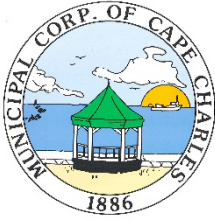




TOWN COUNCIL
Regular Meeting
October 15, 2020
Cape Charles Civic Center
6:30 PM

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. Eastern Shore of Virginia Tourism Commission Update – Robie Marsh, Executive Director
 - B. Planning Commission Comprehensive Plan Update – Bill Stramm, Chairman
4. Public Comments (3 minutes per speaker)
5. *Consent Agenda
 - A. Approval of Agenda Format
 - B. [Approval of Minutes](#)
 - C. [Approval of August 31, 2020 Financial Report](#)
6. Unfinished Business:
 - *A. [Capital Asset Management Program Policy](#)
7. New Business:
 - *A. [Davis Disposal Contract Extension](#)
 - *B. [Renewal of Harbor Ramp Agreement with the Dept. of Game and Inland Fisheries](#)
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - October 29, 2020 – Town Council Work Session
 - November 3, 2020 – Town Offices Closed for Election Day
 - November 5, 2020 – Town Council Work Session
 - November 11, 2020 – Town Offices Closed for Veterans' Day
 - November 19, 2020 – Town Council Public Hearing & Regular Meeting
 - November 25, 2020 – Town Offices Close at Noon for Thanksgiving Holiday
 - November 26-27, 2020 – Town Offices Closed for Thanksgiving Holiday
11. Adjournment



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
September 17, 2020
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Regular Meeting and Executive Session of the Town Council. In addition to Mayor Dize, in attendance were Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey via telephone, Treasurer Deborah Pocock and Town Clerk Libby Hume. There were several department heads, 14 members of the public physically in attendance, and 13 viewers on Facebook Live.

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

RECOGNITION OF VISITORS / PRESENTATIONS / RECOGNITIONS:

A. Recognition of Employee Celebrating a Significant Anniversary

Mayor Dize recognized Human Resources Manager Jodi Outland for five years of service to the town effective September 21, 2020 and presented her with a certificate of appreciation.

PUBLIC COMMENTS:

Tim Wivell, 19444 Nu Lane, Waterman

Mr. Wivell addressed Council regarding the proposed harbor management agreement stating that he did not know why Council was considering outsourcing the management of the harbor to the Cape Charles Yacht Center (CCYC). He reviewed the posted agreement and did not see an improvement in the income and the financial reports showed the harbor making money. CCYC had no ties to the community. A short-term lease was proposed. Where would the Town be after that expired? Mr. Wivell added that he did not see any benefits to the management agreement. Mr. Wivell concluded by stating that he would still be here after CCYC left.

Hank Mayer, Citizens for Central Park

Mr. Mayer commented regarding the successful 2020 summer concerts in Central Park. (Please see attached.)

There were no other comments to be heard nor any comments received in writing prior to the meeting or during the public comment period.

CONSENT AGENDA

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. August 20, 2020 Public Hearing, Regular Meeting & Executive Session
 - ii. August 27, 2020 Work Session
 - iii. September 3, 2020 Public Hearing, Special Meeting, Work Session & Executive Session
- C. Approval of July 31, 2020 Financial Report

Mayor Dize stated that he would like to amend the agenda removing items 11 and 12 as this evening’s executive session was being canceled.

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

UNFINISHED BUSINESS:

A. *USDA Rural Development Loan Resolution:*

Treasurer Deborah Pocock stated that the Town applied for a 35% grant/65% loan from USAD Rural Development for General Fund projects as follows: i) police vehicle; ii) permit system software; iii) video surveillance system; iv) a portable ADA equipped restroom trailer; and v) grounds maintenance equipment for fiscal year (FY) 2021; vi) The application was approved, and the closing documents were being prepared. The grant amount was \$48K and the loan amount was \$90K. The amounts were rounded down and the Town would absorb the difference of \$130; vii) Resolution 20200917 must be adopted to accept the grant and loan funding along with the terms for each of the funding sources.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to adopt Resolution 20200917 USDA Rural Development Loan Resolution as presented to fund the purchases as discussed. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Follmer, yes; Grossman, yes; Holloway, yes.

NEW BUSINESS:

A. *Harbor Management Agreement:*

Town Manager John Hozey stated the following: i) In February 2020, the Town Council asked that the Town solicit for proposals for private management of the Town Harbor. This was not a decision to move toward private management but part of the Town's due diligence to see if there were any better options to improve the appearance, function and experience associated with the Town Harbor; ii) Three proposals were received from Oasis Marinas, F3 Marina and Cape Charles Yacht Center; iii) A proposal review committee, comprised of the town manager, mayor, vice mayor, the project manager, and a representative from the Cape Charles Yacht Club, was established and after careful consideration, the committee favored the Cape Charles Yacht Center's (CCYC) proposal as the one that seemed to have the best chance for success; iv) Negotiations began to determine if a potential agreement was possible; v) On August 27, 2020 Council held a work session to solicit public comments, especially from the harbor stakeholders. Representatives from the Cape Charles Yacht Center were in attendance to address the comments and answer any questions; vi) The final agreement was included in tonight's meeting agenda packet and if approved by Council, the change in management would be effective January 1, 2021 and run for three years. The Town would retain ownership of the harbor and facilities and provide for an annual budget. CCYC would provide the labor and oversight to accomplish the annual Vision Statement within the approved budget. The first year's Vision Statement was also included in the meeting agenda packet and would be part of the agreement if approved; vii) As compensation for their services, CCYC would receive a portion of the generated gross revenue. This fee would increase for any portion of gross revenue that exceeded the prior year revenue, providing an incentive to grow the operation; viii) Since this is a new concept for both parties, we would work closely with CCYC in a good faith effort to try to make this work. After working for a period of time, some adjustments to the agreement might be necessary. Any adjustments would be presented to Council for approval.

Motion made by Councilman Grossman, seconded by Councilman Follmer, to proceed with the harbor management agreement and vision statement with Cape Charles Yacht Center as presented.

There was discussion as follows:

Councilman Follmer stated that he was more comfortable with this revised contract. He had worked with John Hozey to pull in other items to tighten the language. In their discussions, John Hozey had clarified a number of items such as the Town's expectations and costs borne by CCYC. If Council approved moving forward with the agreement, he wanted both the Town and CCYC to succeed and to do that we needed open communication and better understanding. An observation period was a good opportunity for us to reinforce our priorities such as protecting

the heritage of the working harbor, maintenance, etc. He was not worried about the reduced financial projections for the first year. If we maintained a successful long-term relationship, the revenue would come later. He felt everyone was open to making adjustments along the way.

Councilman Grossman stated that he was looking at the agreement from the protection point of view for Cape Charles. He felt very comfortable with the agreement. The Town would own the property and continue to set the rates. He saw a synergy from this for improved marketing and the incentive arrangements to induce CCYC to perform. He expressed his concern regarding any conflict of interest with CCYC dockage and Town dockage. Council would evaluate the arrangement after a year and could decide to continue with or terminate the agreement. He felt comfortable with the remainder of the agreement.

Councilman Bannon had no comments.

Vice Mayor Bennett stated his agreement with the previous comments adding that there was risk on both sides. He felt the Town needed to take the risk at this point. The harbor had been losing money over the last three to four years. Having a management company to run the harbor in a way to improve the appearance, to induce people into coming here, and provide a better experience for boaters. The agreement could be terminated if it was not working. He did not think we could continue as we were. The management agreement was a first step and needed to be taken.

Councilwoman Holloway expressed her agreement with Vice Mayor Bennett adding that from the beginning, she was not looking at it as a money-making piece. A management contract allowed the Town to move forward. Everything would be evaluated after a year and either party could terminate. She stated that it was good to see some watermen in attendance this evening but wished they would have been in attendance at the stakeholders meeting. The stakeholders were very important and the reason this was being done.

Councilman Buchholz had no additional comments.

Mayor Dize stated that he did not want to do anything detrimental for the Town and its heritage. He went on to state his agreement that the management contract was a good first step. It would be evaluated after one year. There had been several things, other than money, going on at the harbor over the past three to four years that needed to be taken care of and he felt this arrangement would help with keeping the area cleaner and better maintained. He was hopeful that more boaters would be drawn here which would increase revenue. He thanked John Hozey and Bob Panek for all their work.

The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS

John Hozey commented on the following:

- i) He thanked Cape Charles Main Street (CCMS) for jumping in and doing all the work regarding the Community Development Block Grant. There was a lot of administrative work to be done in a short time and Karen Zamorski was working on it. Because of the timing for the paperwork, a Town Council special meeting would be held on October 1. Things were moving along well thanks to CCMS spearheading the project. He noted that Councilwoman Holloway might have more to add regarding this item.
- ii) He received a call from Northampton County Administrator Charlie Kolakowski informing him that the CARES funding was approved by the Board of Supervisors and the Town would be receiving approximately \$86K, similar to the last round. The funding was needed as COVID-19 expenses far exceeded the amount received during the first round.

- iii) He was still working with VDOT regarding the Mason Avenue Parking issue. He had nothing specific to report this evening but will have more for the next meeting.
- iv) He requested the clerk to put a closed session on tonight's agenda in the event it was needed. There was nothing new to report so the executive session was not needed tonight.
- v) He would be back to work on September 23. Because of his travel, he intended to get a COVID-19 test as soon as possible upon his return and would be working from home until the results were received.

MAYOR AND COUNCIL COMMENTS

Councilmen Follmer and Bannon had no additional comments.

Councilman Grossman commented that the Northampton County sales tax for the schools would be a referendum on the ballot November 3. He looked at the actual ballot and noted two additional referendums – 1) a vehicle property tax exemption for disabled veterans; and 2) setting up a separate committee for voting districts which would take it out of the hands of the General Assembly.

Vice Mayor Bennett commented about the small flag that was flying beneath the American flag. When he asked about it, he was told that Mr. Tommy O'Connor donated the flag in remembrance of 9/11. That was an unbelievable day and he was sure that all remembered where they were that day. He appreciated Mr. O'Connor and that the Town celebrated the 9/11 remembrance.

Councilwoman Holloway commented as follows: i) A CDBG grant committee was formed consisting of Councilmen Grossman and Buchholz, Karen Zamorski, Deborah Pocock and Tom Weaver. They would administer the grant, set the application guidelines, etc. They would also review whether additional staff needed to be hired. Administrative costs were included as part of the grant. She was appreciative of the Town and the partnership with CCMS. It was amazing what this grant could do for the businesses; ii) The Rebuild Virginia Grant, which closed on August 20, had rigid stipulations. There was a recent announcement about some changes to be made to the stipulations which would be shared with the businesses; iii) Northampton County also had a grant program using CARES money. This was another opportunity for businesses, that went almost three months with nothing, to get more assistance; iv) She wanted to make sure the mosquito spraying gets back in the budget for next summer. Council made the decision earlier this year to see how things would go without mosquito spraying this summer. The mosquitoes were horrendous this year making it impossible for people to sit on their porches; and v) She also wanted to make sure that the issues of short-term rentals and golf carts be put back on the agenda. These were important items that were removed between town managers and needed to be brought back.

Councilman Buchholz commented as follows: i) He congratulated CCMS on obtaining the Virginia Main Street Community designation; and ii) He gave kudos to Planner/Zoning Administrator Allyson Finchum and John Hozey regarding incidents with zoning which came up earlier last week. John Hozey worked on it while he was on vacation. He saw Ms. Finchum in Town earlier and told her what a fantastic job she was doing and wanted everyone to reiterate it to her. We had a long road ahead of us with a lot of zoning and planning items that needed to be corrected. Some of our own laws needed to be addressed as well.

Mayor Dize agreed with Councilman Buchholz' comments. A lot of people put in many volunteer hours for CCMS over the last two to three years. The Governor's announcement made a lot of people happy. He thanked Councilwoman Holloway and Councilman Buchholz for their work.

Councilwoman Holloway noted that Libby Hume and Nan Bennett were the instigators in the creation of CCMS. Councilman Follmer added that he just received a Facebook memory that it had been five years since he and Libby Hume attended the first Virginia Main Street Workshop.

Mayor Dize continued to state that Mr. Tommy O'Connor had reached out to him about the 9/11 Remembrance flag. He and John Hozey researched it and felt it would be good to fly the flag a week prior to 9/11. Everyone old enough to have lived through the day remembered where they were. It was nice to see the flag flying beneath the American flag and he appreciated Mr. O'Connor thinking of the Town.

Mayor Dize read the announcements.

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

The meeting adjourned at 7:04 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
September 17, 2020 Town Council Regular Meeting**

Hank Mayer, Citizens for Central Park

GOOD EVENING, MY NAME IS HANK MAYER AND I'M CHAIRMAN OF CITIZENS FOR CENTRAL PARK

ON BEHALF OF THE BOARD, ITS MANY VOLUNTEERS, AND ESPECIALLY THE MANY INDIVIDUAL AND BUSINESS DONORS WHO HAVE SUPPORTED THE GROWING OF THE PARK,

I WOULD LIKE TO THANK THE TOWN OF CAPE CHARLES FOR ITS FINANCIAL CONTRIBUTION TO WHAT I FEEL WAS THE MOST IMPORTANT AND SUCCESSFUL HARBOR FOR THE ARTS SUMMER FESTIVAL CONCERT PROGRAM IN ITS 6 YR HISTORY.

WE'VE DISAGREED ON THE IMPORTANCE OF THE CONCERTS TO TOURISM AND LOCAL RESIDENTS,

BUT I FEEL THAT THIS SUMMER CLEARLY IDENTIFIED HOW IMPORTANT HAVING MUSIC IN THE PARK DURING THE SUMMER WEEKENDS IS TO BOTH RESIDENTS AND VISITORS.

WE HAD 300-350 PEOPLE AT 7 OF THE CONCERTS (1 WAS RAINED OUT) – IN SPITE OF THE COVID-19 DARK CLOUD HANGING OVER ALL OF US.

AND I'VE NEVER SEEN SO MANY PEOPLE IN THE PARK ON THE SATURDAY OF LABOR DAY WEEKEND – AND WITH EVERYONE DOING THEIR BEST TO ADHERE TO OUR POSTED 6 FT SOCIAL DISTANCING REQUEST.

MANY THANKS TO THE TOWN FOR YOUR FINANCIAL AND SENIOR STAFF SUPPORT, TO OUR GREAT LOCAL PRIVATE BUSINESS AND INDIVIDUAL SPONSORS, TO NORTHAMPTON COUNTY, AND TO THE MANY WHO ATTENDED THE CONCERTS OR LISTENED TO THE MUSIC FROM THEIR DECKS AND PORCHES.

WE WERE ABLE TO PULL TOGETHER THE ONLY OUTDOOR FREE PUBLIC SUMMER CONCERT PROGRAM ON THE VA EASTERN SHORE AND FOR MUCH OF THE LARGE HAMPTON ROADS AREA ACROSS THE BAY.

CCP BY WAY OF ITS NON-PROFIT STATUS AND LONG HISTORY OF SUPPORTING CENTRAL PARK, MAY APPEAR TO BE IN CHARGE OF THIS ANNUAL EFFORT, BUT THE REALITY IS THAT THESE CONCERTS ARE ORGANIZED, MANGED AND EXECUTED BY A SMALL GROUP OF INDIVIDUAL VOLUNTEERS WHO LOVE DOING THIS.

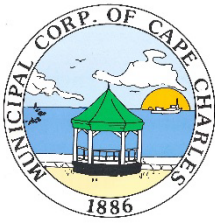
CCP PROVIDES A NON-PROFIT CONDUIT FOR THE FUNDRAISING, BUT INDIVIDUALS LIKE TIM RUSSELL, WHO VOLUNTEERED TO TAKE THE PROJECT ON THIS YEAR FOR THE VERY FIRST TIME, AND BILL PRICKETT, WHO TRIED TO STEP AWAY, BUT COULDN'T AFTER MANAGING THE PAST 2-3 YRS, AND THE MANY OTHER CCP AFFILIATED VOLUNTEERS ARE THE REAL HEROES.

SPEAKING FOR THEM AND OTHER CCP AFFILIATED VOLUNTEERS – WE WOULD LIKE TO DO IT AGAIN NEXT SUMMER.

THE TOWN HAS HISTORICALLY PROVIDED ABOUT 40% OF THE \$18-20,000 OVERALL CONCERT BUDGET.

WE WILL RAISE THE OTHER 60% FOR A 2021 CONCERT PROGRAM, AND COLLABORATE WITH THE TOWN TO MAKE IT EVEN BETTER THAN THIS YEAR.

THANK YOU – AND CONGRATULATIONS TO CC MAIN STREET FOR ITS MAIN STREET DESIGNATION



DRAFT
TOWN COUNCIL
Special Meeting
Cape Charles Civic Center
October 1, 2020
6:30 PM

At approximately 6:30 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, in attendance were Vice Mayor Bennett, Councilmen Bannon, Buchholz, Follmer and Grossman, and Councilwoman Holloway. Also, in attendance were Town Manager John Hozey, Community Relations Manager Jennifer Lewis, Town Clerk Libby Hume, and Cape Charles Main Street Program Director Karen Zamorski. There were three members of the public physically in attendance, and seven viewers on Facebook Live.

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

PUBLIC COMMENTS (REGARDING AGENDA ITEMS ONLY):

Town Clerk Libby Hume read comments submitted by Ms. Margaret Van Clief. (Please see attached.) After reading the email, Libby Hume notified Council that she had responded to Ms. Van Clief to notify her that the forms in question were provided by the Department of Housing and Community Development (DHCD) and the Town could not make any modifications to the forms.

There were no comments to be heard nor any other written comments received prior to or during the public comments period.

SPECIAL MEETING ORDER OF BUSINESS:

A. *Department of Housing & Community Development Community Development Block Grant – Required Documentation:*

Town Manager John Hozey stated that on August 28, 2020, the Town was notified of the award of a Community Development Block Grant (CDBG) from the Virginia Department of Housing and Community Development (DHCD) in the amount of \$845,115 in response to the Town’s application to the 2020 Virginia CDBG program to assist local business owners with COVID-19 recovery expenses. Extensive coordination with DHCD and program documentation was required in order to receive the grant. Cape Charles Main Street (CCMS) was designated as the primary grant administrator and staff had been working closely with CCMS to satisfy all the requirements by October 12, 2020 so that the grant agreement could be executed on October 15, 2020. One of the requirements was for Town Council to approve four standard DHCD documents – the Non-Discrimination Policy, Grievance Procedure, Business & Employment Plan, and Fair Housing Certification.

Vice Mayor Bennett commented as follows: i) He stated his agreement with Ms. Van Clief adding that he had provided several comments to the town manager regarding the requirement documents; ii) He was informed that the forms were standard from the DHCD and had to be approved in order for the grant to be awarded; iii) He really wanted the Town to get the grant so he agreed to approve the documents

Councilwoman Holloway expressed her agreement to Vice Mayor Bennett and Ms. Van Clief’s comments as well and recommended that the DHCD be contacted suggesting that these documents be updated.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the Non-Discrimination Policy, Grievance Procedure, Business & Employment Plan, and Fair Housing Certification as required. The motion was approved by unanimous vote.

B. DHCD Community Development Block Grant Program Design:

John Hozey stated that a Small Business COVID-19 Recovery Assistance Grant Program Design document was developed by the grant administrator and approved by the CDBG Project Management Team (PMT), which consisted of Councilmen Buchholz and Grossman, Town Manager John Hozey, Treasurer Deborah Pocock, CCMS Program Director Karen Zamorski, Mr. Tom Weaver, a citizen representative on the committee, and Northampton County Administrator Charlie Kolakowski. The program design outlined how the Town would implement and distribute the funding and captured the essence of what the Council wanted to see moving forward. While the program design was unique to the Town's administration of the grant, it satisfied the overall conditions of the CDBG program and had been approved by the DHCD. Minor revisions to the program design might be made by the PMT, but all revisions would be reported to the Town Council. Major revisions would be brought to Town Council for approval.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve the Small Business COVID-19 Recovery Assistance Grant Program Design.

Councilman Grossman stated that the language in item 5 under Disbursement of Funds to Businesses (page 5) was incorrectly stated implying that the funds would not be provided to the businesses until the Town had received the money from DHCD. The correct process was that the Town would be providing the money up front to the businesses and getting reimbursed.

A secondary motion was made by Councilman Grossman, seconded by Councilman Buchholz, to amend the language in item 5 under Disbursement of Funds to Businesses to state that "Reimbursement requests from DHCD can take up to 45 days after application is received." The motion was approved by unanimous vote.

Councilwoman Holloway pointed out that the second to the last bullet under Ineligible Activities (page 2) currently stated that Airbnb's were not considered commercial entities but should state that all short-term rentals were not considered commercial entities.

A secondary motion was made by Councilman Grossman, seconded by Vice Mayor Bennett, to amend the language in the eighth bullet under Ineligible Activities to state that "Short-term rentals are not considered commercial entities and therefore do not qualify." The motion was approved by unanimous vote.

Councilwoman Holloway went on to comment as follows: i) When she reviewed the documents that were to be submitted by the businesses she saw that confidential information was being requested and the Town needed to ensure that there was secure storage for that information; ii) She asked where the SWAM (small woman-owned and minority-owned businesses) piece came in as this was a big part of the grant that provided the Town an additional \$300K. Karen Zamorski responded that it would be considered in the application process; and iii) Her biggest concern was where the confidential documents would be stored. Safety needed to be ensured. Councilman Grossman stated that a locking file cabinet could be obtained to store the documentation and DHCD needed to be contacted regarding the retention period for the documents. Councilwoman Holloway added that a system was needed, and this information needed to be communicated to the businesses.

Vice Mayor Bennett noted that there were several areas in the program design that referred to activities performed by the Town and asked whether they were to be performed by Town staff or the administrator/CCMS. John Hozey responded that the activities would be performed by CCMS. Karen Zamorski interjected that the documents needed to be uploaded by Town staff since the Town was the Destination Marketing Organization (DMO). Vice Mayor Bennett asked whether some of the funds included as administrative costs could be provided to the Town. Councilman Grossman added that John Hozey, Deborah Pocock and Libby Hume were involved with the grant as well as CCMS.

The main motion to approve the Small Business COVID-19 Recovery Assistance Grant Program Design was approved by unanimous vote.

Councilwoman Holloway thanked everyone for their work on this grant adding that it was a great team effort.

TOWN MANAGER COMMENTS:

Town Manager John Hozey commented as follows:

- i) COVID-19 Update – He had been watching the numbers and they were mostly stable over the last three months and declining over the last two weeks, especially across the bay. The Town was past the peak tourist season and he felt it was time to move forward with Phase 3, part 1 of the Town’s incident operations plan which would limit the number of visitors in the Town offices. The number of visitors would be limited to one at a time per department, except for the library which would allow two at time. He would publish the next public message first thing tomorrow morning.
- ii) He was planning to reopen the Central Park playground. Signage would be installed, and the Town would purchase a low-cost disinfectant fogger. The picnic tables would be moved back out to the park. As of last weekend, the overall cleaning requirements were taken over by Town staff since the contract had ended. This would be included in the public message.
- iii) He did not feel it would be prudent to move forward with this year’s trunk-or-treating. Many other localities were making similar decisions. For those who chose to trick-or-treat on October 31, he would ask that they respect those who chose not to participate. This would also be included in tomorrow’s public message. All changes would be effective October 5, 2020.

There was discussion as follows: i) Councilman Follmer asked whether the library bathroom would be open to the public. John Hozey stated that the library bathroom would be open during normal business hours during the week, but would remain open later on weekends, from Thursday to Sunday through Festive Fridays. The handicap porta potty would be relocated to Peach Street by the restroom trailer; ii) Councilwoman Holloway asked whether there was lighting by the restroom trailer. Councilman Follmer responded that the area was lit from above; iii) Councilman Follmer cautioned that there would be push-back from the residents of the condos and asked whether the porta potty could be located on the opposite side of the trailer from the parking lot. John Hozey stated that he would ensure that it be as unobtrusive as possible, but unit needed to be accessible.

- iv) Next Thursday’s work session would be to review the capital improvements. He planned to work on the plan this week, but due to other things that happened during the week, he would be unable to complete the plans for distribution by tomorrow. He would work on it over the weekend and have it ready for distribution Monday morning. There would be no formal decisions to be made. Originally, he planned to have it on the October 15 for Council action but asked if it could be delayed to November 19 due to insufficient time for a public hearing and required notice. Although a public hearing was not required, he felt that Council should hold one to provide the public an opportunity to comment. He was planning a work session in November for Council to review all the financial policies and those policies would also be on the November 19 agenda for approval.
- v) Mason Avenue Parking: His last report stated that he had contacted VDOT and it was naïve of him to think it would be a simple process. He was still trying but it would not be a quick and easy resolution. He would bring back something more formal for discussion. The plan would require more time and money, including hiring someone with VDOT credentials to assist.

MAYOR & COUNCIL COMMENTS:

Mayor Dize commented as follows: i) He thanked Councilwoman Holloway, Councilman Buchholz and CCMS for getting the DHCD CDBG program started. They all did a nice job; and ii) He had been approached about trick-or-treating and asked that a notice be sent out informing the citizens.

Vice Mayor Bennett thanked everyone for their work on the DHCD CDBG. It was tremendous for the Town and businesses. Councilwoman Holloway interjected that Karen Zamorski was the one who did most of the work.

Councilwoman Holloway stated that Festive Friday planning was moving full speed with adaptive ways of doing things. Karen Zamorski and Rachel Leyco were working with Jen Lewis. The Town's businesses needed this push for the off-season. CCMS and the committee were working hard to make everything work.

Councilman Buchholz gave a hats-off to Karen Zamorski who did a tremendous amount of work on this grant. She also put in a lot of time on CCMS's new website, map, the television shoot, CCMS designation, etc. He was thankful that CCMS found her.

Councilman Follmer added that he didn't know how the Town could get through 2020 without Karen Zamorski, Allyson Finchum and John Hozey. There had been a lot of challenges and they were appreciated. He had spoken to a lot of people about how happy they were with the three of them.

Councilman Bannon stated that he volunteered at the Welcome Center on Thursdays and Cape Charles was a hot item. He remembered years ago when the Eastern Shore of Virginia Tourism Commission first asked the Town for money to build the Welcome Center. When he first moved to Cape Charles 30 years ago, it was nothing. Now, the interest in the Town was incredible. He added that more brochures and maps were needed at the Welcome Center. Councilwoman Holloway responded that CCMS would send some when they arrived. Jen Lewis added that she had a case in her office and would take some to the Welcome Center.

Councilman Grossman had no additional comments.

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

The meeting was adjourned at 6:57 p.m.

Mayor Dize

Town Clerk

**Comments & Information Provided in Writing
October 1, 2020 Town Council Special Meeting**

Margaret Van Clief

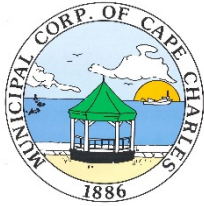
Subject: Non-Discrimination Policy

I see that the Non-Discrimination Policy in the agenda for this evening's Town Council meeting does not list gender (different from sex) or sexual orientation as protected categories from discrimination, and I absolutely think they should be protected. I'm alarmed that this far into the 21st century these categories were not already included.

Thank you for registering my thoughts on the matter!

Take care!

Best,
Margaret Van Clief



DRAFT
PLANNING COMMISSION/TOWN COUNCIL
Joint Public Hearing
Cape Charles Civic Center
October 6, 2020
6:00 p.m.

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, Paul Grossman, Jim Holloway, Dennis McCoy and Michael Strub. There is one vacancy on the Commission. Also, in attendance were Town Planner Allyson Finchum and Deputy Clerk Tracy Outten. There were three members of the public in attendance.

Vice Mayor Steve Bennett, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Vice Mayor Bennett, present were Councilmen Bannon, Buchholz and Grossman, and Councilwoman Holloway. Mayor Dize and Councilman Follmer were not in attendance. Also, in attendance were Town Manager John Hozey and Town Clerk Libby Hume.

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

PUBLIC HEARING PUBLIC COMMENTS:

Chairman Stramm read the Notice of Public Hearing and opened the floor for comments.

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

Motion made by Commissioner Grossman, seconded by Commissioner Strub, to close the public hearing portion of the Planning Commission meeting. The motion was approved by unanimous vote.

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

The Town Council Public Hearing adjourned at 6:03 p.m.

Chairman Bill Stramm

Vice Mayor Steve Bennett

Town Clerk

August 2020 Treasurer's Report

Page 1 – Cash Position

- A \$29,000 interest payment was made on the VML/VaCo 2010 loan.

Page 2 – Revenue vs. Expenditures

- No comments.

Page 3 – Capital Projects

- No funds were disbursed for capital projects in August.

Page 4 – Tax Collection Rate

- This page will return in November

Page 5 – Tax Revenue Trends

- Harbor revenue is 53% higher July 2020 than it was July 2019. \$20,000 of this increase is due to an improved accounting process in the current fiscal year, but the remaining \$15,500 is truly growth.
- Meals tax revenue is still lagging but transient occupancy taxes have surpassed 2019 year to date amounts by 16.6%.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
August 31, 2020

<u>Cash on Hand</u>	<u>7/31/2020</u>	<u>8/31/2020</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$555,643	\$393,447	-\$162,197
Atlantic Union Bank Money Market Account	\$1,426,309	\$1,426,792	\$483
LGIP Account 1 - Unrestricted	\$104,094	\$104,117	\$23
LGIP Account 2 - Unrestricted	\$299,409	\$299,482	\$72
PNC SNAP Account - no longer restricted	\$0	\$0	\$0
PNC SNAP Account Interest	\$0	\$0	\$0
Total Cash On Hand	\$2,385,456	\$2,223,838	-\$161,618

<u>Restricted and Reserved Cash Balances</u>	<u>7/31/2020</u>	<u>8/31/2020</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$1,079,003	\$1,079,003	\$0
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loan covenant	\$31,454	\$31,454	\$0
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$2,792	\$3,085	\$293
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,585	\$257,585	\$0
Wells Fargo 2010 Debt Service pass through account #300	\$2,898	\$2,898	\$0
Wells Fargo 2010 Debt Service pass through account #308	\$761	\$761	\$0
Total Cash Held in Reserve	\$1,374,923	\$1,375,216	\$293
Total Cash - All Accounts	\$3,760,379	\$3,599,054	-\$161,325

DEBT SERVICE

Net Debt as of Current Reporting Month End (Excludes USDA vehicle and equipment loans)	\$7,118,668
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REVENUE VS. EXPENDITURES

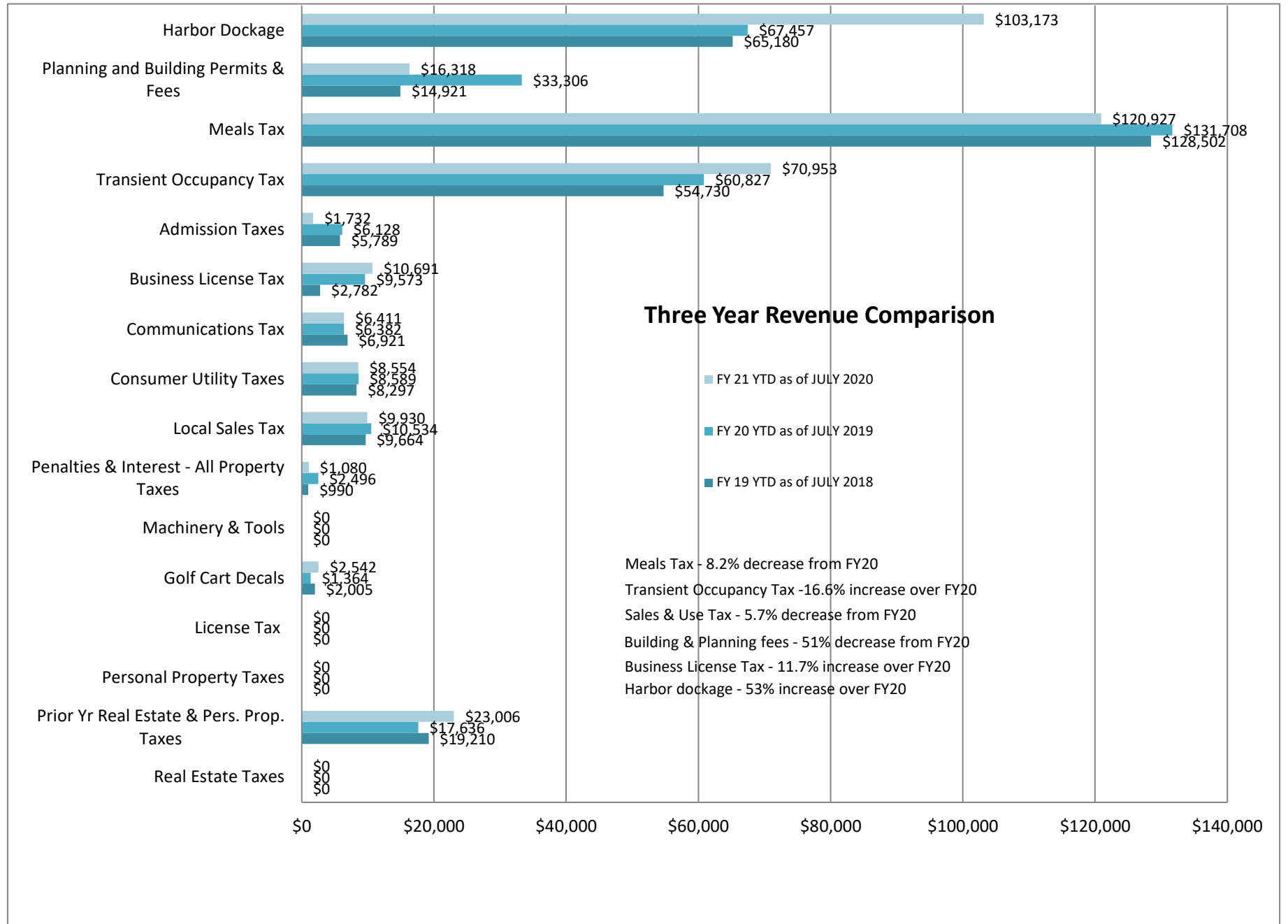
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY19</u>
GENERAL						
REVENUE - Operating	\$192,909	\$344,941	\$321,226	\$82,421.34	\$3,580,706	8.97%
EXPENDED - Operating	\$194,688	\$499,586	\$440,439	-\$59,146.44	\$2,805,563	15.70%
NET	(1,780)	(154,644)	(119,213)	35,431	775,143	
REVENUE - CAPITAL GRANTS & LOANS	0	0	0	0	813,867	0.00%
EXPENDED - CAPITAL PROJECTS & DEBT SVC	5,382	81,366	76,119	(5,247)	1,589,010	4.79%
TRANSFER TO HARBOR TO TRUE UP FUND						
BALANCE	0	0	0	0	0	
TOWN CONTRIB. & PENDING GRANTS	(5,382)	(81,366)	(76,119)	5,247	(775,143)	
PUBLIC UTILITIES						
REVENUE - Operating	154,005	313,383	312,028	(1,355)	1,689,134	18.47%
EXPENDED - Operating	104,219	131,597	157,078	25,481	1,146,690	13.70%
NET	49,786	181,786	154,950	(26,836)	542,444	
REVENUE - CAPITAL GRANTS, LOANS, & FACILITY FEES	0	97,068	42,400	(54,668)	169,600	25.00%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	11,706	142,940	86,734	(56,206)	712,044	12.18%
TOWN CONTRIB. & PENDING GRANTS	(11,706)	(45,872)	(44,334)	1,538	(542,444)	
HARBOR						
REVENUE - Operating	148,150	206,808	327,608	120,800	1,060,080	30.90%
EXPENDED - Operating	55,476	172,283	224,882	52,599	692,473	32.48%
NET	92,674	34,525	102,726	68,201	367,607	
REVENUE - GRANTS & LOANS	0	0	0	0	375,765	0.00%
TRANSFERRED FM GEN FUND TO TRUE UP FUND BALANCE	0	0	0	(92,403)	0	
EXPENDED - Capital Projects, Debt Svc	45,868	92,403	67,814	160,217	743,372	9.12%
TOWN CONTRIB. & PENDING GRANTS	(45,868)	(92,403)	(67,814)	(160,217)	(367,607)	
SANITATION						
REVENUE	16,984	34,467	33,608	(859)	214,546	15.66%
EXPENDED	17,509	17,712	34,795	17,082	214,546	16.22%
NET	(525)	16,754	(1,187)	(17,941)	0	

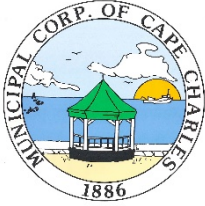
FY 2021 Capital Improvement Project Tracking Report

As of:
8/31/2020

	FY21 Status or Start Date	Percent of Completion	FY21 Budgeted	FY21 QTR 1 Expended	FY21 QTR 2 Expended	FY21 QTR 3 Expended	FY21 QTR 4 Expended	FY21 YTD Expended	(Over)/Under Budget
General Fund									
Police Vehicle	Pending	0%	\$ 38,940	\$ -	\$ -	\$ -	\$ -	\$ -	38,940
Permit Department Software	Pending	0%	\$ 7,000	\$ -	\$ -	\$ -	\$ -	\$ -	7,000
Public Works Shop Heaters	Pending	0%	\$ 6,868	\$ -	\$ -	\$ -	\$ -	\$ -	6,868
Grounds Maintenance Equipment	Pending	0%	\$ 22,240	\$ -	\$ -	\$ -	\$ -	\$ -	22,240
Portable ADA Equipped Restroom Trailer	Pending	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	35,000
Mason Avenue Re-striping	On Hold	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	15,000
Parking Lots (Mason & Harbor Shanty Area)	Pending	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	10,000
Video Surveillance System	.	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	35,000
Multi-Use Trail Phase 2 Closeout	Pending	0%	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	200,000
subtotal			\$ 370,048	\$ -	\$ -	\$ -	\$ -	\$ -	370,048
Water Fund									
SCADA System	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	15,000
Remote Read Water Meters - starter setup	pending	0%	\$ 51,985	\$ -	\$ -	\$ -	\$ -	\$ -	51,985
Pickup Truck	pending	0%	\$ 32,766	\$ -	\$ -	\$ -	\$ -	\$ -	32,766
subtotal			\$ 99,751	\$ -	\$ -	\$ -	\$ -	\$ -	99,751
Harbor Fund									
Inner Harbor Rehabilitation Phase I carryover	in process	#DIV/0!	\$ -	\$ 33,890	\$ -	\$ -	\$ -	\$ 33,890	(33,890)
Inner Harbor Rehabilitation Phase II	pending	0%	\$ 118,470	\$ -	\$ -	\$ -	\$ -	\$ -	118,470
subtotal			\$ 118,470	\$ 33,890	\$ -	\$ -	\$ -	\$ 33,890	84,580
Sanitation Fund									
Trash Can Replacements	on order	100%	\$ 11,796	\$ -	\$ -	\$ -	\$ -	\$ -	11,796
subtotal			\$ 11,796	\$ -	\$ -	\$ -	\$ -	\$ -	11,796
TOTAL			\$ 600,065	\$ 33,890	\$ -	\$ -	\$ -	\$ 33,890	566,175

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT



 TOWN OF CAPE CHARLES	AGENDA TITLE: Capital Asset Management Program		AGENDA DATE October 15, 2020
	SUBJECT/PROPOSAL/REQUEST: Approve Revised Capital Asset Management Program		ITEM NUMBER: 6A
	ATTACHMENTS: Capital Asset Management Program		FOR COUNCIL: Action (Z) Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

In January of this year the Town Council adopted a Capital Improvement Program that provided the context, guidance, and criteria necessary to take a very long list of capital needs/desires (wish lists), and prioritize/manage them in a realistic way. This program, renamed the Capital Asset Management Program (CAMP), attempts to take personal preferences, emotion, and politics out of the decision-making process. Those are replaced with objective criteria that organize the projects logically and in efficient ways. The program also brings everything together in one place, so that decisions on any one project can be done in the context of all other potential needs/options.

ITEM SPECIFICS:

The original CAMP was very well thought out, but conceptual in nature, and only put into practical application for the first time now. As a result of this first application, additional refinements to the CAMP can be identified. Possible revisions were discussed at the October 8th work session and incorporated into the attached draft program document. Changes from the original document appear in red.

If approved, the CAMP will be the basis for adopting the first six-year capital improvement schedule that will be discussed during future budget development. Specific projects can then be funded within available resources. For FY21, as a result of the COVID-19 affect, the budget passed beginning this past July 1, was “bare bones” and included very little capital expenditure. Now that we can evaluate the actual revenue activity for the summer, we will hold a budget work session on October 29th and bring forward for public hearing and adoption a FY21 budget amendment. This amendment would also include the first schedule of capital projects as identified by the CAMP.

RECOMMENDATION:

Staff recommends approval of the revised Capital Asset Management Program as presented.



TOWN OF Cape Charles
CAPITAL Asset Management
PROGRAM (CAMP)

October 15,2020

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INTRODUCTION

A Capital Asset Management Program (hereinafter referred to as a CAMP) is a tool to assist the governing body of a municipality in planning and managing major equipment and facilities required to maintain or improve services or to respond to anticipated growth. A CAMP is intended to provide a complete picture of the town's major development needs (i.e., capital projects) over at least the next six years by showing when, and at what cost, the town expects to expand or provide services and facilities in that period. The reason for undertaking this overall approach to capital improvement planning is to balance the varying equipment and facilities needs of the Town of Cape Charles and to assess these in comparison to other Town needs.

A CAMP must be updated each year. Adopting a CAMP does not end with the first year. Changing needs and priorities, emergencies, cost changes, mandates and changes in technology all require the CAMP to be updated annually. The Town's public facilities, streets, parks, infrastructure, equipment, etc., are constantly in need of repair, replacement or expansion. A growing population will require additional or new facilities. These reasons require that the CAMP be updated to maintain the financial solidity of the Town. The CAMP achieves the following objectives as a component of the Town's budget and financial planning process:

- Reduces the need for ad hoc programs to finance the construction of Town facilities
- Focuses attention on community goals, needs and capabilities
- Achieves optimum use of taxpayer dollars
- Responds to future community growth and development
- Ensures that projects are well thought out in advance of construction
- Provides for the orderly replacement of capital items
- Encourages more efficient administration
- Maintains a sound and stable financial program

CAPITAL ASSET MANAGEMENT PROGRAM – FISCAL POLICY

The Town of Cape Charles adopts the following fiscal policy regarding the CAMP:

- The Town will prioritize all capital improvements in accordance with an adopted Capital Asset Management Program (CAMP).
- The Town will develop a five-year plan for capital improvements and review and update annually.
- The Town will coordinate development of the capital asset management program with development of the operating budget.
- The Town will maintain all its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.

- The Town will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted for approval.
- The Town will attempt to determine the least costly alternative on a life cycle basis for all projects.
- The Town Council will review the status of capital improvement projects six months after adoption of the CAMP to determine what adjustments, if any, are required in project scheduling and funding. However, emergent urgent needs not previously identified can be reviewed at any time by Town Council and the CAMP can be adjusted accordingly.
- Operations of the town's Enterprise Funds are intended to be financed or recovered primarily through user charges.
- Enterprise Fund revenues are to support construction costs or debt service for capital facilities for the respective operations whenever possible. General Fund transfers may be used to support the development of Enterprise Fund capital facilities

DEBT LIMITS/POLICIES

Any debt limits associated with capital improvements will be captured under a separate fiscal policy established by Town Council.

DEFINITION OF A CAPITAL IMPROVEMENT PROJECT (CIP)

The Town of Cape Charles' definition of a capital improvement project uses one or more of these criteria;

- An estimated total cost of ~~\$20,000~~ **\$10,000** or more (Capital items under ~~\$20,000~~ **\$10,000** are generally included in the various operating budgets.)
- Studies pertaining to capital improvements that require the employment of outside professional consultants at a cost of ~~\$20,000~~ **\$10,000** or more
- Construction of buildings or facilities, including design, engineering, and other pre-construction costs with an estimated cost of ~~\$20,000~~ **\$10,000** or more
- Purchase of major equipment and vehicles with an estimated cost of ~~\$20,000~~ **\$10,000** or more and with a life expectancy of five years or more [Note: if a vehicle purchase is recurring each year, this will be captured under the department's operating budget]
- An extended useful life at least 5 years of the facility or equipment
- An infrequent recurrence of the expenditure
- Bonded debt maybe required for its financing
- It involves acquisition or development of real property
- It creates or expands utility systems, a public building, or other public infrastructure

There is an important fiscal principle underlying the distinction between capital and non-capital expenditures. The distinguishing feature of non-capital or operating expenses are recurring costs for on-going functions of government, such as personnel, supplies and the like, **which are not typically depreciated over time.**

COMPONENTS OF A CAMP

A CAMP must have the following components or characteristics:

1. Addresses capital improvements over a period of at least six years.
2. Classifies projects according to urgency and need for realization.
3. Includes a timetable for implementation of projects.
4. Takes into account needs that are indicated in the ~~master plan~~ **Comprehensive Plan** or which are permitted under the local zoning ordinances and regulations
5. The estimated cost of each project
6. Probable operation and maintenance costs
7. Probable revenues from individual projects
8. Suggested funding sources

For large projects, the project will be broken into components such as land purchase, design/engineering services, and construction into appropriate years. The project will not front load the entire cost in the first year.

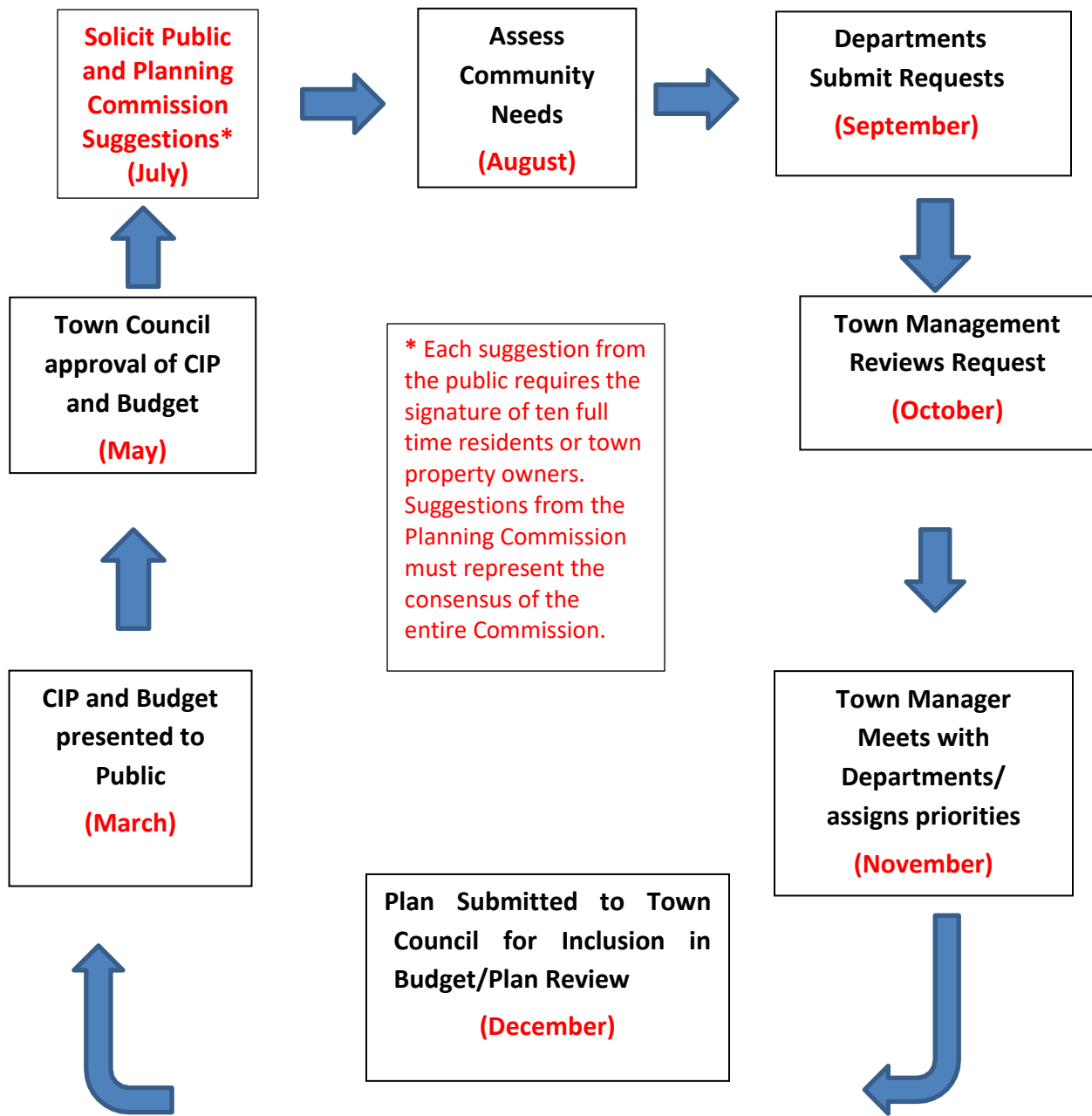
LIMITATIONS OF A CAMP

It is also important to understand the limitations of a capital asset management program (i.e., what it is not).

1. Neither the CAMP nor the process of developing it is a means to micro-manage the process of developing the budget. Preparation of annual budgets for the town is the responsibility of elected officials and professional administrators. The CAMP is a tool to aid these groups in evaluating and prioritizing items for inclusion in the budget for a given year.
2. The CAMP is not a vehicle for the promotion of “wish list” projects that are either unnecessary or are unlikely to receive public funding or support **within the time horizon of the plan.**
3. Although a CAMP is intended to provide a framework to guide activity, it should not be rigid and inflexible. The CAMP process cannot anticipate unusual changes in growth, economic conditions, or political consideration. Similarly, the CAMP process must allow changes for emergencies, opportunities, or other unpredictable events.
4. Town Council’s approval of the CAMP does not authorize money for any of the projects in the program, but will provide the Town Manager direction to proceed with inclusion of first year CAMP items in the Town Manager’s recommended town budget

CAPITAL ASSET MANAGEMENT PROGRAM PROCESS

Capital project planning is an ongoing process. Each year the CAMP document is updated. The need or idea for capital improvements can originate from the Mayor, Council members, Boards, citizens, or Town staff. Ultimately, Departments are responsible for identifying, documenting, and justifying CAMP requests. Departments are also responsible for obtaining project cost estimates and identifying appropriate revenue sources for the project (the Finance Dept. shall assist in identifying costs and appropriate revenue sources). These items are compiled into this document and presented to the Town Council on an annual basis. The Town Manager, in conjunction with the Finance staff, shall be responsible for coordinating the CAMP process and submission of the CAMP to the Mayor and Town Council. Through the annual planning retreat, Town Council meetings and/or work session(s), the Council focuses on prioritizing the projects. Once the CAMP is approved, it outlines the Town's official commitment **intent** to funding these expenditures in the appropriate budget year. During the annual budget process in the spring, the first-year projects are refined, and a financing plan is put into place **recommended** within the budget to fund those expenditures.



MAINTENANCE OF TOWN ASSETS

Capital assets include government facilities, infrastructure, major equipment and networks that enable the delivery of public sector services. The performance and continued use of these capital assets are essential to the health, safety, economic development and quality of life of those receiving services. Budgetary pressures often impede capital program investments or expenditures for maintenance and repair, making it increasingly difficult to sustain the asset in a condition necessary to provide expected service levels. Ultimately, deferring essential maintenance or asset replacement could reduce the organizations ability to provide services and could threaten public health, safety and overall quality of life. In addition, as the physical condition of the asset declines, deferring maintenance and/or replacement could increase long-term costs and liabilities. It is with this in mind that the Town staff includes planned maintenance projects that bear significant financial implications in the operating budget. This will allow management to better plan for the Town's future needs. While the CAMP is utilized to plan future capital projects, the need to properly maintain our existing aging assets remains.

VEHICLE REPLACEMENT

In addition to the other capital improvement projects included in the CAMP, there are other major types of vehicles and equipment which are a substantial financial investment and need to be handled in the most economic manner. Therefore, the Town chooses to incorporate these items into the CAMP. Vehicles and/or equipment are evaluated primarily based on age, mileage, operation & maintenance cost. There are, however, several additional factors which must be considered in determining these replacements: fuel costs, condition, safety, life of equipment, etc.

PRIORITIZATION SYSTEM MATRIX

The priority system includes a matrix shown below. This system was developed to assist in the setting of priorities for capital expenditures because not all requests can be funded in any given year due to budgetary constraints.

CRITERIA/PRIORITY	HIGH	MEDIUM	LOW
I	LEVEL A		
II		LEVEL B	
III			LEVEL C
IV			

The matrix contains a measure of priority on the horizontal axis and a determination of criteria category on the vertical axis.

PRIORITIES of the capital projects are measured as high, medium, or low as follows:

- HIGH:** Project mandated by local, state, or federal regulations, or
Project is a high priority of the Town Council*, or
Project substantially reduces losses or increases revenues
- MEDIUM:** Project maintains existing service levels, or
Project results in better efficiency or service delivery of existing services, or
Project reduces operational costs, or Project improves work force morale
- LOW:** Project is not mandated, or
Project improves service levels, or
Project improves quality of life

* Projects designated as a High Council Priority must directly contribute to priorities already established in previously adopted formal actions

CRITERIA CATEGORIES

- I. **Health/Safety/Welfare** - projects that protect the health, safety and welfare of the community and the employees serving it
- II. **Maintenance/Replacement** - projects that provide for the maintenance of existing systems and equipment.
- III. **Expansion of Existing Programs** - projects which enhance the existing systems and programs allowing for expansion of existing services
- IV. **Expansion of New Programs** - projects that allow for expansion into new programs and services

LEVEL OF FUNDING: The grid is further divided into levels: Level A - highest consideration for funding, Level B - moderate consideration, Level C - least consideration for funding resources.

Note: Up to ten percent (10%) of the total annual capital budget (not to exceed \$25,000) may be designated for general quality of life enhancements; projects competing for this funding are not subject to the evaluation criteria of this program. Such projects will be funded at the complete discretion of the Town Council as they deem appropriate.

IMPACT ON OPERATING BUDGET

Capital funding requires planning as careful and as deliberate as the planning that goes into the CAMP itself. It is important to note that as the plan is implemented, the Town should be aware of additional budgetary costs, if any, that may arise from the project such as future payments of debt service on general obligation bonds (i.e. interest payments), lease payments on certain capital improvements, and increased operating costs (for example, if a new facility requires more staffing). On the other hand, there could be savings that may result from decreased operating costs (for example, a new facility that requires less maintenance and less staffing).

PROJECT DETAIL SHEET

The Project Detail Sheet (Attachment A) is used to summarize the project that is requested for consideration. If the Town Manager ultimately recommends a project to the Town Council for consideration, this form is used for presenting information on the project to Council and the public.

Project Title: Brief title of the proposed project.

Project Status: Each project should have a status. ~~They are New, Continuing, In Progress or Previously Requested.~~ The project is defined as "New" if it is the first year that the project is in the CAMP. The project is "In Progress" if it is currently programmed in the CAMP. The project is "Previously Requested" if it has been requested and approved in previous years but is not in progress or has not yet begun. ~~This status is not a project that was previously submitted and denied. Continuing should only be used on projects that are continuing beyond the five years such as replacement funds.~~ Pending, In-Progress, Substantially Complete, or Finished.

Description and Justification: This information should include a brief description of the project including such things as the size of the facility (e.g., square feet) or infrastructure improvement (e.g., linear feet), the kind of vehicle to be purchased, the number of facilities to be improved, the names of the facilities to be improved, and the constituency to be served by the project. A brief justification of the project should also be included, including alternatives which were considered as applicable, explain the tie of the project to established Council Strategic Goals. The priority of the project will be identified using guidelines above.

Planned Financing of Project: The Source of Funds should be identified. The sum of Prior Allocation (expenditures), and Future Years must add to the Total Project Estimate.

TOWN MANAGER SUBMITTAL OF THE CAMP

By December 1st of each year, prior to the proposed budget submittal by March 1st, the Town Manager will submit an updated proposed CAMP to the Town Council for review and comments. The submittal will contain the following, as a minimum:

- Cover transmittal memorandum that includes a tabulation of next year's budgeted project titles grouped by Town Council Strategic Goals.
- Financial summary table of all capital projects that includes;
 - Project Title
 - Project Priority
 - Strategic Goal being addressed
 - Status of Project (New, Continuing, In Progress or Previously Requested)
 - Source of Funding by Town and amount
 - Source of Funding by other (e.g., grant) and amount
 - Prior Year Expenditures (cumulative through end of current budget year, actual expenditures plus estimated expenditures for remaining months in current budget year)

- Next Budget Year Projected Expenditure (Year 1)
- Each of the Years (2-6) and consolidated future years > 6 years Projected Expenditures
- Total Capital Expenditure for the Project
- Yearly Operating Expense as a result of the Capital Project once implemented
- Individual Project Detail Sheets (Attachment A)

TOWN COUNCIL APPROVAL OF THE CAMP

Once the Town Manager has delivered the proposed CAMP and the Town Council and public have reviewed the material submitted, the Town Council will ultimately adopt a final CAMP for that year. A resolution will be used for adoption, as depicted in Attachment B (sample resolution).

PERIODIC REVIEW OF CAPITAL PROJECT STATUS

Capital projects that have been authorized for the budget year will be reviewed by Town Council on a semi-annual basis. The Town Manager will prepare a document summarizing project status that will include, as a minimum;

- Expenditures
- Schedule adherence
- Issues that the Town Council needs to be aware of

Town of Cape Charles Project Detail Sheet

DEPARTMENT				Criteria		Priority	LEVEL		
PROJECT TITLE									
PROJECT DESCRIPTION:									
JUSTIFICATION:									
TOWN COUNCIL STRATEGIC INITIATIVE:									
PROJECT ALTERNATIVES CONSIDERED				OPERATING IMPACT/OTHER COMMENTS					
PROJECT STATUS									
CAPITAL COST BREAKDOWN		Prior to July ____	Next fiscal year (Yr 1)	Year 2	Year 3	Year 4	Year 5	Year 6	Future Years (7+)
Planning & Engineering		\$ -							
Equipment									
Construction									
Other									
Yearly Project Cost		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FUNDING SOURCE(S)		Prior to July ____	Next fiscal year (Yr 1)	Year 2	Year 3	Year 4	Year 5	Year 6	Future Years (7+)
General Fund		\$ -							
Yearly Funding Source		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Project Cost Estimate (Actuals + Forecast)								\$	

The Town of Cape Charles
Resolution of the Town Council to Amend and Adopt the Capital Asset Management Program as presented.

WHEREAS, a Capital Asset Management Program (CAMP) involves the scheduling of the cost of public equipment and infrastructure over several years,

WHEREAS, a well thought out and comprehensive CAMP serves as a valuable municipal tool designed to anticipate and meet the needs of the community, while at the same time scheduling the costs in a deliberate approach,

WHEREAS, on xx, xx, 2020, the first official Capital Asset Management Plan was adopted by the Town Council,

WHEREAS, on xx, xx, xxxx, the Cape Charles Town Council conducted a public hearing to consider the **Six** Year Capital Asset Management Program for the years xxxx through xxxx;

WHEREAS, the Town Council has considered the input of the public and the recommendations of its staff and has determined it to be in the public interest to adopt the **Six**-Year CAMP for years xxxx through xxxx;

WHEREAS, the proposed updated CAMP represents municipal projects to be addressed over the next six year implementation period.

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Cape Charles hereby amends and adopts the Town of Cape Charles' CAMP as presented.

Submitted by: XXX –Town Manager

Submitted: xx, xx, 20xx

[This is only a sample resolution]

 TOWN OF CAPE CHARLES	AGENDA TITLE: Waste Collection and Disposal Services Contract Extension		AGENDA DATE: October 15, 2020
	SUBJECT/PROPOSAL/REQUEST: Approve Contract Extension for Waste Collection and Disposal Services		ITEM NUMBER: 7A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Libby Hume	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

On October 20, 2017, the Town of Cape Charles awarded a contract effective November 1, 2017 to Davis Disposal for all waste collection and disposal services for the Town. The contract was for one year with the option to renew for three additional years, for a total of four years.

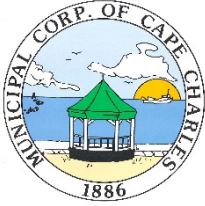
DISCUSSION:

This is the third of three extensions covering the timeframe from November 1, 2020 through October 31, 2021.

The cost for year four of the contract will be \$15.55 per month. The amount may vary due to changes in the Northampton County landfill's tipping fees.

RECOMMENDATION:

Staff requests Council approval for the third and final extension of the Waste Collection and Disposal Services contract with Davis Disposal from November 1, 2020 through October 31, 2021.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Town Harbor Agreement with DWR governing use of public boat landing		AGENDA DATE October 15, 2020
	SUBJECT/PROPOSAL/REQUEST: Renewal of Agreement with DWR governing use of public boat landing		ITEM NUMBER: 7B
	ATTACHMENTS: Existing DWR Agreement		FOR COUNCIL: Action () Information ()
	STAFF CONTACT (s): John Hozey, Town Manager	REVIEWED BY: John Hozey, Town Manager	

BACKGROUND:

The Town entered into a cooperative agreement with the Department of Game and Inland Fisheries, now DWR, to reconstruct the existing boat landing to modern standards and make it available for free public boating access. The agreement was effective October 1, 2000 and runs through November 8, 2020. There is no automatic renewal clause. A new cooperative agreement would be needed to continue the existing relationship.

The agreement encompasses the two double wide ramps, three launch piers, loading pier and parking lot. DWR is responsible for capital improvements and the Town is responsible for normal maintenance and repair. The facility must be available to the public 24/7, except in the case of emergencies. No fee may be charged for the use of the facility.

There are three other boat landings close to Cape Charles. The county owned landing in Oyster is free. The landings owned by the National Wildlife Refuge at Wise Point and Kiptopeke State Park both charge a fee.

ITEM SPECIFICS:

Town staff and Council have from time to time discussed the idea of charging a fee for use of the landing after the agreement has expired. This would provide a revenue source to offset the cost of maintenance and repair. This generally entails replacement of decking, ladders, bollards, etc. These costs are included in the Harbor Fund and recovered via charges for slip rental, storage, fuel sales, etc. Charging a fee would better align cost recovery to the actual users.

An important consideration is that a significant capital expenditure will eventually be required for rehabilitation of the facility. It is difficult to predict when this may be needed. Our marine engineer did a cursory inspection of the facility. His conclusion was that the concrete ramps and pier pilings were in excellent shape. Some of the undercarriage and decking needs replacement in the near term. This would be a relatively low-cost project. It is notable that in recent discussions, the DWR Lands & Access Manager indicated that capital funding would not be available for at least five years under a new agreement.

Management of a fee system is a fairly simple process. The fee could be set to cover maintenance and repair needs and contribute some amount to the Harbor Fund balance for future rehabilitation needs. Consideration could be given to making the facility available to Town taxpayers at no cost or at a discounted fee.

The DWR Lands & Access Manager also indicated that there is no guarantee of reentry if the Town leaves the DWR cooperative system. This emphasizes the importance of thoughtfully setting the usage fee and exploring other funding sources for capital improvements, such as the Virginia Port Authority Aid to Local Ports grant program.

RECOMMENDATION:

Staff recommends allowing this agreement to expire and developing a long-term strategy to address ongoing major maintenance needs at the harbor. Should Council agree with this recommendation, no action is required.

If renewal is desired, a motion will be necessary to direct the Town Manager to execute an appropriate renewal of this agreement.



COMMONWEALTH of VIRGINIA

James S. Gilmore, III

Governor

John Paul Woodley, Jr.

Secretary of Natural Resources

Department of Game and Inland Fisheries

William L. Woodfin, Jr.

Director

November 14, 2000

Ms. Cella Burge, Manager
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Dear Ms. Burge:

Enclosed please find one (1) fully executed original of the Cooperative Agreement between the Town of Cape Charles and the Department of Game and Inland Fisheries (DGIF) for the renovation of the Cape Charles Boat Landing.

If additional information is required, you may contact me at jpowell@dgif.state.va.us or (804) 367-0811.

Sincerely,

A handwritten signature in cursive script, reading "Jane W. Powell".

Jane W. Powell
Real Property Specialist

Enclosure

cc: James C. Adams, Director of Capital Programs
Mitzi Mason Lee, Real Property Manager
Mark Wood, Capital Outlay Engineer



Memorandum

OFFICE OF CAPITAL PROGRAMS

11/08/00

DATE: October 24, 2000
TO: Ray Davis
FROM: Jane Powell *JNP*
SUBJECT: Cooperative Agreement for Boating Access
Town of Cape Charles, Northampton County
CC: James Adams *JCA*
Mitzi Lee *ML*

*W2 W
JCA S W
ML*

The attached Cooperative Agreement is submitted in triplicate for Bill Woodfin's signature. This agreement will enable DGIF to proceed with capital improvements to the public boating access located in the Town of Cape Charles, Northampton County.

The agreement has been signed by the Mayor of the Town of Cape Charles, and the action was approved by the Town Council by resolution dated October 10, 2000. The form used for the agreement developed under the direction of the Attorney General's Office.

Please return to me for distribution once the signatures have been obtained. If further information is required, please let me know.

**COMMONWEALTH OF VIRGINIA
COOPERATIVE AGREEMENT
BY AND BETWEEN
THE TOWN OF CAPE CHARLES
AND
DEPARTMENT OF GAME AND INLAND FISHERIES**

This Agreement entered into this 1st day of October, 2000 by the **Town of Cape Charles** hereinafter called the "**Town**", and the **Board of Game and Inland Fisheries** by the **Department of Game and Inland Fisheries** hereinafter called the "**Department**".

WITNESSETH that the **Town** and the **Department**, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows.

SCOPE OF SERVICES: The **Department** shall act in the capacity of **Project Manager** to facilitate the engineering, design and construction of a public boating access facility on the **Cape Charles Harbor, Chesapeake Bay**. This public boating access facility, hereinafter called the "**Landing**", shall be designed and built as set forth in the proposal included and labeled **Attachment A** and shown on a site plan in **Attachment B**.

TERM OF AGREEMENT: To begin on the date this agreement is signed by both parties and lasting for a term of twenty (20) years.

FINAL PRODUCT: The **Department** shall renovate the **Landing** as described in **Attachment A** and shown on **Attachment B**. The **Landing** will meet, not limited to the following criteria:

1. Open to the public for boating and fishing access for a minimum of twenty years
2. Handicapped Accessible (Barrier Free to the top of a ramp)
3. No fees charged for the use of the **Landing**
4. The **Landing** will be maintained by the **Town** to acceptable maintenance standards

AGREEMENT DOCUMENTS: The **Agreement** documents, incorporated herein, shall consist of:

1. This signed form
2. The attached description which consists of:
 - (a) Scope of Services (**Attachment A**)
 - (b) Site Plan (**Attachment B**)
 - (c) Terms and Conditions (**Attachment C**)

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby:

Town: Town of Cape Charles

By:



~~Cela Burge, Town Manager~~ EDWARD A. PARRY III, Mayor

Date:

October 13, 2000

Approved by Resolution

duly adopted on October 10, 2000

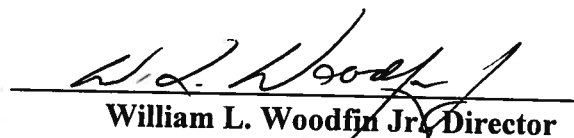
Date

By:

Town Council of Cape Charles

Department: Department of Game and Inland
Fisheries for the Board of Game and
Inland Fisheries

By:


William L. Woodfin Jr., Director

Date:

11/8/00

ATTACHMENT A

SCOPE OF SERVICES:

Project Title: Renovation of Cape Charles Landing
Project Location: Cape Charles, Northampton County, VA

Project Manager: Ken Turner
Project Advisor: J. Mark Wood

PROJECT OBJECTIVE:

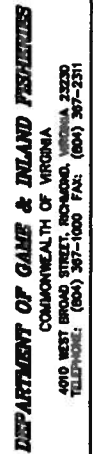
The reconstruction to current **Department** standards of the ramps and support piers to improve services to the boating community.

PROPOSED PROJECT:

- 1) Relocation and construction of two double wide launching ramps with adjacent launching piers.
- 2) The reconstruction of boarding pier and handicapped accessible access pier.
- 3) Relocation of lighting poles.
- 4) Launching ramps extended to a minimum of -4 feet at mean low water.
- 5) Reconfiguration of parking lot and drive lanes.
- 6) Asphalt overlay of parking surfaces.

ATTACHMENT B-Site Plan

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**CAPE CHARLES BOAT
LANDING RENOVATION
NORTHAMPTON COUNTY, VIRGINIA**

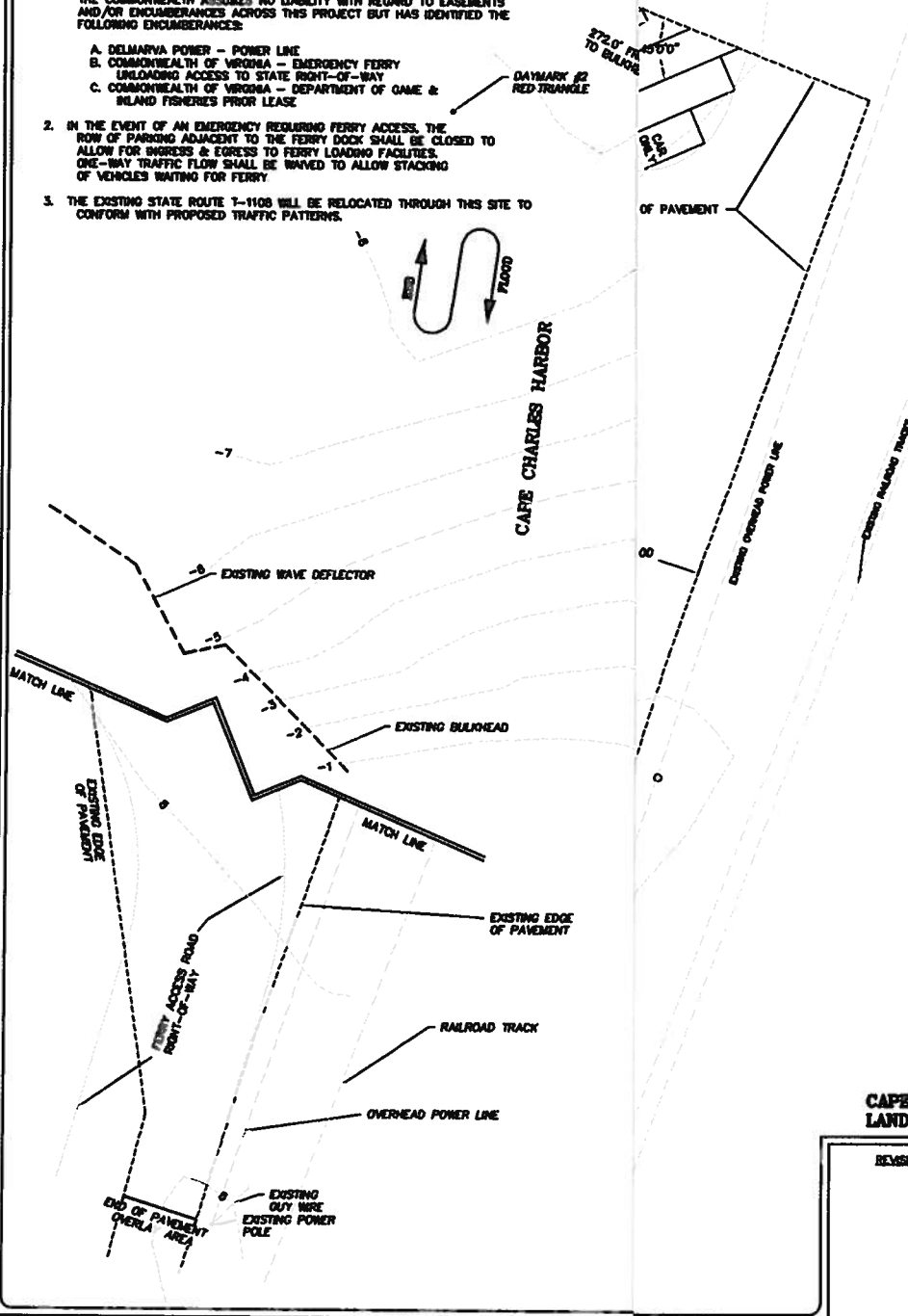
COOPERATIVE AGREEMENT ATTACHMENT 'B'
TOWN OF CAPE CHARLES

SCALE: AS SHOWN
DATE: 9/1/00
DESIGNED: K.F.I.
DRAWN: K.F.I.
CHECK: J.M.W.
SHEET: 1 of 1

- NOTES**
1. ALL NEW COURTESY PIER'S SHALL HAVE A DECK ELEVATION = 5.10
2. DATUM BASED ON BENCH MARK 1228 OF 1982, A SURVEY DUNK AT ELEV. = 7.09
3. THIS DECK BASED ON HWS DATUM, M.L.W. 0.00
4. AN ASPHALT OVERLAY USING 1-1/2" OF 50-200 SHALL BE PLACED ON THE PARKING LOT.
5. DOG WILL PROVIDE ENTRY, HANDICAPPED PARKING, LAW ENFORCEMENT, END OF RAMP,
ADMINISTRATIVE RAMP, & REGULATORY SIGNAGE.
6. THE TOWN SHALL BE RESPONSIBLE FOR REMOVING THEIR WESTERN DOCK AREA ASPHALT
TO THE EXISTING PAVEMENT IN THE PARKING LOT.
7. THE EXISTING WESTERN MOST RAMP SHALL BE REMOVED FROM THE PROJECT AREA AS SHOWN.

NOTES FROM PREVIOUS COOPERATIVE AGREEMENT THAT STILL APPLY

1. SEVERAL EASEMENTS EXIST ACROSS THIS PROJECT AREA. EACH EASEMENT SHALL BE CONSIDERED DURING THE DESIGN PHASE OF THIS PROJECT. NO RESEARCH REGARDING EASEMENTS HAS BEEN DONE ON THIS PROJECT. THE COMMONWEALTH ASSUMES NO LIABILITY WITH REGARD TO EASEMENTS AND/OR ENCUMBRANCES ACROSS THIS PROJECT BUT HAS IDENTIFIED THE FOLLOWING ENCUMBRANCES:
 - A. DELMARVA POWER - POWER LINE
 - B. COMMONWEALTH OF VIRGINIA - EMERGENCY FERRY UNLOADING ACCESS TO STATE RIGHT-OF-WAY
 - C. COMMONWEALTH OF VIRGINIA - DEPARTMENT OF GAME & ISLAND FISHERIES PRIOR LEASE
2. IN THE EVENT OF AN EMERGENCY REQUIRING FERRY ACCESS, THE ROW OF PARKING ADJACENT TO THE FERRY DOCK SHALL BE CLOSED TO ALLOW FOR SHORERS & EGRESS TO FERRY LOADING FACILITIES. ONE-WAY TRAFFIC FLOW SHALL BE MAINTAINED TO ALLOW STACKING OF VEHICLES WAITING FOR FERRY.
3. THE EXISTING STATE ROUTE 1-1108 WILL BE RELOCATED THROUGH THIS SITE TO CONFORM WITH PROPOSED TRAFFIC PATTERNS.



CAPE CHARLES BOAT LANDING RENOVATION

REVISIONS



PROJECT NUMBER
403-13316-963

SCALE: AS SHOWN
DATE: 9/1/00
DESIGNED: K.F.I.
DRAWN: K.F.I.
CHECK: J.M.W.
SHEET: 1 of 1

ATTACHMENT C

DEPARTMENT OF GAME AND INLAND FISHERIES COOPERATIVE AGREEMENT WITH TOWN OF CAPE CHARLES GENERAL TERMS AND CONDITIONS

1. **USE OF DEPARTMENT FUNDS:** The **Department's** funds shall only be used for the purposes and activities covered in the **Agreement Proposal**.
2. **APPLICABLE LAWS:** This **Agreement** shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, by the laws of the Commonwealth of Virginia.
3. **SEVERABILITY:** Each paragraph and provision of this **Agreement** is severable from the entire **Agreement**; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.
4. **COLLATERAL CONTRACTS:** Where there exists any inconsistency between this **Agreement** and other provisions of collateral Contractual Contracts which are made a part of this **Agreement** by reference or otherwise, the provisions of this **Agreement** shall control.
5. **INTEGRATION AND MODIFICATION:** This **Agreement** constitutes the entire **Agreement** between the **Department** and the **Town**. No alteration, amendment or modification in the provisions of this **Agreement** shall be effective unless it is reduced to writing, signed by the parties and attached hereto.
6. **DISCLAIMER:** Nothing in this **Agreement** shall be construed as authority for either party to make commitments which will bind the other party beyond the project contained herein. Furthermore, the **Town** shall not assign, sublet, or sub-agreement any work related to this **Agreement** or interest it may have herein without the prior written consent of the **Department**.
7. **TERMINATION FOR CAUSE:** The **Department** reserves the right to terminate the **Agreement** in whole, or in part, at any time before the date of completion, upon written notice to the **Town**, that **Town** has failed to comply with the conditions of the **Agreement**. In connection with such termination or recoveries by the **Department** shall be in accord with the legal rights and liabilities of the parties.

8. **TERMINATION FOR CONVENIENCE:** The **Department** may terminate the **Agreement** if its funding is terminated. The **Department** or the **Town** may terminate the **Agreement** in whole, or in part, if both parties agree that the continuation of the **Agreement** program will not produce beneficial results commensurate with further expenditure of funds. The **Department** and the **Town** shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. If the **Agreement** is terminated by the **Town**, prior to the completion of the twenty (20) year period, the **Town** shall repay the **Department** for any **Agreement** funds, capital funds and or federal funds invested and documented into the facility by the **Department** on a prorated schedule for the portion of the term of the **Agreement** from the date of termination to the end of the period specified.

9. **THERE ARE NO THIRD PARTY BENEFICIARIES TO THIS AGREEMENT.**

10. **THE TOWN AGREES TO:**

- (a) To grant to the **Department** permission to construct and to make available to the **Department** for development and renovation of a public boating facility, the land owned by the **Town** as shown on Attachment B, for public use for access to the waters of the State for boating and fishing.
- (b) The land set aside by this **Agreement** will only be used for the purposes of public access. Any other uses must be prior approved by both parties. If the **Town** utilizes the **Landing** or any portion of the **Landing** in a manner that would cause damage to the facilities, the **Town** shall, at their own expense, take whatever steps are necessary to prevent and repair damages to the facilities, including commercial traffic across the facility.
- (c) There will be no restriction placed on the use of the land or the waters it provides access to other than the following:
 - 1. The **Landing's** hours of operation will be twenty four (24) hours a day, seven (7) days a week.
 - 2. Piers and boat launching facilities are for launching and retrieval of watercraft.
- (d) Identify and mark the boundary of the **Landing** and associated bank fishing areas.
- (e) Maintain signage installed at the **Landing** by the **Department**.
- (f) Patrol the **Landing** as it deems appropriate to enforce local laws, rules and other public safety regulations, and direct traffic during peak use times.

- (g) Charge no fees for use of the facilities.
- (h) Establish rules and regulations on appropriate public usage, vehicular access, litter control, and sanitation at the **Landing**. Keep the **Landing** open to the public for boating access and fishing, except for reasonable closures necessary for maintenance and emergencies.
- (i) Maintain the facility or have maintained its improvements and grounds for the term of this **Agreement**. Such Maintenance shall include cutting weeds and brush, maintaining the access road and parking lot surfaces including parking barriers and bollards, maintaining drainage ditches, mowing the grass at established public access points, collection and removal of trash and garbage, maintain launching water depth (a minimum of 4 feet at mean low water at the end of the ramps), removal of debris and other routine maintenance necessary for safe public use of the **Landing**.
- (j) Maintain the striping pattern in the parking lot and ramp area including restriping these areas when needed or at least every other year.
- (k) Manage the use and maintenance of the Administrative Ramp.
- (l) Not allow private advertising signage within the boundaries of the Landing.

11. THE DEPARTMENT, subject to available funding and appropriation by the General Assembly, AGREES TO:

- (a) Patrol the **Landing** as it deems appropriate to enforce game, inland fish and boat laws as well as local regulations related to the public use of the **Landing**.
- (b) Erect and maintain signs related to direction, regulations of the public boat **Landing**, and public fishing rights and access.
- (c) Make the necessary improvements to the **Landing** as needed, including the ramps, pier and parking area, and be responsible for costs associated with those improvements. The necessity for improvements shall be at the sole discretion of the **Department**.
- (d) Obtain all necessary permits and approvals for the construction of the proposed **Landing**.
- (e) Provide obvious and conspicuous signs acknowledging participation of the, **Town, Department** and any additional partners in the development of the **Landing**.