26</td>
<td>Work Sess held on 7/26 to cover ethics &amp; meeting rules of order; Another work sess scheduled for 9/6 re: Annexation Agr &amp; eminent domain &amp; listed separately on F/U list</td>
</tr>
<tr>
<td>USCG anchorage</td>
<td>Ltr sent 7/13 &amp; Res adopted 7/26</td>
<td>Letter to be sent to USCG supporting Northampton County's stand re: anchorage by 7/17/18 deadline; Resolution 20180726 adopted by TC on 7/26.</td>
</tr>
</tbody>
</table>