



TOWN COUNCIL
Regular Meeting
September 19, 2013
Cape Charles Volunteer Fire Company
6:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Recognition of Visitors / Presentations
 - A. Bayshore Concrete Products
4. Public Comments (3 minutes per speaker)
5. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
6. Department Reports
 - *A. Treasurer's Report
 - B. Planning Commission and Boards
 - C. Other Department Reports
7. Old Business
 - *A. Zoning Ordinance Section 3.9 – Harbor District
8. New Business
 - *A. 2014 Boating Infrastructure Grant
 - *B. Police Car Replacement – USDA Financing Application
 - *C. Constitution Week Proclamation
 - *D. Appointment of Zoning Administrator
 - *E. Long Term Financing Selection
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - September 25, 2013 – Town Council Tour of Chesapeake Bay Bridge Tunnel
 - September 25, 2013 – Town Council Work Session, 5:30 PM, Town Hall
 - October 3, 2013 – Town Council Work Session, 6PM, Town Hall
 - October 11-13, 2013 – 21st Annual Birding & Wildlife Festival
 - October 14, 2013 – Town Offices Closed in Observance of Columbus Day
 - October 17, 2013 – Town Council Regular Meeting, 6PM, St. Charles Parish Hall
11. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL

Executive Session

Town Hall

August 15, 2013

5:30 p.m.

At 5:30 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Godwin, Sullivan and Wendell and Councilwoman Natali. Town Manager Heather Arcos and Assistant Town Manager Bob Panek were also in attendance.

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

Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Specifically: W. M. Schlosser Contract

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to return to Open Session. The motion was approved by unanimous consent.

Motion to certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote: Bannon, yes; Bennett, yes; Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.

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

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
August 15, 2013
6:00 P.M.

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Godwin, Sullivan and Wendell, and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Rob Testerman and Town Clerk Libby Hume as well as the Department Heads and approximately 15 members of the public.

Vice Mayor Bannon gave the invocation which was followed by the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS:

Deborah Bender, 300 Fulcher Street

Ms. Bender addressed Council regarding various issues. (Please see attached.)

Larry Veber, 507 Tazewell Avenue

Mr. Veber addressed Council regarding the former Cape Charles School and his previous discussions with Councilman Wendell regarding preserving the building.

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

It was noted that Item 6A – Cape Charles Multi-Use Trail Project Update was now an action item.

Motion made by Councilman Bennett, seconded by Councilwoman Natali to approve the agenda format as amended. The motion was unanimously approved.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the July 18, 2013 Regular Meeting, the July 23, 2013 Cape Charles Business Association Meeting, and the August 1, 2013 Special Meeting.

Councilman Sullivan noted a typographical error in the July 18, 2013 Regular Meeting minutes and Councilwoman Natali noted that she had discussed a sentence on page 4 under the Harbor Master's report with Town Clerk Libby Hume and the sentence would be reworded for clarification.

Councilman Wendell stated that page 10 of the July 18, 2013 Regular Meeting minutes regarding his Council comments on the old school did not reference his responses to Councilwoman Natali. Several of the Council members stated that they did not recall Councilman Wendell's comments during that discussion and Councilwoman Natali asked Libby Hume to listen to the recording from the July 18, 2013 Regular Meeting regarding this discussion and make any necessary changes.

Councilwoman Natali referred to the July 23, 2013 Cape Charles Business Association Meeting minutes provided by Councilman Bennett stating that she was also a member of the Cape Charles Business Association and asked that the minutes be amended to reflect her dual capacity at that meeting. Mayor Sullivan added that she was also a member of the Cape Charles Business Association.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to approve the minutes from the July 18, 2013 Regular Meeting and July 23, 2013 Cape Charles Business Association Meeting as amended and the August 1, 2013 Special Meeting as presented. The motion was approved by unanimous consent.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Treasurer Kim Coates reviewed the Treasurer's report dated July 31, 2013 which showed \$95 in the Bank of America account, \$220,050 in the Shore Bank account, \$68,473 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,418 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$729,036. Kim Coates added that the money in the LGIP account for the New Library would be moved to Shore Bank later this month. Kim Coates went on to review the Tax Collection Comparison for Fiscal Years (FY) 2013 and 2014 which showed that \$15,493 more was collected in FY 2014 as of July 31st with increases noted for transient occupancy tax. The revenues vs. expenditures and the capital improvement projects were also reviewed. Kim Coates added that Libby Luettinger had started as the new accounting clerk which would help get the department caught up. Ms. Luettinger would be working on collections. The Utility Clerk had moved downstairs to be more accessible to the customers for payments.

Heather Arcos stated that she and Kim Coates would be meeting with Davenport & Company and VML/VaCo regarding refinancing options and should have some information to report in September.

Motion made by Councilman Sullivan, seconded by Councilman Bennett, to accept the Treasurer's Report as submitted. The motion was unanimously approved.

B. *Planning Commission and Boards:*

Town Planner Rob Testerman reported the following: i) A Joint Meeting had been scheduled with the Cape Charles and Northampton County Planning Commissions for Monday, August 19th, at 7:00 p.m. in the Social Services building in Eastville. The Commissions would be discussing the overlay district in the U.S. Route 13 and State Route 184 corridor; and ii) A joint permit application had been received regarding shoreline hardening and offshore revetments by Aqua. A Wetlands Board Public Hearing and Meeting had been scheduled for September 4th at 4:00 p.m.

Heather Arcos stated that the Historic District Review Board would be meeting on August 20th to continue their review of the application regarding the former school and modifications to their by-laws. Emails of all Commission and Board meeting packets were also being sent to the Town Council for review.

Councilman Wendell asked several questions regarding Rob Testerman's plans, with the Planning Commission, regarding the upcoming meeting with the Northampton County Planning Commission. Rob Testerman stated that the Commission would be asking for a special zoning district where the Town would receive information for review regarding plans and applications in the overlay district. The upcoming meeting was to reopen dialogue between the Cape

Charles and County Planning Commissions and staff. The combined group could also discuss the types of businesses wanted in the district.

Heather Arcos stated that the Town's draft language regarding the corridor overlay was forwarded to the County Planning Commission in 2010 and the Town received their input. The Town needed to work with the County to implement the language in the Town and County Comprehensive Plans and Zoning Ordinances. The Annexation Agreement called for the County to work with the Town through a planning process for the area within one mile from the traffic light to protect the businesses in Town. Councilwoman Natali added that the County currently oversaw the zoning in the area and had agreed to discuss the Route 184 corridor overlay with the Town which was hoping to continue an ongoing dialogue to work together regarding planning for this area.

Councilman Wendell asked whether these discussions would be held prior to a vote on the PSA and added that commercial development on the highway would compete with the Town's businesses. Councilman Wendell continued to state that it was reckless and asked about the legality of a special zoning district. It was an unwise choice to recoup the cost of the wastewater treatment plant. Mayor Sullivan stated that at any time, someone could go to the County regarding opening a business along the highway and currently the Town did not have a voice. The overlay plan would give the Town a voice in the matter. The joint meeting with the Planning Commissions was not about the PSA, it was about the overlay district. Sewer and water was not needed to build a hotel, etc.

Rob Testerman stated that the County was currently in the process of redoing their zoning ordinance and it would be better for the Town to meet with them during this process vs. waiting until they had completed the zoning ordinance review.

C. *Other Departmental Reports:*

Police Department:

Mayor Sullivan asked Chief Brown to clarify the information regarding the incident with the train. Chief Brown stated that the incident happened around 9:00 p.m. when a golf cart got caught on the railroad tracks by the hump. It would not move and a locomotive car almost hit it. No one was injured. Bay Coast Railroad had installed signs and no golf carts were permitted to use the area. The other crossing by the Shanty was still open.

Public Utilities:

Councilman Bennett asked about the DEQ inspections on the wastewater treatment plant. Dave Fauber stated that the Town would resume alternating water plant filter backwashes once the summer season was over. This had been done in the past and allowed the iron to be washed out of the filters to settle in the backwash tank, thus eliminating the issue. The Town could then have a preliminary engineering report prepared to look at different approaches. If the Town did not have success with the alternating backwashes, the backwash tank would need to be expanded from the current 7,500 – 8,000 gallon capacity.

Councilman Bennett questioned the timeline for the Engineering for Keck Wells which showed that the advertisement for bids would be March-April 2014, contractor selection in April-May 2014 with contract award in June 2014, and asked it be moved to FY 2015 since no money was budgeted to connect the wells this year and the Town was not under any DEQ mandate to connect the wells. Dave Fauber stated that the construction would not begin until FY 2015.

Harbor:

Harbor Master Smitty Dize reported the following: i) He attended a Waterman's Memorial Board meeting and construction could begin in November with completion in Spring 2014; and ii) He stated that Clam Slam 2013 was very successful and thanked Marie Brady for doing such a

great job on the parade. Everyone involved in the event did a great job. This year, he had about \$16K in sponsorships and over 2,500 people attended the two-day event.

Code Enforcement:

Councilman Wendell asked for an update on the abandoned house on Plum Street. Code Official Jeb Brady stated that about 60 days ago he issued a notice of violation and had spoken to the property owner who was not willing to put any money into the house. Jeb Brady went on to state that he had also given the owner the names and numbers for several real estate professionals who could help her sell the property. Four bids were obtained to board up the windows and paint the plywood and a contractor was ready to begin the project.

Public Works:

Councilman Wendell commented that the Public Works crew was doing a good job trimming the crape myrtle trees along Route 184 which looked good but added that there were some crape myrtle trees on Monroe Avenue that also needed trimming and asked that the Public Works crew work on those as well.

Heather Arcos reported the following: i) On August 14th, a meeting was held regarding an update to the proposed Harbor Access Road with representatives from Northampton County, VDOT, the Army Corps of Engineers, Delegates Lynwood Lewis and Barry Knight, Director of Rail and Transportation Thelma Drake, Pat Cunningham of Harbor Development among others. She attended the meeting along with Vice Mayor Bannon, Councilman Bennett, Smitty Dize and Rob Testerman. The Harbor Access Road was the County's #1 priority for their 6-year plan. The road was scheduled for completion in 2020 and was fully funded. The County was trying to fast-track the road to be built sooner. Representatives from South Port Investors and Bayshore Concrete Products gave presentations regarding their upcoming projects. A representative from Orbital stated that they had looked at the Cape Charles Harbor when considering routes to Wallops Island, but had decided on a port in Delaware due to the difficulty in getting the rockets from the Harbor to Route 13 for transport to Wallops Island. Councilman Bennett noted that the State of Delaware received \$4M to move the rocket to Wallops. Heather Arcos stated that she gave a brief update regarding the Town's plans for the three remaining breakwaters. The completion of the Harbor Access Road would promote economic development in the Harbor area, the Town and County. VDOT saw the potential of having the road which would give the Town the ability of shipping by water, railroad and road. Councilwoman Natali asked whether Orbital could be the second user at the Harbor which was needed in order to deepen the harbor. Councilman Bennett stated that the barges bringing in the rockets would not require the additional depth proposed by the harbor deepening project. Heather Arcos added that she had spoken with South Port Investors and Bayshore Concrete regarding giving presentations to the Town Council at the September meeting; ii) Jeff Holland from the Chesapeake Bay Bridge Tunnel sent an invitation for the Town Council to tour the bridge and get an update on the tolls, etc. If Council was interested in touring the facility, staff would organize the tour; iii) South Port pulled a permit for Parcel 12 and construction of the storage building should start soon. They were planning a ground breaking ceremony on September 18th and would be inviting the Mayor and Council; iv) She would be out of town in training in September so would miss the September Council meeting; and v) On August 14th, she attended a ceremony at Chatham Vineyards where Governor McDonnell recognized Chatham Vineyards as a leader in Virginia's wine industry and the wine industry's impact on Virginia tourism and the economy.

There were no further questions regarding any of the other monthly Departmental Reports.

OLD BUSINESS

A. *Cape Charles Multi-Use Trail Project Update:*

Assistant Town Manager Bob Panek updated the Council on the Cape Charles Multi-Use Trail Project which was being constructed in phases with 80% grant funding under the Transportation Enhancement Act for the 21st Century. To date, the Town had been awarded

\$2.3M and about \$1M was used for the Master Plan and for design, engineering and construction of Phase 1 in Central Park. Approximately \$1,389K remained available for Phase 2 – North Peach Street and Washington Avenue. Land Studio, the Town’s consulting firm for this project, submitted the 60% design documentation to VDOT and had addressed all VDOT review comments. None of the major design elements had been rejected by VDOT. The anticipated schedule was for 100% design/bid documents to be completed in September, VDOT approval in November, bidding in December, contract award in January 2013 and start of construction in February 2014. Land Studio provided an updated cost estimate of \$1.4M which was \$300K less than the initial estimate when the grant application was submitted. However, the Town recently became aware of substantial beach erosion at the northern terminus of the concrete boardwalk where Phase 2 would connect and it would be beneficial to extend the existing rock revetment over the storm drain outfall to protect this area. Bob Panek distributed photographs of this area to show Council amount of erosion in the area. Land Studio would begin discussions regarding this issue with VDOT. Land Studio recommended subsurface location of 26 utility components (water lines, sewer laterals and storm drains) along Peach Street and Washington Avenue which would be completed by a sub-consultant at an estimated cost of \$23K. Bob Panek requested Council authorization for a change order to the Land Studio contract for the utility test holes.

Councilman Bennett asked about the process and locations for the utility test holes. Bob Panek stated that the contractor, JMT, would take as-builts, dig holes then restore the area to its existing condition.

Motion made by Vice Mayor Bannon, seconded by Councilman Godwin, and unanimously approved to authorize a change order to the Land Studio contract for the utility test holes.

B. *Public Service Authority (PSA) & Regional Wastewater System Update:*

Bob Panek stated that he had given a presentation on the PSA and the proposed regional wastewater system to the Cape Charles Business Association (CCBA) the end of July. A letter had been received from the Northampton County Board of Supervisors (BOS) regarding the following: i) Authorized County staff to schedule a public hearing for the proposed Service/Special Tax District; ii) Requested the PSA to conduct a financial analysis of the Cape Charles sewer system and draft an agreement to purchase service from Cape Charles. The Town was waiting for the letter from the PSA Executive Director asking the Town staff to conduct the financial analysis. The information would be provided to Council prior to being forwarded to the PSA; and iii) Assigned the County contract for engineering services with Hurt & Proffitt to the PSA. \$130K was included in this year’s Northampton County budget of which \$95K was for engineering services.

Heather Arcos, Kim Coates and Dave Fauber would prepare the financial analysis to determine the portion of wastewater treatment costs to be allocated to the proposed service district. A Council work session had been scheduled for September 5 to review the information.

Councilman Wendell asked the number of property owners surveyed by the PSA. Bob Panek responded that approximately 70 property owners were surveyed regarding their interest in the regional wastewater system. Councilman Wendell stated that he had heard that 4 were interested, 4 responded “maybe” and 9 were not interested and continued by asking to see the details of the survey of the property owners in the proposed service area. Bob Panek asked Councilman Wendell to stop in the office to review the survey details.

Councilman Wendell asked how the Town could insure that the citizens of the Town would not be paying additional costs for the two-mile pipeline to the highway. Bob Panek stated that there would be no cost to the Town’s citizens for the new system and added that the Town would charge fees to the PSA. Councilman Wendell added that if a mistake was made regarding the calculation of fees, the residents would bear the costs. Bob Panek responded that the

Town's citizens were already bearing the cost of the system. Mayor Sullivan stated that the Town and County needed to work together regarding the project.

Mayor Sullivan stated that in the briefing given to the CCBA, Bob Panek had included a summary of the capacity of the wastewater treatment plant which had a design capacity of 250K gallons per day (GPD) and asked whether that was the same capacity of the old wastewater treatment plant. Bob Panek responded that it was the same capacity as the old plant. Mayor Sullivan went on to state that the Town was originally planning to build a new plant with a 500K GDP capacity but with the growth coming to a virtual halt in 2008 due to the economy, Council decided to build the smaller plant in early 2009 and by reducing the plant's capacity, the Town reduced the cost of the new plant, gave up the increase to the State Waste Load Allocation, and Bay Creek's obligation to pay any amount under the Annexation Agreement was postponed until the plant's capacity needed to be expanded. Bob Panek responded as follows: i) The plant needed to be completed by January 2011 in order for the Town to maintain its higher waste load allocation. With the downsizing of the plant, plans had to be redone causing a delay in construction. Due to the delay, the Town lost its higher allocation; ii) The Annexation Agreement provided that Bay Creek would share the cost in the expansion of the wastewater treatment facility. With the downsizing of the plant from 500K GPD to 250K GPD, the plant would not be expanded therefore Bay Creek did not have an obligation to share any of the cost of the new plant. Councilman Wendell asked whose opinion it was that Bay Creek did not have to pay. Bob Panek stated that a legal review was done and the Annexation Agreement was quite clear in the matter.

Councilman Wendell asked about the role of the PSA and its mission statement. Bob Panek responded that he would provide a copy of the PSA charter to Councilman Wendell to review at his convenience.

C. *NEA Our Town Project Update:*

Bob Panek reported the following: i) Arts Enter Cape Charles was awarded a \$50K "Our Town" grant from the National Endowment for the Arts (NEA) for a two-year arts-focused creative place-making project that contributed toward the livability of the community. The original budget of \$175K was based on receiving a \$75K grant. The \$25K grant shortfall was resolved by a total of \$15K in additional grants from the Virginia Tourism Corporation and the Virginia Commission for the Arts and \$11,450 of cash matches. Arts Enter Cape Charles and the Cape Charles B&B Association spearheaded this effort; ii) \$26,450 was allocated for a tourism website and marketing campaign. The website, www.capecharlesbythebay.com was operational and the print and social media marketing campaign was in place. Very good reviews had been received; iii) A \$22K contract amendment was executed with Land Studio for the "Arts Walk" planning efforts. A steering committee of residents, business owners and CCBA met with consultants to exchange ideas about linking existing performance spaces and creating additional spaces such as the Strawberry Street Plaza. The consultants were formulating proposals which would be presented to the steering committee and the public at large for additional feedback. The final product would be presented to Council and, if approved, reflected as a modification to the Cape Charles Master Trail Plan; iv) "A Magical Weekend in Cape Charles" was held last December, in conjunction with the Grand Illumination, and the "Pirates & Wenches Festival" was held in conjunction with the Tall Ships at Cape Charles. A very ambitious two-week Harbor for the Arts Festival began August 3 in conjunction with Clam Slam and encompassed a wide range of visual and performing arts. The majority of events were held in public spaces at no charge; v) The Cape Charles Fall Festival would be held in October in conjunction with the Birding and Wildlife Festival; and vi) The difficulty would be to find the resources to continue.

Councilwoman Natali asked about the effectiveness of the Harbor for the Arts Festival. Bob Panek stated that statistics would be compiled as part of the grant and added that during the Pirates & Wenches Festival/Tall Ships at Cape Charles Mason Avenue was much more crowded

than last year, but did not know how the numbers translated to sales for the businesses. Mayor Sullivan stated that it would be easy to ask the business owners after each event. Heather Arcos added that she had received lots of good feedback from the businesses regarding their sales numbers being up from last year. Bob Panek stated that the two events held in Central Park were very well attended and there were about 200 people in attendance for the Air Force Jazz Band. Councilman Wendell commented that it was a very positive direction for Cape Charles and could be a way to attract new users to the sewer system.

D. *VDOT Traffic Study Results:*

Heather Arcos stated that on October 12, 2012, Council passed a resolution requesting VDOT perform traffic studies at the intersection of Randolph Avenue and Fig Street prior to Memorial Day and after Memorial Day to compare and measure traffic during off-peak and peak times of the year. VDOT conducted the traffic studies in December 2012 and July 2013. VDOT's determination was that a multi-way stop was not recommended for this intersection but did recommend a greater police presence in the area especially during heavy tourism times to enforce traffic laws. If appropriate funding could be obtained, VDOT suggested that this intersection would be an ideal location to reconstruct as a roundabout which would serve to calm traffic as well as provide a gateway into the Town.

Councilman Wendell read excerpts from the VDOT Traffic Study Report and stated that the simple solution was to add a stop sign vs. creating a roundabout to calm the traffic. Councilman Wendell added that this was the epitome of big government which was blind to simple common sense solutions.

Vice Mayor Bannon commented that the Council asked for a traffic study which VDOT performed and reported upon.

Councilman Bennett stated his agreement with Councilman Wendell, not about the need for the additional stop sign, but about the report from VDOT which was the same recommendation as the last traffic study. Councilman Bennett added that he also did not agree with VDOT's decision regarding the Town's repeated requests to reduce the speed limit on Route 642 to 25 MPH.

Mayor Sullivan added that unfortunately, the Town's hands were tied regarding these matters.

E. *Former Library Building Use:*

Heather Arcos stated that \$40K was allocated in the FY 2013-2014 budget for construction of a handicap access ramp on the exterior of the former library building and to update the bathroom for ADA compliance so the building could be utilized for meeting space for the Town Council, Planning Commission and other boards. The Citizens' Needs Advisory Committee recommended use of the building for a Town meeting place, a community center, an indoor recreational center, a venue for club and community organizations to meet, etc. Heather Arcos stated that she wanted to reconfirm this use with the Town Council before moving forward with the budgeted renovations. Councilman Bennett asked about the plans for the construction of the handicap ramp and bathroom renovations. Dave Fauber stated that he would be developing the plans and the project(s) would be put out for bids. Councilman Bennett suggested the plans be developed by someone licensed in the field and asked to see the plans for the ramp and bathroom renovations before construction began on the projects.

Councilwoman Natali stated that the Friends of the Cape Charles Memorial Library had requested the building be used as a Library Annex to be used by the Library and to store books which were being sold, etc. Councilman Bennett stated his opposition to the building being called the Library Annex adding that the Town had a population of 1K people and a brand new library. The Town did not need two libraries.

Heather Arcos recommended that the building be named so it would not have to be referred to as the "old library." There was some discussion regarding possible names for the building such as William Scott Center, Cassatt Community Center, Cape Charles Community Center, Cape Charles Town Hall, and Library Annex. Heather Arcos stated that discussions would continue regarding naming the building. Mayor Sullivan suggested that the naming of the building could be its own meeting and asked if Council was in agreement with the proposed uses.

Councilman Godwin asked for clarification of the proposed uses. Heather Arcos stated that some of the proposed uses were for meeting and recreational space for Town use and space for other entities to use for meetings and activities. Councilman Godwin asked whether the space would be handled similar to the park or other public location. Councilwoman Natali stated that currently, organizations and individuals wanting to use the park completed a form which was available online and submitted it to the Town. Similar procedures would be followed for use of this building. Councilman Godwin stated his agreement with the procedure. Councilman Bennett added that the uses as discussed were fine but suggested that any other uses, if suggested later, also be considered.

Councilman Wendell asked that the Public Works crew work to clean up the property so the building did not look like it was abandoned and added that there was grass growing on the sidewalk.

Motion made by Councilman Wendell, seconded by Councilman Bennett, that Council endorse the suggested uses, but not be limited to them, as the Town further explores the possibilities for utilization of the former Cape Charles Memorial Library for public use. The motion was unanimously approved.

NEW BUSINESS:

A. *Planning Commission Priorities:*

Rob Testerman informed Council that the Planning Commission was currently reviewing Section 4.1 of the Cape Charles Zoning Ordinance regarding the Sign Ordinance and would recommend proposed amendments to the Ordinance for Council consideration. The Commission began their process to develop a work plan for the coming months but land use applications and directives initiated by Council would remain the Commission's top priority. As the Commission worked to develop their work plan, Council may direct the Commission to prioritize the following work: i) The Comprehensive Plan review and/or update was required to be completed by localities every five years; and ii) Working with the Northampton County Planning Commission on the development of a Town Entrance Corridor Overlay District to protect business interests and the view sheds along the entrance and down Route 184. Former Town Planner Tom Bonadeo attended public input sessions in 2012 as part of the County Comprehensive Plan update. A joint meeting was scheduled for August 19, 2013 at 4:00 p.m. in Eastville for the Cape Charles and Northampton County Planning Commissions to reopen discussions regarding the Corridor Overlay District. Rob Testerman continued to state that in order to ensure the Comprehensive Plan update and the development of the Corridor Overlay District remained the top priorities of the Commission, it was recommended that Council officially affirm that these two projects remain at the top of the Planning Commission work plan until completed and recommendation was made to the Council.

Councilman Wendell asked how the Corridor Overlay District would protect businesses in Town. Rob Testerman responded that the Town would work with the County regarding the Routes 13 and 184 corridors and ask the County to provide information regarding possible development along these corridors so the Town could provide input regarding the proposed projects.

Councilman Wendell commented about the protection of the view sheds along Route 184 and added that the 500 block of Monroe Avenue used to have a view of the park but now had to look at the back of the new bathroom facility.

Councilman Bennett commented that Rob Testerman and the Planning Commission controlled the Comprehensive Plan review but the process would be slower working with the County on the Corridor Overlay District. Councilman Wendell agreed with Councilman Bennett's comments and asked about the Accomack-Northampton Planning District Commission (ANPDC) and their assistance with the Comprehensive Plan review. Rob Testerman stated that he had spoken to Curt Smith, Director of Planning with the ANPDC, and a meeting would be scheduled to discuss obtaining assistance from the ANPDC in the Town's Comprehensive Plan review and update process.

Councilwoman Natali suggested that Council consider a formal process for the Planning Commission to review the Zoning Ordinance regarding changes at the state level similar to the process for the traffic laws, and added that Council adopted by ordinance on an annual basis amendments to the Code of Virginia for incorporation into the Town Code. Rob Testerman stated that the American Planning Association sent newsletters regarding bills which were on the table and any issues which could affect the Town would be presented to the Planning Commission. Bob Panek added that the Virginia Municipal League also published a summary of legislative changes at the end of each session.

Heather Arcos stated that a comprehensive review of the zoning ordinance by section was also needed.

Mayor Sullivan told Rob Testerman that she was very pleased with his work so far and that he was doing a good job.

Motion made by Vice Mayor Bannon, seconded by Councilman Godwin, to designate the Comprehensive Plan update and the Town Entrance Corridor Overlay District as the top priorities for the Planning Commission's work plan. The motion was approved by majority vote with Council Wendell opposed.

B. 2014 Virginia Aid to Localities – Fire Programs:

Heather Arcos stated that each year the Virginia Fire Programs Fund provided financial assistance to cities, counties and incorporated towns by offering a variety of grant opportunities under the Virginia Aid to Localities for training, construction of training centers, firefighting equipment and protective clothing. Allocations were based on population. Heather Arcos stated that even though the pass-through amount was included in the FY 2013-2014 budget, this was being brought to Council since the Aid to Localities Program entitlement had been increased from \$8K to \$10K effective July 1, 2013.

Motion made by Councilman Wendell, seconded by Councilman Bennett, to authorize the Town Manager to execute the FY 2014 Fire Programs Fund Disbursement Agreement. The motion was unanimously approved.

C. Reappointment of Building Code Board of Appeals Member:

Heather Arcos stated that the Building Code Board of Appeals met as needed to hear appeals concerning the Uniform Statewide Building Code and consisted of five members, each serving five-year terms. Mr. David Mitchell's term was due to expire on September 10, 2013 and he had expressed his interest in continuing to serve on the Board for another term.

Councilman Bennett thanked Mr. Mitchell for his continued service to the Town.

Motion made by Councilman Wendell, seconded by Councilman Bennett, to reappoint Mr. David Mitchell to the Building Code Board of Appeals for another five-year term. The motion was unanimously approved.

D. Waste Collection and Disposal Services:

Heather Arcos stated that the Request for Proposal (RFP) for Waste Collection and Disposal Services was advertised on July 24, 2013 with a closing date of August 6, 2013. No bids were

received. Mr. Mike Davis of Davis Disposal, the Town's current waste collection service provider, planned to submit his proposal but was out of town and unable to submit the proposal. The current waste collection service contract was due to expire on August 31, 2013. A new RFP would be advertised, but the process could not be completed by August 31st. Mr. Davis was willing to extend the current contract up to two months so the Town would not be without waste collection services, but Council approval was needed to execute the extension agreement.

Motion made by Councilman Wendell, seconded by Councilman Sullivan, to authorize a two-month extension of the Davis Disposal contract for waste collection services at current prices. The motion was unanimously approved.

MAYOR AND COUNCIL COMMENTS

Mayor Sullivan referred to the letter from the U.S. Department of Housing & Urban Development (HUD) in response to the Town's appeal regarding their decision to require the Town to repay \$18K for the cost of the computer stations in the computer lab. HUD reviewed the information provided by the Town and granted the appeal and subsequently closed the matter.

Councilman Godwin stated that he did not want Ms. Bender to think her comments fell on deaf ears adding that she was entitled to get her questions answered. Councilman Godwin continued to state that he read what was written and listened to what was said and offered to help Ms. Bender get her answers.

Councilwoman Natali commented on the following: i) She asked if there was any update on the Town working with the County regarding the Everbridge Alert system. Heather Arcos responded that there wasn't anything new to report; ii) She asked if the Town had received a response from the County regarding the request to have Mayor Sullivan named to the County's ad-hoc committee regarding emergency care. Heather Arcos stated that official notification had not been received. Mayor Sullivan interjected that she heard that the committee had been formed and had until December to determine if an RFP was warranted. If the committee decided that an RFP was not necessary, the Town could issue its own RFP; iii) She asked about the monthly Freedom of Information Act (FOIA) requests report. Libby Hume stated that she was unaware that a report was to be provided to Council on a monthly basis and added that there were 69 requests year to date compared to a total of 64 requests in 2012; and iv) The Harbor for the Arts Festival was great for the Town. It seemed that there were a lot more people in the Town this summer and for all the events. She complimented the committee for a great job. Councilman Wendell expressed his agreement with Councilwoman Natali. Councilman Godwin thanked Councilwoman Natali for getting the information out to the public.

Councilman Wendell commented on the following: i) He referred to the minutes of the July 18, 2013 Regular Meeting and reread a portion of the minutes from page 10 regarding Mayor Sullivan's comment in regards to an attempt 11 years ago "to do something to preserve the school using tax dollars but it would have required approximately a 400% tax increase" and stated that he wanted to see evidence of the 400% tax increase; ii) He read excerpts from the April 4, 2012 letter from the Mayor to Old School Cape Charles (OSCC) informing him of Council's rejection of OSCC's unsolicited proposal adding that he understood that no vote was taken regarding the proposal. The letter also stated that the Town was "continuing to negotiate a project for the school which may include some public space." Councilman Wendell continued to state that he obtained, through a FOIA request, emails between Bob Panek and Mr. Edwin Gaskin of Echelon Resources referencing Council's preference for "scenario B with no public space." These emails were exchanged prior to April 4, 2012 which was the date of the letter to OSCC; iii) He read portions of Ordinance 20120614 which referred to the "poor condition of the existing structure," but the first sentence of the application for historic preservation stated "Cape Charles School is a 1912 building which is in good condition;" iv) He read a portion of the June 14, 2012 Regular Meeting minutes regarding Councilwoman Natali's comments in regards to the justification to sell the school and the "Town had to do some patchwork

and repairs over the years for \$20K, \$30K or \$40K when we could and it kept the building where it was now and prevented from deteriorating any further” and added that he had submitted a FOIA request for the amount of money spent by Council during Councilwoman Natali’s tenure on Council and received a copy of a receipt for \$703.58 to cover the windows. Councilwoman Natali interjected that her comments were not meant for the Town Council during the time of her tenure but for the Town over a period of years. There was much debate regarding this sentence and Councilman Wendell added that the last time the Town spent any amount of money on the building was when it spent \$80K, \$69K from Brown and Root, to replace the roof. Councilman Sullivan asked whether the \$80K would have been spent on the roof if Brown and Root had not paid \$69K. Councilman Wendell stated that there was no way to tell at this point but added that some of the Council were determined to see that something got done to preserve the school. Councilman Sullivan stated that he felt that Councilman Wendell was trying his Supreme Court case at the Council meeting. The discussion became heated and Councilman Wendell stated that he did not appreciate people talking about things that they did not know about and making accusations regarding the validity of his statements. Councilman Wendell stated that last month, the Mayor commented on the non-truths and this month he brought documentation to back up his comments; and v) He agreed that he and Larry Veber had discussion in the past regarding the old school and that he also had many discussions with the Mayor. He, Mayor Sullivan and Ms. Lee Goldman had planned to move forward and deposited money into a bank account for the purpose of saving the building, but Mayor Sullivan told him one day that she had closed the bank account and given the money to Berkley Rayfield for the Cape Charles Christian School (CCCS) who had submitted a proposal to lease the school building for their school. Negotiations dragged on and in January 2011, the Town was still waiting to see what the CCCS was going to do. Between January 2011 and August 2011, things changed and the unsolicited proposal was received from Echelon Resources.

At this point, things got out of control in the audience and several members were escorted out of the meeting.

Motion made by Councilman Sullivan, seconded by Councilman Bennett, to adjourn the Town Council Regular Meeting. The motion was approved by majority vote with Councilman Wendell opposed.

Mayor Sullivan

Town Clerk

Public Comments Provided in Writing
August 15, 2013

Deborah Bender, 300 Fulcher Street

At the last Council meeting, Mayor Sullivan referred to the *Cape Charles Wave* as a blog. A blog is the musings of an individual on various subjects. A newspaper reports what government officials are doing among other things. It is not unusual for government officials to want to hide their actions from the people.

After all, if you pay a developer \$40,990 to take your town's historic old school, basketball courts and parking for the park playground, it does not look good. If you invoice for payment from a local developer and he ignores the bills, it does not look good.

I understand that it is embarrassing. But it is the duty of a newspaper to let the people know what their elected officials are doing. You have not had anyone making you face up to those decisions until now.

The *Cape Charles Wave* is recognized by Google News and Bing News as an online news source. Neither Google nor Bing accepts blogs as news sources. Check it out on the Internet.

I am proud to have contributed several commentary pieces to the *Wave*. For your benefit, I have printed out my latest one. I look forward to Town Council taking action to serve the people of Cape Charles by demanding payment for the invoices that were sent to Bay Creek for the wastewater plant.

I also hope that you will exercise good judgment regarding the use of our new expensive wastewater plant both by saving its capacity for town development and immediately requiring reuse of as much effluent as possible in order to keep it out of the Bay.

If you do not want to serve the interests of the people of Cape Charles, I hope that you will step out of the way and let those of us who have the people's interests at heart serve.



DRAFT
TOWN COUNCIL & PLANNING COMMISSION
Joint Public Hearing
Town Hall
September 10, 2013
6:00 p.m.

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm, and Mike Strub. Also in attendance were Town Planner Rob Testerman and Town Clerk Libby Hume. There were 4 members of the public in attendance.

Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Godwin, Sullivan and Wendell and Councilwoman Natali. Councilman Bennett arrived at 6:05 p.m.

Dennis McCoy announced that the evening's Joint Public Hearing was to hear public comment regarding the proposed modifications to the Cape Charles Zoning Ordinance Section 3.9 – Harbor District.

PUBLIC COMMENTS:

Councilman Frank Wendell, 515 Monroe Avenue

Councilman Wendell stated that he had spoken to Town Planner Rob Testerman regarding the Floor Area Ratio (FAR) concept and had asked him what other localities in Virginia and the Delmarva region used FAR and whether they were pleased with the concept. Councilman Wendell went on to state that when you went to the doctor, you got second opinions and checked references and advised that the Town do the same in regards to FAR and suggested that more study was needed. The Town needed to find out where it had worked and/or not worked before moving forward.

Dorie Southern, 104 Monroe Avenue

Ms. Southern stated that she was curious where the 1.25 FAR came from and what it meant regarding development in the Harbor area. Ms. Southern then asked if there was a reason to do it that way and added that Tom Bonadeo had said that it would keep people from building underground garages. Ms. Southern suggested making a rule that prohibited underground garages vs. using FAR. Ms. Southern concluded by asking what the purpose was and whether the people understood the concept.

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

Motion made by Joan Natali, seconded by Bill Stramm, to close the Planning Commission Public Hearing. The motion was approved by unanimous consent.

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

Chairman Dennis McCoy

Mayor Dora Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Work Session

Town Hall
September 12, 2013
5:30 p.m.

At 5:30 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett and Sullivan and Councilwoman Natali. Councilman Godwin and Wendell were not in attendance. Also present were Town Manager Heather Arcos, Town Clerk Libby Hume, Ms. Joan Prescott and Mr. Hank Mayer representing ESVA Festivals and Tall Ships at Cape Charles, and Mr. Eyre Baldwin and Ms. Gloria Bradley representing South Port Investors. There were three members of the public in attendance.

Mayor Sullivan announced that the order of business for this evening would be to hear presentations regarding Tall Ships at Cape Charles and the South Port Investors' project.

A. *Tall Ships at Cape Charles*

Ms. Joan Prescott stated that she wanted to give an update on the Tall Ships at Cape Charles Festival that was held June 14 – 16, 2013. Ms. Prescott reported the following: i) The festival covered three days and included three tall ships which offered day sails and deck tours; ii) The Citizens for Central Park also held their Pirate & Wenches Festival on Saturday, which included costume re-enactors and pirates; iii) There were seven food vendors and 29 other vendors participating in the event; iv) There were nine bands and musicians; v) a helicopter offered sightseeing tours; vi) At least 7K to 8K people attended the festival by head and wrist-band counts. 200 day sails were sold and 3K purchased tickets for deck tours; vii) Reports had been received from the B&Bs in Town and in the area, the motels in the area up to Exmore stated that they were sold out for the festival weekend. The campgrounds reported that they were almost full; and viii) Visitor surveys were conducted. Positive feedback was received and many stated that they would return to Cape Charles. The results of the surveys were compiled into a spreadsheet and copies were provided to the Town Council for their review.

Ms. Prescott continued to state that although the revenue numbers were still being worked on, the Transient Occupancy Tax revenue in June 2013 was \$7,136 vs. \$6,441 in 2012 and the Meals Tax revenue in June 2013 was \$28,837 vs. \$27,689 in 2012. The Town Harbor was full and with each event, more people discover Cape Charles and the Harbor. The Harbor revenue from June 13 to 17, 2013 from transient boaters was \$8,093. The transient boater revenue in June 2012 was \$17,574 for the entire month.

Mr. Hank Mayer reviewed a graph showing Transient and Meal Tax Revenues, not including the Harbor, for 2011, 2012 and 2013. Each year, during the summer months, the revenue increased significantly and the graph showed the seasonality in revenue. Mr. Mayer also reviewed a report of Cape Charles Tourism Related Revenues for fiscal years 2012 – 2014 which also showed a significant increase from 2012.

Mayor Sullivan asked whether the Pirates & Wenches Festival would coincide with the Tall Ships at Cape Charles Festival next year. Councilwoman Natali stated that, as President of the Citizens of Cape Charles, the festival would be planned again and recently a letter was received from Arts Enter Cape Charles regarding additional events

and activities to be planned during the Tall Ships Festival. The organizations would be working together to coordinate activities throughout the weekend.

Mr. George Proto, President of the Cape Charles Business Association (CCBA), stated that an all member CCBA meeting was held last night and several of the business owners raved about Cape Charles over the summer stating that it was "on fire." The businesses did very well during the Tall Ships Festival and no negative comments were heard from anyone. Mr. Proto commended everyone involved on an outstanding job.

Ms. Prescott stated that it was a quality festival with quality marketing with the business acumen to carry out the plans. The Tall Ships operating budget for 2013 was \$57,406. The Executive Director, Dave Steward, did an outstanding job working out an algorithm so ESVA Festivals was able to recover money from the sale of day sails and deck tours. \$45K plus in-kind services for security and EMS services was received from Northampton County and \$1K plus in-kind services was received from the Town of Cape Charles. Ms. Prescott commended the entire staff of the Town for all their work on the festival. Marketing and in-kind services were received from the Chesapeake Bay Bridge Tunnel and Bay Coast Railroad provided the venue enabling access from the Harbor to the Town. \$2,350 was received in sponsorships, which was disappointing, but with the economy and the lack of staff to market the sponsorship opportunities, was a good amount. Revenue was also derived from the sales of t-shirts, beer, etc.

Ms. Prescott went on to review an investment opportunity for the Town. ESVA Festivals had an opportunity to apply for a grant through the Virginia Tourism Corporation Marketing Leverage Program for an award up to \$10K toward the Tall Ships 2014 festival marketing expenses, which run about \$20K based on the past two years' experience. To be considered for the grant, a tourism financial partnership of a minimum of three entities must be created. In addition to the ESVA Festivals as the non-profit lead, they would like to include the Town of Cape Charles as the host venue together with Northampton County. The grant application would be strengthened with the inclusion of other financial partners such as the CCBA, Our Town Cape Charles and the Northampton County Chamber of Commerce. The application could not be submitted without the Town's support. Ms. Prescott requested that the Town Council consider partnering with ESVA Festivals and provide an investment of \$1K in the Tall Ships at Cape Charles Festival for 2014. This was a huge opportunity to pull everyone together as a community. The application deadline was October 22, 2013 and they would not be able to apply without the Town's support.

Mr. Mayer stated that up to \$10K, there was a one to one match. Up to \$50K, the match increased to two to one.

Councilwoman Natali stated that the Town received notice of a grant award through the Boating Infrastructure Grant to market the Harbor. Town Manager Heather Arcos stated that the Town would be receiving \$10K to market the Harbor in magazines, brochures, etc. In the past, Harbor Master Smitty Dize had included advertisements for the Clam Slam and Tall Ships Festivals. The Town could possibly work with ESVA Festivals on a marketing piece for the Harbor/Tall Ships Festival and use some of the money from this grant.

Mayor Sullivan stated that she felt this investment would be beneficial to the Town and its businesses. Vice Mayor Bannon agreed that it was a good investment and that each year, the festivals and events brought in more and more people to the Town. Vice Mayor Bannon went on to state that with the addition of the South Port piece at the

Harbor, it was exciting to see what could happen. Ms. Prescott agreed that the more amenities offered to bring boats into the Harbor, the better things would be.

B. *South Port Investors Presentation*

Mr. Eyre Baldwin stated that he would give an introductory presentation tonight but the Council would learn more about the project at the development tour on September 19, 2013. Mr. Baldwin continued by reviewing their plans and showing the following exhibits: i) Harbor Access Road Exhibit. This project was now in the design phase. Sinclair and South Port had agreed to give up the necessary land to construct this road; ii) Utility Exhibit. Mr. Baldwin pointed out the location of a heliport pad which could be used by businesses and for emergency use; iii) Harbor and Terminal Exhibit which showed the area of the Gallagher property; and iv) Index Exhibit which showed the overall plans for the Harbor area. There were some exciting opportunities for the Town to provide barge and railroad access to transport products up the shore to New York City, etc. Cape Charles was approximately five hours from New York City and we did not have the traffic issues like Hampton Roads.

Mr. Baldwin stated that the information would be presented to everyone on September 19th in more detail and reiterated Ms. Prescott's statement that everyone needed to pull together to work in conjunction with each other to get things accomplished.

Councilwoman Natali asked whether there could be enough players, once this project was completed, to leverage for deepening the harbor. Mr. Baldwin stated that the maintenance dredging was scheduled for next year but several entities had expressed their interest in using the Cape Charles Harbor.

Mr. Baldwin mentioned that this information would also be available online at www.ccyachtcenter.com and www.easternshoreland.com. Mr. Baldwin also informed Council that the U.S. Super Yacht Association had recently awarded them with certification and they were the only super yacht center in the mid-Atlantic region.

Heather Arcos reminded Council to RSVP their attendance at the development tour on September 19th.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adjourn the Town Council Work Session. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk

Planning Commission Report for Town Council

From: Rob Testerman
To: Town Council
Date: September 11, 2013
Subject: Report for Planning Department

1. Last month, the Cape Charles Planning Commission and Northampton County Planning Commission held a joint meeting. The purpose was to reopen a dialog between the two bodies, and voice concerns over potential future commercial growth on Rt. 13 near the intersection with Rt. 184. As a next step from that meeting, the Planning Commission is compiling lists of business types that they feel would be complimentary to businesses in town, and those that could be detrimental. After completion, the lists will be submitted to the County Planning Commission for their consideration while revising their Zoning Ordinance and Comprehensive Plan.
2. The Planner is working on:
 - a. Revision of land use applications (conditional use permit, rezoning, HDRB, etc.) and procedures to provide a more streamlined process from start to finish.
 - b. After receiving comments from the Planning Commission, the updated Zoning Map needs further revisions. I am currently working on these changes.
 - c. Draft revisions to the Historic District Review Board By-Laws
3. A JPA application has been recently received regarding shoreline hardening and offshore revetments. A public hearing will be held on Monday, September 23.
4. An application for a variance has been received. A Board of Zoning Appeals public hearing will be held Tuesday, September 24 regarding an issue with a home in Bay Creek.
5. We have met with Elaine Miel, of the Accomack-Northampton Planning District Commission (ANPDC) regarding the Comprehensive Plan update. The ANPDC will be able to assist the Town in the update, should we choose to use that option. They would assist in public meetings, getting input from Town officials, and work on the text revisions.

Planning Commission Meeting – September 10

1. The Planning Commission held its regular meeting on September 10, 2013
 - a. The Commission continued discussion on proposed modifications to Sec. 4.1 Sign Regulations of the Zoning Ordinance. The Commission has sent an invitation to the Business Association to attend the next meeting to gain input from them, as the business owners will be those most affected by the ordinance.
 - b. The Commissioners were given “homework assignments” to identify issues in the Comprehensive Plan that are most in need of updates/revising. The Commissioners are also working on the above mentioned lists to provide to the County.

- c. The Planning Commission voted unanimously to recommend approval of the draft modifications to Section 3.9 Harbor District, with modifications noted in the report.
2. The next regular meeting of the Planning Commission will be October 1.

Historic District Review Board Meeting – August 20

1. The Historic District Review Board met on August 20 to continue its review of the Cape Charles School. The application for the Certificate of Appropriateness was approved by a 3-1 vote, with one member being absent.
2. The HDRB will meet on September 17 to hold a public hearing to change its by-laws, and to review an application for an addition at 209 Jefferson Ave.

Wetlands Board Meeting – No Meeting Held in August

Code Enforcement

Month of August FY 2014

Building Permits Issued/Permit Fees Collected:

Permits this month: 25	
Permits this year: 38	Total permits last year: 257
Total construction this month: \$ 127,463	
Total construction this year: \$399,939	Total construction last fiscal year: \$7,411,540
Permit fees this month: \$2,019.16	
Total permit fees this fiscal year: \$5,717.82	Total permit fees last fiscal year: \$177,559.27
Bay Creek Water/Sewer Tap fees: \$0	
The Colony/Sewer Water Tap fees: \$0	
Marina Village/Marina Village East Sewer/Water Tap fees: \$0	
Bayside Village Sewer/Water Tap fees: \$0	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$0	Total Tap fees last fiscal year: \$105,756
Fire Dept. levy this month: \$180.29	
Total Fire Dept. levies this year: \$470.35	Total Fire Dept. levies last fiscal year: \$3,195.93
State levy this month: \$36.06	
Total state levies this year: \$94.07	Total state levies last fiscal year: \$638.20
Miscellaneous Revenue: \$0	

Existing Structures Code Enforcement Cases:

Total Cases: 27	
New this month: 0	
Closed this month: 0	
Rental Inspections: 0	
Rental C.O's Issued: 0	
Rental Inspection fees collected: \$0	
Grass cutting enforcement: 13	
Grass cutting: 7	
Enforcement fees charged this month: \$1,050	
Enforcement fees charged this year: \$2,750	Fees charged last fiscal year: \$10,050
Enforcement fees collected: \$0	
Enforcement fees collected this year: \$0	Fees collected last fiscal year: \$1,129.36

Annual Fire Inspections (updated) (Completed)

Total Cases: 92
Inspections conducted: 0
Closed this month: 0
Closed altogether: 92
Cases unresolved: 0

Annual Fire Reports (updated) (Completed)

Total Cases: 59
Received this month: 0
Closed: 59
Unresolved: 0

Month of August FY14

Other items of note:

1. Completed 75 inspections
2. Conducted 0 zoning clearances
3. Completed 1 courtesy residential inspections
4. Conducted 0 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits

09/10/13

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PT130002	UST/ AST	08/13/2013	501 Brass Ring Avenue	500 Gallon UST	\$56.00	\$500
	PT130003	UST/ AST	08/13/2013	510 Brass Ring Avenue	500 Gallon UST	\$56.00	\$500
	PM130026	Mechanical	08/08/2013	110 Churchill Downs	1 New Mini Split for Porch Enclosure	\$63.57	\$3,850
	PB130083	Building	08/28/2013	408 Jefferson Avenue	Renovation to abate Chinese Drywall	\$182.00	\$17,500
	PB130080	Building	08/08/2013	647 Madison Avenue	Interior Demo & Tear off/rooof to include n	\$98.00	\$10,000
	PB130079	Building	08/01/2013	11 Marina Road	40x40 Tent for Clam Slam	\$0.00	\$100
	PB130084	Building	08/30/2013	237 Monroe AVENUE	Tear off/rooof	\$74.48	\$5,800
	PM130028	Mechanical	08/27/2013	505 Monroe Avenue	2 New Air to Air Heat Pumps	\$208.21	\$22,180
	PB130081	Building	08/29/2013	522 Monroe Avenue	Porch Repair and bathrooms remodel	\$207.20	\$22,000
083A3-0100-34	PE130040	Electrical	08/15/2013	606 Monroe Avenue	New 200 Amp Service and whole house r	\$58.80	\$3,000
	PP130021	Plumbing	08/01/2013	109 Old Course Loop	Finish Plumbing for C.O.	\$56.00	\$2,000
	PM130027	Mechanical	08/01/2013	109 Old Course Loop	Finish Mechanical for C.O.	\$56.00	\$1,000
	PP130022	Plumbing	08/22/2013	301 Plum Street	New Plumbing for Bath House	\$0.00	\$6,000
	PE130049	Electrical	08/26/2013	301 Plum Street	100 Amp Subfed Panel for Bath House	\$0.00	\$3,300
083A3-0202-08	PM130029	Mechanical	08/28/2013	5 Randolph Avenue	1 New Mini-Split System	\$146.90	\$11,233
	PB130082	Building	08/27/2013	712 Randolph Avenue	Alteration to R-2 Apartment	\$252.00	\$15,000
	PG130010	Gas	08/29/2013	4 Tazewell Avenue	New Gas Piping	\$56.00	\$1,900
	PE130041	Electrical	08/22/2013	207 Washington Aven	New Meter Base	\$56.00	\$200
	PE130042	Electrical	08/22/2013	207 Washington Aven	Meter Replacement	\$56.00	\$200
	PE130043	Electrical	08/22/2013	207 Washington Aven	Meter Replacement	\$56.00	\$200
	PE130044	Electrical	08/22/2013	207 Washington Aven	Meter Replacement	\$56.00	\$200
	PE130045	Electrical	08/22/2013	207 Washington Aven	Meter Replacement	\$56.00	\$200
	PE130046	Electrical	08/22/2013	207 Washington Aven	Meter Replacement	\$56.00	\$200
	PE130047	Electrical	08/22/2013	207 Washington Aven	Meter Replacement	\$56.00	\$200
	PE130048	Electrical	08/22/2013	207 Washington Aven	Meter Replacement	\$56.00	\$200

Total Permits: 25

\$2,019.16

\$127,463

PerDateIssued Range from 08/01/2013 to
08/31/2013

Cape Charles Memorial Library August 2013

1. This month ended our first summer in our new facility and it was an extremely busy summer!! The total number of people who visited the Cape Charles Memorial Library this summer was 5,164, a total of 1,067 more than last summer! Our Mason Avenue location and larger facility have proved to be a big advantage. The busiest day of the week was Wednesday with Arts & Crafts at 10:30 with Jennifer Lewis, Recreation Coordinator, Chess Club with Jennifer and volunteer Stephanie Hadden at 3:30, and Kids Movie 2 at 5:00. Participants included local children, guests visiting the town, and children enrolled in summer camps.
2. Monthly attendance for programs held during August:
 - Wednesday - 10:30 Crafts, 98 attended
 - 3:30 Chess, 14 attended
 - 5:00 Movies, 9 attended
 - Special programs/Storytime, 78 attended
 - Total: 199
3. We had two special programs this month:
 - Virginia Living Museum – funded by the friends of the Cape Charles Memorial Library
 - Kiptopeke State Park
4. Our summer reading program, Dig into Reading was a big hit. A total of 164 children signed up to read books over the summer, an increase of 54 over last summer. Each child who read 4 books received a choice of a prize from the prize jar, with the most popular prize being a token for a free cup of Brown Dog ice cream. An average of 20 children per week visited **Brown Dog** for a free serving of ice cream. Thank you **Brown Dog** for partnering with us this summer! After reading 12 books, children were given their choice of a free book.
5. Library assistant Sharon Silvey did a great job of documenting our events and posting pictures on Facebook, Check out our Facebook Page for happy faces; as of today we have 306 likes on Facebook.
6. Our new library assistant, Greg Jones began work the end of July and will be working 15 hours a week. Having an extra staff member has made a huge difference in work load, and gives us the freedom to provide extra programs and services.
7. On August 29 I participated in the Back to School Fair at Kiptopeke Elementary School from 12:00 to 2:00 which provided an opportunity to meet students and parents as well as other participants representing community organizations.
8. For additional information about library programs and library related information check out the Cape Charles Memorial Library's **Facebook** page!



Town Harbor Town Council Report August 16 – September 6, 2013

September 6, 2013

Maintenance:

1. **Western Dock Area:** There are cement blocks that are being stacked by the bath house area that will act as shore line protection for a property owner just north of Cape Charles. These have been here longer than expected as there has been a little hold up with the project. I was told that the blocks should be moving out within the next two weeks.
2. **Floating Docks:** We had to re-tighten two cleats that had worked loose on B & A dock. Also, we re-screwed 8 to 10 deck boards on A-Dock.
3. **Bath House:** We ordered feminine waste containers for each stall in the ladies' restroom. Six toilet tissue holders were also ordered and will be installed within the next month.
4. **Boat Ramps:** nothing new to report.
5. **Harbor Masters Office:** Nothing to report.
6. **Fuel System:** The gauge on the diesel tank was repaired. Pump #2 (Regular Gas) became inoperable on 8/30 and staff was not able to resolve the problem. Oil Equipment has been contacted to service the pump.
7. **Pump Out Station:** Nothing to report
8. **Work Shed:** Nothing new to report.
9. **Water:** The back flow preventer has been repaired. The main water line hose under the east gangway busted on 8/29. The water was shut off that night and the hose was replaced the next morning.
10. **Electric:** Nothing to report in this area.
11. **Boardwalk:** On 8/21, the repairs on the western part of the boardwalk near the Harbor Master's office were completed. On 8/22, the wooden ramp at the end of the boardwalk near the Harbor Master's office was replaced with a concrete ramp.
12. **Lighting:** Nothing new to report.
13. **Other:** No Wake Buoys at the entrance of the Harbor, the boat ramps and off C-Dock were removed, cleaned and repainted and the cables were replaced.



Town Harbor Town Council Report August 16 – September 6, 2013

Capital Projects:

1. **Wave Attenuator:** Nothing new to report.
2. **Waterman's Memorial:** A committee meeting was held on 8/13/13. The construction start date was discussed. So as not to interfere with The Shanty's business, the construction will be starting tentatively in October.
3. **Dredging:** Nothing new to report
4. **Entrance Sign:** The new entrance sign has been installed.

Other Items:

1. Follow us on Face Book (**Cape Charles Town Harbor**)
2. We will be open (8am to 6pm Sun – Thur.) (7am to 7pm Fri - Sat & Holidays) through the end of September, after that we will be open 8am to 6pm 7 days a week through October.
3. There is a good possibility that crab dredgers will return to Cape Charles as last winter's experiment with 4 dredgers were positive. At this time it is still unknown as to how or how many (if any) dredgers will be allowed back into the industry.

Events at the Harbor:

1. **Godspeed Visit:** October 24th – 28th,
2. **Haunted Harbor & Trunk or Treating:** October 26th

Note Numbers are through August, 2013

Business:

Average docking per day/night by category:

<u>Rentals</u>	<u>Aug.13</u>	<u>Aug. 12</u>	<u>Ytd13/14</u>	<u>Ytd11/12</u>
1. Nightly:	9.8	6.5	9.8	6.4
2. Weekly:	2.1	9.1	3.2	6.8
3. Month/Quart:	5.0	6.5	4.5	8.7
4. Seasonal:	20.0	13.0	23.5	13.0
5. Annual:	38.0	41.0	39.5	39.5
Total Rentals:	74.9	76.1	80.5	74.4

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Police Department		AGENDA DATE September 19,2013
	SUBJECT/PROPOSAL/REQUEST: AUGUST 2013 Monthly Law Enforcement Statistic		ITEM NUMBER
	ATTACHMENTS: None		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Charles Brown, Chief of Police	REVIEWED BY: Heather Arcos, Town Manager	

The following information is the monthly statistics regarding law enforcement activities for the Cape Charles Police Department.

Calls for Service in Cape Charles: 39

Calls for Service Outside of Cape Charles: 19

10-13 Calls

(A) By Dispatch: 42

(B) By Phone via Officer/Trooper: 13

(C) In Person: 03

Felony Arrests: 00

Misdemeanor Arrests: 02

DUI Arrests: 00

Traffic Summons Issued: 19

Traffic Warnings Issued: 17

Parking Tickets Issued: 06

Assisted Northampton County Sheriff's Office: 17

Assisted Virginia State Police: 01

Assisted Other Local Police:

Assisted Other Federal Agencies

Assisted Fire & Rescue: 10

Assisted VDOT:

Hours of Training Received & What Type? 160 hours basic training

Public Utilities

Monthly Report August 2013



Production Summary

- Miss Utility Tickets: 20
- Emergency Call Outs After Hours and Weekends:
 - Number of times called out: 4
 - Total Man Hours: 8
- Sludge: 3 Tons
- Water: Total Production: 4,762,174 gallons
 - High: 336,100 on August 7 (During System Flushing)
 - Low: 104,000 on August 20

Average	Raw Water	Finished Water
Hardness	404.8	150.6
Iron	7.5	.012
Manganese	.474	.008

All Data in PPM

- Waste Water:
 - Average Flow 139,000 gpd
 - Maximum 165,852 gpd
 - Total for Month 4.294 million gallons

Personnel

- Water
 - Ron Bailey Operator Class 3 water
 - Scottie Neville Operator in Training
 - Gerald Elliott Maintenance
- Waste Water
 - Patrick Christman Operator in Charge, Class 2
 - Freddie Meditz Operator Class 3, Lab Manager
 - Dan Dabinett Operator Class 3, Maintenance
 - Billy Powell Maintenance Supervisor

Completed Projects

- The Asset Management team has been populating the program and becoming familiar with how it works. Work orders are being generated for routine maintenance. Facility Dude was here for two days conducting training.
- We have applied to VDH for grant money to cover engineering for chloramination of our drinking water and engineering to connect Keck Wells. Resolutions for the two grants were passed by Council on August 1.

Public Utilities

WWTP

- Remitted adjusted final payment to Schlosser.

In Progress

- Replacement of aging water meters.
- Working on a solution to the iron laden, water plant backwash discharging to the harbor.

Upcoming Projects

- An automatic flush valve will be installed in Heron Point to introduce water into that vacuum sewer system to increase the flow through the pump station in an effort to reduce the septic odors created when sewage water resides in the system for extended periods of time. Met with reps from Baymark on design and location.

Capital Projects

- Water:
 - Emergency Generator for Water Plant \$45k
 - No action yet. Notional time line:
 - Advertising and Request for Bids; September 2013
 - Contractor and Bid approval by council; October
 - Contract Award; October
 - Install; November-December
 - Engineering for Keck Wells \$60k
 - Resolution to apply for VDH Grant Money Approved by council; August 1, 2013
 - VDH Grant determination October-November
 - Sign GDH Task Order No.2 Amendment November
 - Submit Engineering to VDH February 2014
- Waste Water
 - Engineering for pump station improvements \$30k
 - An Evaluation of the pump stations was done under Task Order WW-4.
 - Pump Station PER Draft created under T.O. WW-7
 - No action yet. Notional time line:
 - Create new Task Order with GHD to finalize PER, prepare construction documents and put out for bids; November 2013
 - Submit PER to DEQ; January 2014
 - Create Construction Documents; January-March
 - Put out for bidding May-June

PUBLIC WORKS

August 2013

Dump Fees

- Oyster Landfill: 16 Trips, 6.77 Tons @ cost of \$440.05

Personnel

- Peter Leontieff, Foreman
- Maintenance Workers: Mike Mulner, Paul Yates, Willie Lyons

Routine Monthly Responsibilities

- Water meter reading - Assist the Utilities Department Staff
- Maintenance of town vehicles and equipment.
- Maintenance, cleaning, and landscaping for outdoor public areas, including public beach, Central Park, Fishing Pier, Harbor and downtown commercial district.
- Maintenance, cleaning, landscaping and weed spraying for all public facilities, including the town hall, library, water and wastewater, public works, and old library.
- Maintain streets and alleys in the historic district; including debris pickups/work orders.
- Assistance with preparation for events being held in town.
- Mowing of Town properties outside of Old Town area.

Completed Projects

- Trimmed crepe myrtle trees North side of Rt. 184
- Touched up paint on welcome sign at Rt. 13
- Tennis court lights repaired
- Mason Ave street light maintenance (loose poles, GFI replacement)
- Playground Zip Line ride - rebuilt for safety
- Numbering Fishing Pier and Central Park light fixtures for easier identification
- Worked Clam Slam, Jammin' At The Jetty, Labor Day Picnic at the Park
- Weeding and landscaping at the old library and front sign
- Trimming of crepe myrtles and shrubs on Monroe and Peach

In Progress

- Working with Davis Disposal to ensure that all trash cans are picked up in areas blocked by VDOT sidewalk repairs
- Sidewalk project near completion; have requested a meeting to discuss punch list.

Upcoming Events

- Fall Festival

Man Hours per Project/Task

Vehicle Maint.	Equipment Maint.	Building Maint.	Public Debris Areas	Street Cleaning	Beach Maint.	Public Sanitation	Public facilities cleaning	Admin. training	Property maint. & repair	Events
25	23	47.5	88.5	14.5	18.5	50	62	32	143	61

Capital Projects

- Central Park Restrooms, contractor moving forward on foundation
- Multi-Use Trail - Continue to work with VDOT; to finalize the design of the trail. The next step will be to present to the Town Council for approval with anticipated bidding in February 2014.
- Former Library Building - In progress
- Fishing Pier - Status Update in October
- Sidewalk Connection to Heritage Acres - Status Update in October

Recreation Department September 2013 Council Report

Programs and Events:

1. Volleyball Camp was scheduled for August 19-23. The camp was cancelled due to no registrations for the event.
 - a. The lack of participation in camps this summer has been very concerning. Any helpful suggestions from Council and the citizens regarding this matter are welcomed.
2. The New Roots Youth Garden wrapped up the summer camp. The last session was a Green Thumb Picnic for all participants, parents, volunteers, board members and Cape Charles Council members. The kids were presented with pins for participation and we had a few receive their 2 year pin.
3. Chess Club and Arts & Crafts began their new Fall hours when the children returned to school. Arts & Crafts will meet on Wednesdays at 4 and Chess Club on Thursdays at 4.
 - a. During August we had a visit from Therapeutic Interventions. They brought down 25 children for Arts & Crafts that are part of their mentoring program.

Grants:

1. Staff is working with Coastal Zone Management on a grant to replace the kiosk at the end of the fishing pier. The kiosk will serve to clean up all the information located in that area and bring it to one central location.

Upcoming Events:

- October 12:
 - Eastern Shore Birding and Wildlife Festival
 - Cape Charles Fall Festival
 - Friends Book Sale
 - Movie in the Park
- October 25 – Kids Halloween Movie in the Park
- October 26:
 - Trunk or Treating
 - Haunted Harbor

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Zoning Ordinance Section 3.9 – Harbor District Modification		AGENDA DATE: September 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Determine whether to approve or disapprove the proposed modifications		ITEM NUMBER: 7A
	ATTACHMENTS: Draft Modified Section 3.9 Harbor District		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Rob Testerman	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

For some time, the Planning Commission has been working on modifications to the Harbor District to add language that would regulate density of development in the district. The Planning Commission recommends the use of the Floor Area Ratio (FAR) to accomplish this.

The FAR is the relationship of the total developed square feet to the total square feet of the parcel. This means that a one acre parcel fully covered by a one acre, one floor building has a FAR of 1.0. If the building only covered half of the property then the FAR would be .5. Incorporating FAR into the district will limit the density of future development in the Harbor District, preventing any hugely dense, out of character development.

The attached draft modified ordinance was previously sent for legal review. The draft modifications show how the FAR concept may be integrated in the Harbor District.

1. Section 3.9(B) was added to define the “Mainstreet Mixed Use Area”, as well as defining the Floor Area Ratio standards for the Harbor District. The Mainstreet Mixed-Use Area will have a maximum FAR of 1.25. Other areas in the district will have a maximum FAR of 1.5. Section 3.9(B) also states that parking at levels other than ground level will count as floor space.
2. In Section 3.9(E)1 the block lengths on the south side of Mason Avenue are proposed to be regulated. The block lengths shall be equal to those on the north side and the viewsheds shall be maintained. These two items are not in the current ordinance.
3. Section 3.9(E)2 states that the maximum height of buildings in the Mainstreet Mixed Use Area shall be 40 feet, and that in other parts of the district, buildings over 40 feet, and equal to or less than 55 feet will require a conditional use permit.
4. Section 3.9(E)2 added that no building shall have the same continuous elevation for a distance of more than 80 linear feet.

For a frame of reference, I attempted to look into what the FAR would have been for the Cape Harbor project. However, to my knowledge, building plans were never submitted for this project, so I have not been able to find the square footage for the once proposed development. As an estimation, I looked at the site plans that were submitted and determined the square footage of the footprint of the buildings. The 3-D elevation drawings that were submitted appeared to show that the buildings would be, on average four stories tall. Using these dimensions, and the area of the lot, I determined that the FAR for the development would have been approximately 2.25. However, as I understand it, the proposed development would have included underground parking. The proposed modifications to the Harbor District would require this underground parking to be counted towards the FAR, thus the FAR would have ended up being well over 2.25.

I have reached out to various planners in localities who currently use FAR in their zoning ordinances in order to get their opinions on the success of the methodology, as well as the Virginia Chapter of the American Planning Association. At the time of this writing, I have not gotten any response, but I hope to have received comment by the meeting date.

A Joint Public Hearing with the Town Council was held on Tuesday, September 10, 2013, and two comments were heard. After reviewing the proposed modifications from legal counsel and discussion regarding the comments heard, the Planning Commission voted unanimously to recommend Town Council approval of the proposed modifications to the Harbor District.

RECOMMENDATION:

Staff recommends that Town Council discuss the proposed modifications, after the discussion move to either approve or disapprove the proposed modifications to Cape Charles Zoning Ordinance Section 3.9 – Harbor District.

Town of Cape Charles

ARTICLE III

District Regulations

Section 3.9 Harbor District (revised 01-08-09)

A. Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.

B. Mainstreet Mixed Use Area; Floor Area Ratio.

1. The area of the Harbor District along the south side of Mason Avenue, beginning at the western edge of Parcel 83A3-A-5, and projecting eastward to Nectarine Street, and southward a distance of 300 feet from the south side of Mason Avenue, is defined as the "Mainstreet Mixed Use Area."

2. The Mainstreet Mixed Use Area shall use the Floor Area Ratio (FAR) to measure the density of permitted and conditional development. For each lot, the FAR is calculated as the ratio of the gross floor area of all structures and improvements on the lot to the lot area in square feet. For purposes of this Article III, "floor area" shall also include parking areas other than uncovered ground level parking areas. The maximum FAR for the Mainstreet Mixed Use Area shall be 1.25.

C. The maximum FAR for the balance of the Harbor District shall be 1.50. Nothing in this paragraph shall modify or waive the open space requirement set forth in subsection F of this Article III.

D. Permitted Uses. The following uses are permitted by right:

1. Accessory uses customarily associated and clearly incidental and subordinate to a principal use.
2. Food service related uses of the following types:
 - a. Bakeries, confectionaries, delicatessens, and catering services

- b. Cafes and coffee shops
 - c. Delicatessens
 - d. Eating and drinking establishments
 - e. Ice cream parlors
 - f. Restaurants
3. Marine related uses of the following types:
- a. Bait and tackle shops
 - b. Boat rentals
 - c. Marinas, docks and wharves if contiguous to harbor
 - d. Sail and canvas making and repair
 - e. Ship stores and chandleries
4. Office and institutional uses of the following types:
- a. Business studios
 - b. Civic and government facilities
 - c. Educational facilities
 - d. Financial institutions
 - e. Medical clinics
 - f. Medical, dental and other laboratories
 - g. Offices
 - h. Office supply stores
 - i. Real estate sales and rentals
5. Recreational, cultural, and entertainment uses of the following types:
- a. Art galleries and art studios
 - b. Athletic clubs
 - c. Conference centers
 - d. Health and fitness facilities
 - e. Libraries and galleries
 - f. Museums and cultural centers
 - g. Outdoor recreational uses
 - h. Parks
6. Retail goods establishments of the following types with 2,500 square feet or less of gross floor area:
- a. Antique shops
 - b. Bookstores, new and used
 - c. Camera shops
 - d. Candy stores
 - e. Clothing stores
 - f. Dry goods stores
 - g. Florists, gift shops, card shops, and stationery shops
 - h. Grocery stores
 - i. Music stores
 - j. Newsstands
 - k. Tobacco stores
 - l. Upholstering shops and fabric stores

- m. Video stores
 - n. Watch and jewelry stores
7. Retail service establishments of the following types with 2,500 square feet or less of gross floor area:
- a. Beauty and barbershops
 - b. Bicycle, moped, and street legal golf cart sales and rentals
 - c. Blueprinting shops
 - d. Dressmaking, tailoring, millinery, dry cleaning
8. Public Utility Facility
- E. Conditional Uses. The following uses may also be permitted, subject to securing a conditional use permit as provided for in this ordinance:
1. Marine related uses of the following types:
- a. Boat and marine engine repair shops
 - b. Boatels
 - c. Marine and sports equipment consignment stores
2. Markets of the following types:
- a. Crafts markets
 - b. Farmers' markets
 - c. Watermen's markets
3. Recreational, cultural, and entertainment uses of the following types:
- a. Assembly halls
 - b. Auditoriums
 - c. Commercial recreational uses
 - d. Entertainment establishments
 - e. Theaters
4. Retail goods establishments of the following types with more than 2,500 square feet of gross floor area:
- a. Antique shops
 - b. Bookstores, new and used
 - c. Camera shops
 - d. Candy stores
 - e. Clothing stores
 - f. Dry goods stores
 - g. Florists, gift shops, card shops, and stationery shops
 - h. Grocery stores
 - i. Music stores
 - j. Newsstands
 - k. Tobacco stores
 - l. Upholstering shops and fabric stores
 - m. Video stores
 - n. Watch and jewelry stores

5. Retail service establishments of the following types with more than 2,500 square feet of gross floor area:
 - a. Beauty and barbershops
 - b. Bicycle moped, and golf cart sales and rentals
 - c. Blueprinting shops
 - d. Dressmaking, tailoring, millinery, dry cleaning
 6. Single-family and multi-family dwellings provided the following requirements are met:
 - a. All dwelling units shall have direct access to the street level. Means of access may be shared with other dwelling units, but not commercial uses. Access through a commercial establishment on the first level is not permitted.
 - b. Dwelling units shall occupy no more than 50 percent of the first floor of any building.
 - c. The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance.
 7. Other miscellaneous uses of the following types:
 - a. Bed and breakfasts and tourist homes, provided the following requirements are met:
 - (1.) The owner and family must occupy the residence. The owner and his/her appointed agent is responsible for supervising guests.
 - (2.) The single-family dwelling appearance must be maintained.
 - (3.) Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.8.E.2 (Table of Parking Standards) using both on and off street parking areas.
 - (4.) A sign no larger than four square feet shall be permitted.
 - (5.) The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council.
 - (6.) The dwelling must meet all of the requirements of Section 3.9.E.D.6.
 - b. Child care and child care education centers
 - c. Hotels and motels
 - d. Laundromats
 - e. Liquor and package stores
 - f. Off-site parking
 8. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which is determined to be compatible with the intent of the District.
- F. Lot and Height Requirements. Within the Harbor District, the following standards shall apply:
1. Minimum lot requirements

lot area 11,200 square feet
lot frontage 80 feet
lot depth 140 feet
block length.....all blocks in the Mainstreet Mixed Use Area shall align with and be equal in frontage length to the blocks on the north side of Mason Avenue so that existing viewsheds to the harbor shall be maintained.

2. Height

- a. Measurement criteria. For the purpose of the Harbor District, height means the vertical distance measured from the crown of the nearest street to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. When the crown of the nearest street has an elevation greater than three feet above the adjacent ground elevation of the building, the adjacent ground elevation shall be used in place of the crown of the nearest street when measuring height. Note: Mechanical equipment, chimneys, air conditioning units, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions. However, these exclusive items may not exceed the height limit by more than fifteen feet.
- b. Maximum permitted height. No building or structure shall exceed 40 feet in height in the Mainstreet Mixed Use Area. No building shall have the same continuous elevation for a distance of more than 80 linear feet. ~~Unless a conditional use permit is obtained.~~ Building heights greater than 40 feet and equal to or less than 55 feet may also be permitted in other parts of the Harbor District, subject to securing a conditional use permit as provided for in this ordinance. When reviewing a conditional use permit application for the height of a building in the Harbor District, the following criteria shall be met:
 - (1.) On each block, the average height of all buildings greater than 40 feet and equal to or less than 55 feet in height shall not exceed 45 feet. For the purpose of this section, a block is defined as the property fronting on one side of a right-of-way or waterway, and lying between two intersecting rights-of-way or otherwise limited by a waterway or other physical barrier of such nature as to interrupt the continuity of development.
 - (2.) The application shall adhere to policies established in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.

3. Setback Regulations.

- a. Mason Avenue setback requirement. No building or structure shall be located within 8 feet of the Mason Avenue VDOT right-of-way.
 - b. Waterfront setback requirement. No building or structure shall be located within 30 feet of the Cape Charles Harbor or within 30 feet of a Resource Protection Area [not part of an Intensely Developed Area \(IDA\)](#). This requirement shall not preclude any other applicable regulations, including but not limited to those associated Chesapeake Bay Preservation Areas. The following shall be exempt from the waterfront setback requirement when permitted by all other applicable regulations:
 - (1.) Water-dependent facilities as defined by Zoning Ordinance Section 7.3.
 - (2.) Walkways, promenades, decks, gazebos, permitted signs, and similar structures intended to accommodate or provide amenities for pedestrians.
- G. Required open space. Open space shall be provided equivalent to 25 percent of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by pedestrians and open to the public. Such open space amenities shall not be open to vehicular uses except for public safety purposes, and shall be directly accessible from street level. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system.
- H. Utilities. All utilities shall be installed underground.
- I. Harbor Development Certificate required. No zoning clearance shall be issued for location, construction, or enlargement of any building or structure within the Harbor District until a Harbor Development Certificate has been issued. Submission of a Harbor Development Certificate Application and approval by the Town Council shall be required to obtain a Harbor Development Certificate.
1. Content of Harbor Development Certificate Application. The Harbor Development Certificate Application shall consist of the General Application and the Detailed Application.
 - a. General Application. The General Application shall include the following items:
 - (1.) An application on forms provided by the Zoning Administrator.
 - (2.) A fee established by the Town Council.
 - (3.) A letter of application stating in general terms the proposed use of the property, the effect of the changes on the surrounding area, and the reason for the request.
 - (4.) A plot plan in accordance with the Site Plan Ordinance.

- b. Detailed Application. The contents of the Detailed Application may be delineated on the plot plan required for the General Application, or provided in separate maps, elevations, or written document as appropriate. The Detailed Application shall indicate the following:
 - (1.) Location, amount, character and continuity of open space.
 - (2.) A delineation of those general areas that have scenic assets or natural features deserving protection and preservation, including elevations demonstrating protection of views from existing streets, and a statement of how such will be accomplished.
 - (3.) Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets.
 - (4.) Separation of pedestrian and vehicular traffic.
 - (5.) Landscape plans delineating dimensions and distances and the location, type, size, and description of all existing and proposed plant materials.
 - (6.) Location and dimensions of on-site signage.
 - (7.) Conceptual renderings of building exteriors.
 - (8.) Such other matters as are appropriate to determinations in the specific case. Other information may be requested by the Zoning Administrator, the Harbor Area Review Board, or Town Council.
2. Review procedure.
- a. Pre-application meeting. Prior to application submission, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a pre-application meeting. The purpose of the meeting shall be to discuss the general goals of the project and application procedures.
 - b. General Application. Following the pre-application meeting, the applicant shall submit a General Application. The contents of the General Application are detailed in Section 3.9.1.a.
 - c. Post-application meeting. Within 30 days of receipt of the complete General Application, the Zoning Administrator and the Harbor Area Review Board shall meet in a post-application meeting. The purpose of the meeting shall be to discuss the content of the General Application and to formulate recommendations for the applicant.
 - d. First review meeting. Within 30 days of the post application meeting, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a first review meeting. The purpose of the meeting shall be to provide the applicant with the Harbor Area Review Board's recommendations and to provide notice to proceed with the Detailed Application.
 - e. Town Council summary. Following the first review meeting, the Harbor Area Review Board will present the Town Council with the General

Application and a general description of discussion held at the first review meeting. The Town Council summary will be provided at a Town Council regular session or a Town Council work session for informational purposes.

- f. Detailed Application. Following the first review meeting, the applicant shall submit a Detailed Application. The contents of the Detailed Application are provided in Section 3.9.GH.1.b.
 - g. Zoning Administrator action. Following the Zoning Administrator's receipt of the Detailed Application and his determination that it is complete pursuant to Section 3.9.GH.1.b, the Zoning Administrator shall prepare a thorough review and analysis of the Harbor Development Certificate Application and a written staff report. The Zoning Administrator's written report shall be forwarded to the Harbor Area Review Board within 45 days of receipt of the Detailed Application.
 - h. Second review meeting. After receipt of the Detailed Application, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a second review meeting. The purpose of the meeting shall be to review the Harbor Development Certificate Application, consisting of the General Application and the Detailed Application, and provide the applicant with any necessary recommendations. Follow up meetings may be scheduled to further review the application or to review modifications to the application.
 - i. Harbor Area Review Board action. After the second review meeting, the Harbor Area Review Board shall forward its recommendation to approve, deny, or approve subject to modification, to the Town Council along with written findings of fact supporting its recommendation.
 - j. Town Council action. After receipt of the Harbor Area Review Board's recommendations and findings, the Town Council shall decide to approve, deny, or approve subject to modification.
 - k. Concurrent review permitted. Other development applications, including application for any necessary Certificate of Appropriateness, may be submitted concurrently with an application for a Harbor Development Certificate.
3. Criteria for review. In reviewing the Harbor Development Certificate Application, the Zoning Administrator, the Harbor Area Review Board, and the Town Council shall consider the following criteria:
- a. Use characteristics of the proposed development.
 - b. Preservation of historic structures; preservation of significant features of existing buildings when such buildings are to be renovated; relation to nearby historic structures or districts including a need for height limits.

- c. Location and adequacy of off-street parking and loading provisions, including the desirability of bicycle parking.
 - d. Vehicular circulation within the development and its relation to other existing and proposed transportation facilities.
 - e. Inclusion of alleys to enhance vehicular transportation within the development.
 - f. Provision of concealed commercial loading and unloading areas adjacent to alleys to prevent loading, unloading, and trash collection along public rights of way.
 - g. Traffic generation characteristics of the proposed development in relation to street capacity.
 - h. Provision of open space to meet the requirements of the district; the location, design, landscaping and other significant characteristics of this public open space, and its relation to existing and planned public and private open space.
 - i. Multi-modal transportation facilities within the proposed development and their relation to public open space and pedestrian circulation patterns.
 - j. Architectural relationships, both formal and functional, of the proposed development to surrounding buildings, including building siting, massing, proportion, and scale.
 - k. Use of architectural details, storefront design, window openings, roof shapes, porches, and columns to balance the proportions of facades into pleasant and cohesive compositions.
 - l. Microclimate effects of proposed development, including effects on wind velocities, sun reflectance, and sun access to streets and/or existing buildings and/or public open space.
 - m. Protection of significant views and view corridors, particularly views of the Cape Charles Harbor from existing road intersections.
 - n. Relationship of on-site lighting and landscaping to other surrounding lighting and landscaping designs both public and private.
 - o. Relationship of on-site signage to architectural elements of the proposed development and relationships to nearby development.
 - p. Adherence to policies included in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.
 - q. Adherence to the intent and requirements of the Harbor District.
4. Other requirements. Issuance of a Harbor Development Certificate shall not exempt a property owner from obtaining other necessary zoning clearances and building permits as required.

J. Exemption.

Railroad activities in this district are subject to federal preemption to the extent that the activities are an integral part of the railroad's interstate operations. 49 U.S.C. 10501 (b). Therefore, "state and local permitting or pre-clearance requirements [such as building permits, zoning clearances, and site plan requirements] which, by their nature, interfere with interstate commerce by

giving the [Town of Cape Charles] the ability to delay or deny the [railroad's] right to construct facilities or conduct operations are preempted." *Borough of Riverdale v. New York Susquehanna & Western Railway Corporation*, Surface Transportation Board, Docket No. FD 33466 0, September 9, 1999.

However, environmental and other public health and safety issues and "activities and facilities not integrally related to the provision of rail service are not subject to [Surface Transportation Board] jurisdiction or subject to federal preemption." *Id.* Also, "interstate railroads ... are not exempt from certain local fire, health, safety and construction regulations and inspections." *Id.*

4810-4397-4933, v. 1

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: 2014 Boating Infrastructure Grant - Marketing		AGENDA DATE: September 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Authorize Staff to submit an application for grant funds		ITEM NUMBER: 8A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Smitty Dize	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Boating Infrastructure Grant Program is funded by the Department of Interior, Fish and Wildlife Service and managed by the Virginia Department of Health.

The Sportfishing and Boating Safety Act of 1998 (Public Law 105-178) established the Boating Infrastructure Grants Program (BIG) to provide funding to the 50 States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of Guam, American Samoa, and the U.S. Virgin Islands for the development and maintenance of boating infrastructure facilities for transient, nontrailerable recreational vessels.

Funding Opportunity Description: Recreational boating is a popular activity and there are approximately 13M registered boats in the U.S. and an estimated 600K are at least 26' long and are considered nontrailerable. The Fish and Wildlife Service expects that approximately \$5.6M will be available for BIG Tier 1 Basic Grants in FY 2014. Localities have four years to use the funds provided by the grant.

DISCUSSION:

The last two years, the Town requested and was awarded \$10K per year to assist in the development of a marketing campaign designed to attract transient boaters to the Harbor's transient slips and sanitary facilities. The Town advertised in two regional boating magazines – PropTalk and SpinSheet. The BIG monies were also used to create brochures to highlight the cultural, historic and natural wonders that Cape Charles and Northampton County has to offer. The Town's share for 2012 was \$2,700. The Town's share for 2013 is \$3,333 for 2013 and is included in this year's budget.

This funding opportunity has been announced for FY 2014 and the Town would like to apply for \$25K. \$10K would be used for another marketing campaign similar to the last two years. The additional \$15K would be used for brochures, signage at the Harbor, security cameras, life rings, fire extinguishers and safety jackets for staff.

Applications are scored on a points system and the Town will not know the amount of our match until notification of the award is received from the Commonwealth of Virginia. The maximum Federal cost share is 75% of the total allowable cost up to \$100K. In FY 2012, the Town's match was 27% and in FY 2013, the Town's match was 33%. The awards will be announced in the spring of 2014 so the Town's match can be discussed during the budget review process. If the Town receives an award, the contract will be presented to Council for review and authorization to execute. The Town match will be included in the FY 2014/2015 Harbor Fund Budget.

RECOMMENDATION:

Staff requests approval to submit the grant application for the Boating Infrastructure Grant Program Tier 1 for \$25K to be used towards a marketing and safety campaign for the Cape Charles Harbor.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Police Car Replacement Financing		AGENDA DATE: September 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Approval to submit a loan and grant application to finance replacement of 2008 police vehicle.		ITEM NUMBER: 8B
	ATTACHMENTS: Police Vehicle Payment Schedule		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Kim Coates	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Police Department is on a 5 year rotation schedule for replacement of vehicles. The last 2008 Ford Crown Victoria is scheduled for replacement in the FY 2013-2014.

DISCUSSION:

The new vehicle will be a 2014 Dodge Charger for a state contract price of \$23,236. The first annual payment will be included in the FY 2014-2015 budget; as shown in the attached vehicle payment schedule.

The Treasurer will be exploring other financing options not limited to USDA Rural Development (USDA RD).

The recommendation set forth is to apply for funding with the USDA RD to finance the cost of a new 2014 Dodge Charger police vehicle.

The submittal of the application for funding will be a loan/grant; the grant ratio for the town has decreased from 75% medium household income (MHI) to 35% grant due to the town population and income reported in the 2010 census. The USDA RD recognized the grant ratio driven by the 2010 census in March of this year.

The preliminary fixed rate is 3.125% for four (4) years with an annual payment of \$6,187.12. Notification of a successful application is estimated to be 30-60 days from submittal; at which time the Council will consider the funding options available to purchase the police vehicle.

RECOMMENDATION:

Authorize Town Manager to submit an application for loan and grant funding to the USDA RD in the amount of \$23,236 for the purchase of a new police car as described above.

Town of Cape Charles - Police Vehicle Payments

FY2014

\$ 70,663.19 Total

2010 Dodge Charger	\$ 6,440.58
2011 Dodge Charger	\$ 6,429.06
2013 Ford Explorer	\$ 3,324.00
2013 Dodge Charger	\$ 4,163.00
	<u>\$ 20,356.64</u>

FY2015

2011 Dodge Charger	\$ 6,429.06
2013 Ford Explorer	\$ 3,324.00
2013 Dodge Charger	\$ 4,163.00
2014 Dodge Charger	\$ 6,187.12
	<u>\$ 20,103.18</u>

FY2016

2013 Ford Explorer	\$ 3,324.00
2013 Dodge Charger	\$ 4,163.00
2014 Dodge Charger	\$ 6,187.12
	<u>\$ 13,674.12</u>

FY2017

2013 Ford Explorer	\$ 3,324.00
2014 Dodge Charger	\$ 6,187.12
	<u>\$ 9,511.12</u>

FY2018

2013 Ford Explorer	\$ 831.00
2014 Dodge Charger	\$ 6,187.12
	<u>\$ 7,018.12</u>

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Constitution Week Proclamation		AGENDA DATE: September 19, 2013
	SUBJECT/PROPOSAL/REQUEST: 2013 Constitution Week Proclamation		ITEM NUMBER: 8C
	ATTACHMENTS: Proclamation 20130919		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Constitution Week is an American observance to commemorate the adoption of the United States Constitution. The observance runs annually from September 17 to September 23. It was officially enacted by Public Law #915 on August 2, 1956 by President Dwight D. Eisenhower from a congressional resolution petitioned by the Daughters of the American Revolution, but it was President George W. Bush who officially declared the inception of Constitution Week in September 2002.

The purpose of the observance week is to:

1. Emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity;
2. Inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and
3. Encourage the study of the historical events which led to the adoption of the Constitution on September 17, 1787.

DISCUSSION:

Localities across the United States annually proclaim the week of September 17-23 as Constitution Week and many hold week-long celebrations to mark the anniversary of the signing America's most important document. This year marks the 226th anniversary of the actual signing of the Constitution.

RECOMMENDATION:

Adopt Proclamation 20130919 Designating September 17 – 23, 2013 as Constitution Week in the Town of Cape Charles, Virginia.

Town of Cape Charles Proclamation 20130919

Designating September 17-23, 2013 as “Constitution Week” in the Town of Cape Charles, Virginia

WHEREAS, September 17, 2013, marks the two hundred twenty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE I, Dora Sullivan, by virtue of the authority vested in me as Mayor of the Town of Cape Charles, Virginia, do hereby proclaim the week of September 17 through 23, 2013 as

Constitution Week

in the Town of Cape Charles and call upon all the citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In witness whereof, I have hereunto set my hand and caused the official seal of the Town of Cape Charles to be affixed this 19th day of September, 2013.

Mayor Dora Sullivan

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Appointment of Zoning Administrator		AGENDA DATE: September 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Appoint Zoning Administrator		ITEM NUMBER: 8D
	ATTACHMENTS: Cape Charles Zoning Ordinance Section 2.4.1		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Section 2.4.1 of the Cape Charles Zoning Ordinance states that the Town Council shall appoint a Zoning Administrator to serve under the direction of the Town Manager. Section 2.4.1 of the Zoning Ordinance outlines the Zoning Administrator's authority to enforce the Town's Ordinance and is attached for reference purposes.

DISCUSSION:

The Town Planner's duties include guiding long range land use planning and natural resource management for the Town and to implement related programs and regulations, including zoning, subdivision, erosion and sediment control, and flood plain management. The Planner serves as the staff liaison for the Historic District Review Board, the Harbor Area Review Board, Wetlands & Coastal Dune Board and the Board of Zoning Appeals. The Planner monitors changes in the state and federal law and is responsible for initiating modifications to the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance. The Planner's duties also include conferring with the Town Manager on zoning and subdivision topics and enforcing compliance with the Town's zoning, subdivision and wetland ordinances.

Robert Testerman joined the Town's staff in May 2013 as the new Town Planner.

RECOMMENDATION:

Staff recommends Council discussion and, if deemed appropriate, appointment of Town Planner Robert Testerman as the Zoning Administrator.

Section 2.4 Administration and Enforcement

Section 2.4.1 Enforcement of Ordinance, Guarantees

- A. In accordance with Section 15.2-2286 of the Code of Virginia, there is hereby created the office of Zoning Administrator. The Zoning Administrator, who may also hold another office in Town, shall be appointed by the Town Council and shall serve under the direction of the Town Manager, who will coordinate department actions and such assistance as may be required to carry out the responsibilities of this ordinance. In the event that the Town Manager is appointed to serve as Zoning Administrator, same shall serve under the direction of the Mayor.

- B. The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce the provisions of this ordinance, including:
 - 1. the ordering in writing of the remedying of any condition found in violation of this ordinance;
 - 2. the bringing of legal action, after approval by the Town Council, to ensure compliance with the provisions of this ordinance, such action to include injunction, abatement, or other appropriate action or proceedings;
 - 3. in specific cases, making findings of fact and, with the concurrence of the Town Attorney, conclusions of law regarding determinations of rights accruing under Section 2.5 of this ordinance and Section 15.2-2307 of the Code of Virginia.

- C. Pursuant to Section 15.2-2299 of the Code of Virginia, the Zoning Administrator shall have all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:
 - 1. the ordering in writing of the remedy of any noncompliance with the conditions;
 - 2. the bringing of legal action, after approval by the Town Council, to ensure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and
 - 3. requiring a guarantee, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Town Council, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits as may be appropriate.

- D. The Zoning Administrator shall respond within 20 days of a request for a decision or determination on zoning matters within the scope of his or her authority unless the requester has agreed to a longer period.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Davenport & Company, LLC		AGENDA DATE: September 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Obtain Financial Advisor Services by use of Cooperative Procurement		ITEM NUMBER: 8E
	ATTACHMENTS: Notice of Acceptance and FY 14 & Future Capital Projects		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

As a part of the annual budget preparations, the Town Manager and Treasurer met with David Rose, of Davenport and Company, LLC to discuss and evaluate the Town's debt profile and capital needs. The levels of financial advisory services provided by Davenport & Company come highly recommended by Northampton and Accomack Counties as well as the Town of Kilmarnock.

On February 28, 2013, Davenport & Company, LLC gave a presentation to the Town Council on the potential savings to the Town's debt service and preliminary capital projects.

After the review and evaluation of the Town's existing debt service and future capital needs; the potential savings opportunities were presented as follows:

1. Potential Refinance of two water and wastewater loans which are currently financed through Rural Development. The debt service savings could save the town over \$230K in debt service over the term of the loan.
2. Potential of \$1M availability for financing current and future capital projects at low interest rates.

DISCUSSION:

The Town Manager and Treasurer have evaluated the financial services provided by VML/VACO Finance; while very similar services offered by both; it is our desire to develop a relationship with Davenport & Company.

The Town will be procuring the services of Davenport & Company under the Cooperative Contract by the City of Poquoson, Virginia, dated November 9, 2009.

The next step is to authorize Davenport & Company to competitively solicit for refinancing and for current and potential capital needs to local, regional, and national banks. This process does not obligate the town to move forward nor does it cost the town.

Notice of Acceptance is attached.

Davenport will review the financing options resulting from the solicitation. A written summary and recommendation will be presented to the Town Council for consideration.

RECOMMENDATION:

To authorize the Town Manager to execute the attached Notice of Acceptance.



*Municipal Corp. of
Cape Charles*

Notice of Acceptance

September 19, 2013

Name: Davenport & Company, LLC
Address: 901 East Cary Street, Richmond, Virginia 23219
In Response To: Cooperative Contract by the City of Poquoson, Virginia
Dated November 9, 2009
To Furnish: Financial Advisor Services
Award Period: Date of this award through December 31, 2014

The above is hereby accepted at prices and terms stated in the City of Poquoson, Virginia's Cooperative Contract dated November 9, 2009 (the "Contract"). The Town of Cape Charles agrees to pay Davenport & Company on an as-needed, per project or transaction basis at the rates established through said Contract. The solicitation, Contract, and this Notice of Acceptance constitute the contract.

Davenport & Company, LLC

Heather Arcos
Town Manager

FY 2014 - FY 2018 Capital Improvement Project Planning

	FY14 town portion	FY15 projected	FY16 projected	FY17 projected	FY18 projected	Five year total 2014 - 2018
General Fund						
Cape Chas Multi-Use Trail Phase 2 - \$750k total, \$600k rev, \$150k match FY14 + 57k FY13	\$ 150,000	\$ 92,248	\$ -	\$ -	\$ -	\$ 242,248
Fishing Pier Old Section Replacement - \$310k total, \$27k match FY14	\$ 27,000	\$ -	\$ -	\$ -	\$ -	\$ 27,000
Handicap Accessibility Old Library - \$40k FY14	\$ 40,000	\$ -	\$ -	\$ -	\$ -	\$ 40,000
Sidewalk - Connect from Heritage Acres \$10k FY14	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Alley Access 200 Block Mason - \$10k	\$ -	\$ -	\$ 10,000	\$ -	\$ -	\$ 10,000
Basketball Full Court - \$30k	\$ -	\$ -	\$ 30,000	\$ -	\$ -	\$ 30,000
Closed Circuit TV Storm Drains - \$40k	\$ -	\$ -	\$ 40,000	\$ -	\$ -	\$ 40,000
Dune Crossovers - \$30k x 5	\$ -	\$ -	\$ 90,000	\$ 60,000	\$ -	\$ 150,000
Mason Avenue Streetscape Plan - \$18,250	\$ -	\$ -	\$ 18,250	\$ -	\$ -	\$ 18,250
Parking Lots Corner Pine/Randolph - \$10k	\$ -	\$ -	\$ 10,000	\$ -	\$ -	\$ 10,000
Public Works Building Site Improvements - \$18k	\$ -	\$ -	\$ 18,000	\$ -	\$ -	\$ 18,000
Sidewalk Repairs - \$30k every 2 years	\$ -	\$ -	\$ 30,000	\$ -	\$ 30,000	\$ 60,000
Tractor for Beach - \$30k	\$ -	\$ -	\$ 30,000	\$ -	\$ -	\$ 30,000
Beach Replenishment North Beach - \$120k	\$ -	\$ -	\$ -	\$ -	\$ 120,000	\$ 120,000
Doggie Park - \$15k	\$ -	\$ -	\$ -	\$ -	\$ 15,000	\$ 15,000
Jetty Improvement - \$100k	\$ -	\$ -	\$ -	\$ -	\$ 100,000	\$ 100,000
Storm Water Management - \$4mil	\$ -	\$ -	\$ -	\$ -	\$ 4,000,000	\$ 4,000,000
Sweeper for Beach - \$40k	\$ -	\$ -	\$ -	\$ -	\$ 40,000	\$ 40,000
Subtotal - General Fund	\$ 227,000	\$ 92,248	\$ 276,250	\$ 60,000	\$ 4,305,000	\$ 4,960,498
Water Fund						
Generator New Water Plant - \$45k FY14	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ 45,000
Infrastructure 2 Wells - Engineering \$60k FY14	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ 60,000
# 1 Backwash Vault Design & Construction - \$40k	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ 40,000
# 2 Infrastructure 2 Wells - Connection per GHD	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ 300,000
Backhoe - \$86k (could split Water & Wastewater)	\$ -	\$ 86,000	\$ -	\$ -	\$ -	\$ 86,000
Fence Around Water Tower - \$10k	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ 10,000
Water Plant Floor - \$20k	\$ -	\$ 20,000	\$ -	\$ -	\$ -	\$ 20,000
Subtotal - Water Fund	\$ 105,000	\$ 456,000	\$ -	\$ -	\$ -	\$ 561,000
Sewer Fund						
Pump Stations - Engineering Plum St \$30k FY14	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ 30,000
# 1 Comminutor/Grinder - \$30k	\$ -	\$ 30,000	\$ -	\$ -	\$ -	\$ 30,000
# 2 Manhole Repairs - \$1000 x 100 manholes	\$ -	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ 100,000
# 3 Pump Stations - Improvements Plum & Pine Street \$230k each	\$ -	\$ 230,000	\$ 230,000	\$ -	\$ -	\$ 460,000
Water Reuse - Waiting for price estimate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal - Sewer Fund	\$ 30,000	\$ 310,000	\$ 280,000	\$ -	\$ -	\$ 620,000
Harbor Fund						
Gator	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ 12,000
Marina Inshore Floating Slips - \$100k cost, \$75k VPA, \$25k match	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ 25,000
# 1 Breakwaters - 3 x \$800k each; Can use VPA \$500k by Jun 2014 for 1st year	\$ 300,000	\$ 800,000	\$ 800,000	\$ -	\$ -	\$ 1,900,000
Subtotal - Harbor Fund	\$ 337,000	\$ 800,000	\$ 800,000	\$ -	\$ -	\$ 1,937,000
TOTAL	\$ 699,000	\$ 1,658,248	\$ 1,356,250	\$ 60,000	\$ 4,305,000	\$ 8,078,498

- Above numbers are short-term priorities recognized within each fund