

## CONTRACT

THIS CONTRACT, made this 21st day of June, 2015, by and between the Northampton County Tourism Grant Committee, a sub-committee of the County of Northampton, hereinafter called "Grantor", and Citizens for Central Park, of P. O. Box 624, Cape Charles, Virginia 23310, hereinafter called "Grantee".

On or before June 1, 2015, the Grantee submitted a proposal entitled, "*Maintaining the Safety and Attractiveness of Cape Kids Playground*"; said proposal as well as the Grantor's program entitled "2016 Northampton County Tourism Grant Program", are made parts of this Contract by reference.

It is mutually understood and agreed by the parties hereto that the notice inviting Grantees to provide proposals as published; the Contract Documents and Specifications; the Proposal; all proceedings by the Grantor relating to the subject matter of this Contract; all of which documents are hereinafter referred to as Contract Documents and are a part of this Contract by reference the same as if each had been fully set out and attached hereto.

In consideration of the following mutual agreements and covenants to be kept by each party:

a. The Grantee agrees to furnish and pay for all labor, mechanics, tools, materials, equipment, machinery, supplies, works, facilities, testing, means, methods, techniques, transportation, superintendence, insurance, taxes, utilities and services necessary to perform all items set forth in strict compliance with the Contract Documents for a sum not to exceed Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00), subject to adjustment as provided in said documents.

b. The Grantor agrees to pay the Grantee in accordance with the provisions of the accepted proposal and other Contract Documents. Payment of the grant funds to the Grantee under this Contract will be made by one of the two methods as set out below:

(i) FULL PAYMENT UPON COMPLETION OF PROJECT. The Grantor will issue the full grant award upon completion of the Project as outlined in the Grant Proposal. The Grantee is responsible for submitting receipts and an invoice totaling the grant award no later than sixty (60) days following the completion of the Project to the Grantor. If receipts are less than the grant award, Grantee must repay the difference to the Grantor.

(i) INSTALLMENT PAYMENTS. An initial advance representing thirty percent (30%) of the grant award can be requested. After supplying any receipts or other documentation relative to the purchases made with the 30% advanced funding, subsequent advances of 30% and the final 40% will be made by the County, each installment payment to be made following receipt of the corresponding documentation being forwarded to the County by Grantee.

c. It is mutually agreed by each party hereto that all provisions of the Contract Documents shall be strictly complied with and conformed to the same as if rewritten herein, and that no substitution or change in said documents shall be made except upon written consent of the Grantor in the form of a Change Order, and such allowance shall in no manner be construed to release either party from any specified or implied obligations of said Contract Documents.

d. This Contract is let subject to the following special provisions:

(i) Payment: Any requests by the Grantee for payments or issuances of award funds will be made to the Grantor who must approve any such requests for payments or issuances of award funds and certify that they are in compliance with this Contract. The Grantor will issue a check to the Grantee not later than thirty (30) days from date of receipt of invoices and related documentation.

e. The Grantee is required to provide to the Grantor a quarterly report, detailing the progress of project status, until completion of project status. Upon completion of the project, the Grantee is required to supply the performance metrics reporting to the Grantor as required in the Grant Program and detailed in the Grantee's proposal.

f. Time Performance. Unless noted below as a Special Condition(s), the Grantee is to complete all work by December 31, 2015. If the Grantee is unable to meet this deadline, it must petition the Grantor for an extension. Failure to complete the work by the required deadline will result in the termination of the Contract.

SPECIAL CONDITION(S): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto affix our signatures and seals at Eastville, Virginia, the day and year first above mentioned.

GRANTOR:

NORTHAMPTON COUNTY TOURISM GRANT  
COMMITTEE, A SUB-COMMITTEE OF THE COUNTY  
OF NORTHAMPTON

By: Katherine A. Nunez  
Title: County Administrator

ATTEST:

By:

Title: Asst. to the County Administrator

*Gaue Williams*

GRANTEE:

CITIZENS FOR CENTRAL PARK.

By:

Title:

*Treasurer*

ATTEST:

By:

Title:

*[Signature]*  
SECRETARY

RECEIVED  
JUL - 3 2015  
NORTHAMPTON COUNTY  
Administration Office



Board of Supervisors of Northampton County  
P.O. Box 66 • Eastville, Virginia 23347

BOARD OF SUPERVISORS  
*Richard L. Hubbard, Chairman*  
*Oliver H. Bennett, Vice Chairman*  
*Granville F. Hogg, Jr.*  
*Larry LeMond*  
*Laurence J. Trala*

*Katherine H. Nunez*  
County Administrator

PHONE: 757-678-0440  
FAX: 757-678-0483

December 7, 2015

Mr. Henry J. Mayer, Treasurer  
Citizens for Central Park  
P O Box 624  
Cape Charles, VA 23310

Dear Mr. Mayer:

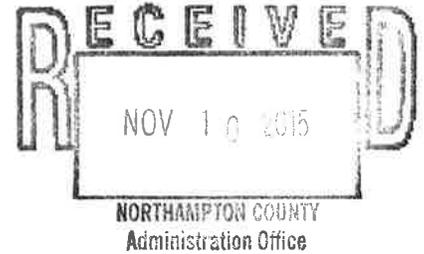
I am in receipt of your correspondence dated November 5, 2015, requesting an extension to June 30, 2016 to complete the grant requirements for the FY 2016 Northampton County Tourism Grant. Given the explanation you provided, I am happy to provide said extension.

If you have any further questions, please advise.

Sincerely yours,

KATHERINE H. NUNEZ  
County Administrator

Citizens for Central Park  
P.O. Box 624  
Cape Charles, Virginia 23310



November 5, 2015

Katherine H. Nunez  
County Administrator  
Northampton County  
P.O. Bob 66  
Eastville, Virginia 23347

Dear Katie,

I am writing with regard to the FY 2016 Northampton County Tourism Grant awarded to Citizens for Central Park (CCP) for *Maintaining the Safety and Attractiveness of Cape Kids Playground*, and am requesting an extension of the Grant's funding period to June 30, 2016.

We very much appreciate this grant and have been working closely with the Town of Cape Charles on the procurement of the needed new playground equipment and how to integrate it with the larger Cape Kids Playground area that will retain some of its original design. The following is an overview of that process:

The Town of Cape Charles procurement was conducted using the competitive negotiation process in Code of Virginia section 2.2-4302.2.A.1, 2 and 3. Three vendors submitted proposals in response to the Request for Proposals (RFP) published on August 31, 2015. The proposals were ranked by an evaluation panel made up of CCP and Town representatives using the factors contained in the RFP: previous experience, ease of installation, durability and maintainability, user acceptance, price, lawsuits. Based on this evaluation, one vendor (Barrs Recreation) was eliminated and negotiations have started with the remaining two (Lonely Branch Builders and Site Concepts). These two vendors were asked to refine their proposals to provide two distinct play areas, ages 2-5 and 5-12 yrs, and within specific overall dollar amounts. After conclusion of negotiations with the two competing vendors, a recommendation will be made to the Town Council and CCP to approve the contract award to the vendor making the best proposal and providing the best value. This is anticipated to occur at the Council Meeting on Dec. 17th and CCP Board Meeting on Dec. 20th. Equipment delivery should occur about 4 weeks later; i.e., mid to late January 2016.

The following existing equipment/structures will be removed in this new configuration: music wall, wood climbing wall, embedded tires, wood locomotive, monkey bars, and wood play structure. Some of the tires will be saved to repurpose as a climbing hill and the slide will be saved as a spare. The first phase of this work is planned to start the week of November 9, with removal of the foregoing equipment except for the play structure. The mulch will then be regraded. It is anticipated that the playground will be closed for a week to do this work. The second phase will be removal of the wood play structure. This will be scheduled when a delivery date for the new equipment is firmed up. It is anticipated that the playground will be closed for several days to do this. We plan to do the demolition with Public Works staff, but may require some contractor assistance.

The most likely schedule for delivery and installation of the new playground equipment is late January or early February 2016.

We very much appreciate the \$7,500 grant awarded us for this project, but as you can see with the long drawn out procurement process we need to extend the available funding period into early 2016. In all likelihood we should be able to install the new playground equipment by February/March, but just to be safe we would like an extension of the grant funding to June 30, 2016.

Please feel free to call me if you require additional information. My home phone number is (757) 331-2087.

Best wishes and thank you,

A handwritten signature in black ink that reads "Hank Mayer". The signature is written in a cursive style with a long horizontal flourish at the end.

Henry J. Mayer  
Treasurer, Citizens for Central Park

**NORTHAMPTON COUNTY TOURISM GRANT COMMITTEE**

**FUNDING APPLICATION**

*INSTRUCTIONS: All Applicants – complete Section A & C, and complete either Section B-1 (the Infrastructure Improvement Project Information) or Section B-2 (the Event Project Information) and submit a total of four copies of the completed application to the Northampton County Tourism Grant Committee.*

**SECTION A: APPLICANT INFORMATION**

Date: May 21, 2015

Name of Project: Maintaining the Safety and Attractiveness of Cape Kids Playground

Name of Organization: Citizens for Central Park

Address: PO Box 624, Cape Charles, Virginia 23310

Contact Person & Title: Henry Mayer, CCP Treasurer

Telephone Number: 908-209-3804 (Cell) 757-331-2087 (Home)

Email Address: hmayer@rci.rutgers.edu

**SECTION B-1: INFRASTRUCTRE IMPROVEMENT PROJECT INFORMATION**

A. Description of Project (attach additional pages as needed): See attached description  
\_\_\_\_\_  
\_\_\_\_\_

B. Estimated lifespan of the infrastructure improvement: 15-20 years

C. Total estimated cost of project: \$39,000 plus installation

D. Amount of funds requested this year: \$7,500

E. Is this a one-time expenditure?     Yes     No. If no, explain:  
\_\_\_\_\_  
\_\_\_\_\_

F. Is this project coordinated with any other completed, current, or proposed tourism-related project? If so please explain. Replacement of the Cape Kids playground equipment is one of several major improvements to Central Park that will have been completed between 2013-2015 to support the greater use of the Park by the increasing number of families visiting Cape Charles during the summer months. The others are building a permanent restroom, landscaping the restroom and nearby pump house, adding additional electrical power to support larger Park events, and sponsoring an increased number of Sunday evening band concerts during the summer tourism months. The Cape Kids playground and Central Park are important and valuable assets in making Cape Charles and Northampton County a great place for families to visit for a day, week or month (and perhaps to eventually reside here).

- F. List all other funding sources and the amount being funded by each.
1. Citizens for Central Park - \$5,000
  2. January Unwanted Christmas Gift Auction - \$6,360
  3. Taste of Cape Charles food sales at the Blessing of the Fleet - \$XXX
  4. Grant request to the Eastern Shore Community Foundation - \$10,000
  5. Donations from the Rotary Club, Cape Charles Christian School, and other community organizations - \$3,000
  6. Town of Cape Charles – balance not funded through donations and grants
  7. Installation of equipment by community volunteers and CC Public Works

G. Are there other agencies or organizations working with the applicant on this project? Please list and briefly explain their involvement: The funding for this project is being raised by the Citizens for Central Park, Cape Charles Christian School, Cape Charles Rotary Club, Town of Cape Charles, and its residents and businesses. Taking down the existing wooden equipment and installing the new safer units will be done by community volunteers with help from the Town's Public Works Department.  
\_\_\_\_\_

H. How will the project be maintained?

The Town of Cape Charles will maintain the new playground equipment as it currently does with the current playground

I. What are your annual maintenance costs and where will these funds come from? Costs and regular maintenance will be taken care of by the Town of Cape Charles.

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**SECTION B-2: EVENT PROJECT INFORMATION NOT APPLICABLE**

A. Description of EVENT, including location, time and day(s) of event (attach additional pages as needed). Detail if an entrance/admission fee will be required for EVENT:

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B.: Provide the marketing plan for the EVENT, including the intended target audience for the EVENT. Include any samples of ads, displays, flyers or other media materials. Also provide estimated attendance level(s) and if a prior year's EVENT, please provide past attendance level(s).

C. Total estimated cost of project: \_\_\_\_\_

D. Amount of funds requested in the grant application: \_\_\_\_\_

E. Is this a one-time EVENT or is it a recurring EVENT or is it scheduled to be a recurring EVENT?

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F. Is this EVENT coordinated with any other events or tourism-related activities? If so please explain.

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G. List all other funding sources and the amount being funded by each.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

H. Are there other agencies or organizations working with the applicant on this project? Please list and briefly explain their involvement:

## **SECTION C: TOURISM IMPACT**

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A. How will this project enhance the ability of Northampton County to attract tourists from the target market, as identified in the Tourism Commission's Tourism Strategy? On the surface, much of the success for attracting increasing numbers of visitors to Cape Charles has been linked to its website, multi-media marketing, numerous summer events and great Bayside beach, but we believe that it is also the genuine uniqueness of the Town within a very rural setting and the very unique character of its having a Central Park and Cape Kids playground that makes it especially attractive to families with young children. We believe that it is critical for Cape Charles and the County at large to maintain the safety and attractiveness of this important and very actively used children's playground.

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B. What metrics will you use to gauge the success/failure of the project? If awarded, what is the Return on Investment? The most direct metric for measuring the success of this project is the continued growth, versus drop-off of Transient Occupancy Taxes (TOT) collected by the Town of Cape Charles and Northampton County. We believe that the \$7,500 being requested will be paid back within 3 years from continued growth in these revenues to the Town and County.

C. How does the project further the Tourism Strategy adopted by the Eastern Shore of Virginia Tourism Commission? We believe that this project complements the event and marketing oriented Tourism Strategy adopted by ESVTC, by focusing on the need to provide a safe, comfortable and relaxing atmosphere for the visitors who have been attracted to stay for a week, month or longer period in Cape Charles, and especially those families with younger families. Anyone with young children knows that they like to move at a slower pace (and so do their parents and grandparents) when on vacation. The Cape Charles Central Park and its Cape Kids playground meet that important need, and bring it into a safer and more sustainable condition is important to provide what these families are looking for among the reasons to choose Cape Charles to visit.

D. Will the citizens of Northampton County receive benefits from this project that are not directly related to tourism? Please explain. Families across the County will have a further improved and safe Central Park and Cape Kids playground to enjoy year round.

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## **Maintaining the Safety and Attractiveness of Cape Kids Playground**

The Cape Charles Central Park has evolved over the past fifteen years from an unused school football and baseball field surrounded by a chain link fence, to the vibrant Park that William Scott intended it to be when he laid out the Town of Cape Charles in 1883. These changes were initiated by a group of interested residents who went on to form Citizens for Central Park ("CCP") as a 501c(3) and through the support that they received from the Town's leadership. Donations, grants and municipal funds went into building a pergola and a gazebo at one end of the Park and a fountain at the other, permanent restrooms, installing flag poles by the fountain that were donated by a local business and landscaping the five acre grounds. Federal grants and matching municipal funds were used to build the first phase of the Cape Charles Community Trail in the Park that provided extensive sidewalks and old fashion light posts.

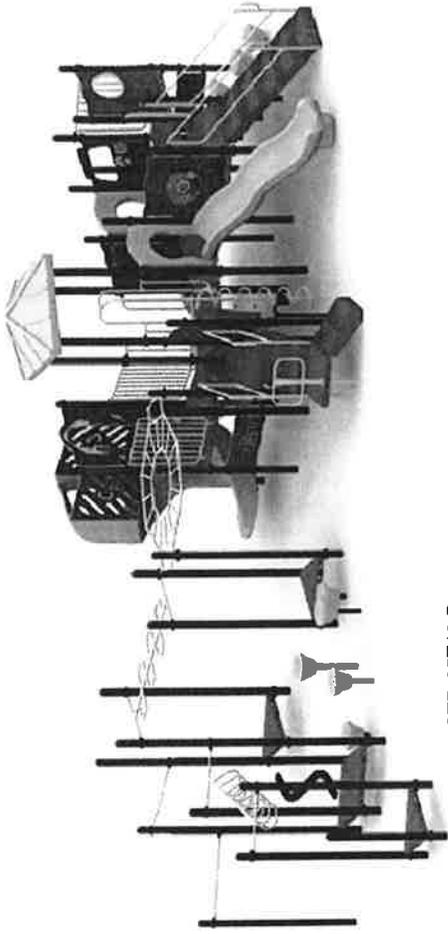
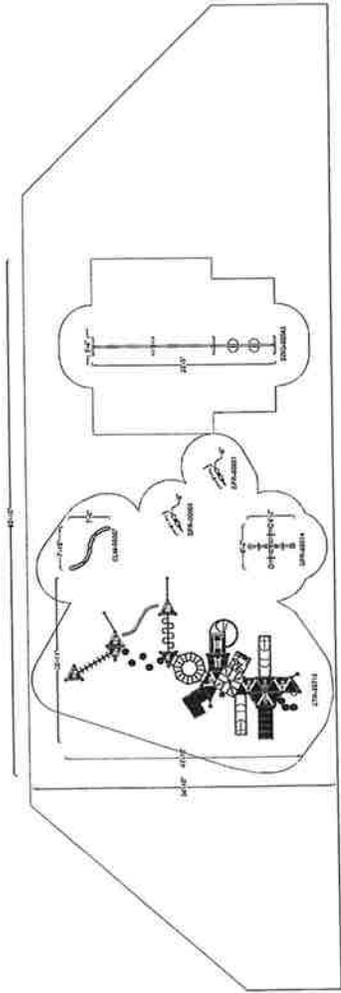
*Cape Kids*, the Children's Playground, was built through hundreds of hours of work by the members of the Woman's Club of Cape Charles in 2002. They raised over \$40,000 through various fundraising efforts that included bake sales, working for tips in local restaurants, selling wrapping paper and writing grants. On the first day of construction, over a 120 members of the community volunteered their time to help with moving supplies, framing the wooden structures, feeding the workers, and so much more. It took only three days to complete the playground's installation. One of its founders summed it up: "Building a community-built playground has often been compared to climbing a mountain... The view from the top is nothing short of spectacular! This once vacant lot has become a vital, recreational park for area families. "Kids" of all ages will enjoy the Cape Kids Playground for years to come."

These many improvements have transformed the Park over the past several years into the envisioned central meeting and event area for the greater Cape Charles and Northampton County community. It has also become an important amenity and attraction for the thousands of families who come to Cape Charles each year for a day, week or longer period of relaxation and chance to enjoy one of the many Park events. Over the past five years the Park has hosted Memorial Day and Labor Day celebrations, a Pirate Carnival, a Renaissance Faire, an annual Winter Holiday Grand Illumination, Harbor for the Arts Festival summer concerts, and the Christian School's Annual Crabby Blues fundraising festival. The *Cape Kids* Playground, Central Park and large sandy beach on the Chesapeake Bay have become important and valuable assets that make Cape Charles and Northampton County a great place for families to visit, and perhaps eventually stay.

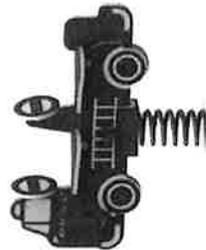
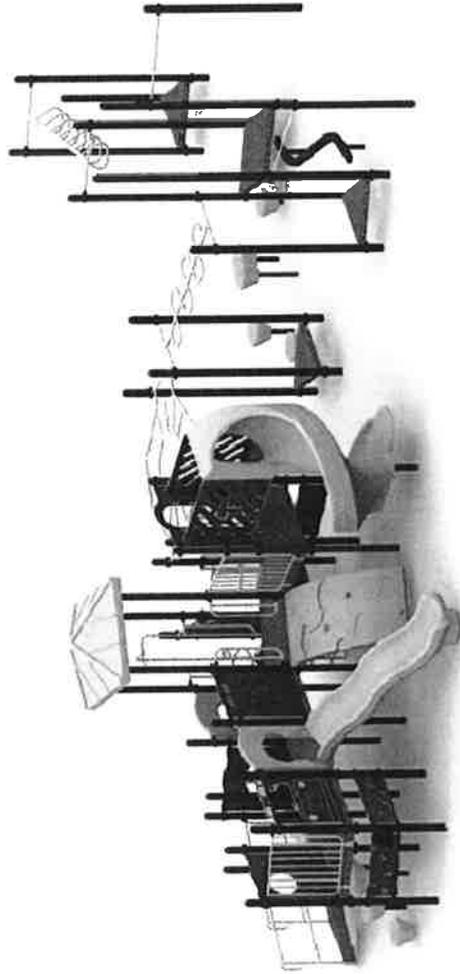
The *Cape Kids* playground has been enjoyed by thousands of children, and its location has offered their parents and grandparents an opportunity to relax in the sun on a nearby Park bench. But unfortunately, its wooden equipment is now considered unsafe and the Town's insurance carrier is requiring that it be replaced with new colorful plastic and metal units. The Cape Charles Women's Club is no longer active, so Citizens for Central Park has stepped in to lead an effort to raise the estimated \$39,000 cost and to provide the volunteers to install the multiple units.

We are purchasing commercial quality modular playground units manufactured by Childforms, a company located in Mooresville, North Carolina. They have been in business for 20 years, and their products contain no phthalates or other toxic substances and are engineered to meet or exceed CPSC and ASTM guidelines and standards. A color drawing of the equipment and layout is attached.

# Cape Charles



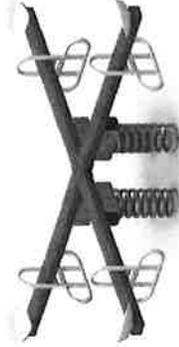
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