



TOWN COUNCIL

Regular Meeting

November 21, 2013

St. Charles Parish Hall

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. Eastern Shore of Virginia Tourism Commission – Carol Evans, Kelly Allison
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. PSA & Regional Wastewater Update
 - B. Former Library Building Update
 - *C. Cape Charles Multi-Use Trail, Grant Award Acceptance
8. New Business
 - *A. Zoning Ordinance § 4.1 – Sign Ordinance – Schedule Public Hearing
 - *B. Waterworks Backwash Vault
 - *C. Virginia Waterman's Memorial Easement
 - *D. Northampton County Funding Request
 - *E. Water Reuse
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - November 27, 2013 – Town Offices closing at noon for Thanksgiving Holiday
 - November 28-29, 2013 – Town Offices Closed for Thanksgiving Holiday
 - December 5, 2013 – Town Council Work Session, 6PM, Town Hall
 - December 6, 2013 – Holiday Progressive Dinner Tour
 - December 7, 2013 – Central Park Grand Illumination
 - December 19, 2013 – Town Council Regular Meeting, 6PM, St. Charles Parish Hall
 - December 20, 2013 – Town Employee Christmas Luncheon, 12PM
11. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
October 17, 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 Councilmen Godwin, Sullivan and Wendell, and Councilwoman Natali. Vice Mayor Bannon and Councilman Bennett were not in attendance. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Rob Testerman, Treasurer Kim Coates, Town Clerk Libby Hume and Mr. Michael Sterling of Vandevanter Black, LLP, as well as the majority of the Department Heads and approximately 20 members of the public.

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

RECOGNITION OF VISITORS / PRESENTATIONS

Tamsey Ellis, Candidate for the Northampton County School Board – District One

Ms. Ellis addressed the Council and audience regarding her campaign for the District One representative on the Northampton County School Board and explained that she had the time, education, experience and passion to serve on the Board. Ms. Ellis distributed cards listing her qualifications and contact information.

Paul Strong, Cape Charles Rotary Club

Mr. Strong notified the Council that the Cape Charles Rotary Club had adopted Route 184 (Stone Road) under the VDOT Adopt-a-Highway Program. The first clean-up was done on October 13, 2013. 14 volunteers spent 1.5 hours picking up trash along Route 184 which filled up his pickup truck. Several high school teenagers helped as well as several non-Rotary members. Mr. Strong went on to state that the Cape Charles Rotary Club provided services to the Town of Cape Charles and the Eastern Shore and was one of the founders of the New Roots Youth Garden. Councilman Godwin and Town Manager Heather Arcos were members. Mr. Strong concluded by distributing an informational pamphlet on the Cape Charles Rotary Club and stated that if anyone was interested in joining the Rotary, they should contact a member.

PUBLIC COMMENTS:

Deborah Bender, 300 Fulcher Street
Please see attached.

Veann Duvall, 110 Tazewell Avenue
Please see attached.

Town Clerk Libby Hume read a letter from Wayne Creed representing Old School Cape Charles, LLC, 548 Monroe Avenue. Please see attached.

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

Councilman Wendell stated that he still had an objection to the five minute limit under Mayor and Council comments since the decision was made outside of a Council meeting without a vote. Councilman Wendell added that he wanted a PSA report added to the agenda. The citizens were entitled to an update of the PSA activity over the last 60 days.

There was some discussion regarding Councilman Wendell's comments. Mayor Sullivan stated that it was brought up that the Council meetings were rambling on so the time limitation for Council comments was suggested and implemented to improve the flow and effectiveness of the meetings.

Heather Arcos stated that she would provide a brief update regarding the PSA during her report to Council.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali to approve the agenda format as presented. The motion was approved by majority vote with Councilman Wendell opposed.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the September 19, 2013 Regular Meeting, the September 25, 2013 Work Session, and the October 3, 2013 Special Meeting.

Councilwoman Natali noted a couple of typographical errors in the September 25, 2013 Work Session minutes.

Councilman Wendell commented that the minutes from the September 19, 2013 Regular Meeting still did not reflect the moving of the railroad yard east of the hump adding that this plan was significant. Councilman Sullivan stated that the relocation of the railroad yard was not a plan but a conceptual idea from Mr. Eyre Baldwin. No official word had been received from Bay Coast Railroad. Councilwoman Natali suggested that it be stated as an unofficial plan since the person making the statement was not authorized to do so by the Railroad.

Councilman Wendell went on to comment on New Business, Item E – Long Term Financing, stating that his objections to the contract not being provided to Council for review prior to the vote on whether to move forward with Davenport & Company were not included in the minutes.

Councilman Wendell continued to comment regarding Councilman Bennett's statement at the September 19th meeting that Council could self-regulate themselves and put items on the agenda. Mayor Sullivan responded that if a Council member wanted to add something to the agenda during a meeting, he/she could make it a motion and if the motion was seconded, it would be brought to a vote.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to approve the minutes from the September 19, 2013 Regular Meeting and the September 25, 2013 Work Session as amended, and the October 3, 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 September 30, 2013 which showed \$15 in the Bank of America account, \$267,452 in the Shore Bank account, \$68,486 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,499 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$776,452.

Kim Coates noted that the Bank of America checking account was closed earlier in the week. The total cash held in reserve was \$356,101. Kim Coates went on to review the Tax Collection Comparison for Fiscal Years (FY) 2013 and 2014, the revenues vs. expenditures and the capital improvement projects. Kim Coates informed Council that Northampton County was contracting out services for the IT portion of their real estate bills and the revised 2013 assessment books were dropped off on Friday, September 27th. The IT staff at Northampton County was working with the Town's database provider to upload the real estate and personal property tax files into our database. Once uploaded, the data would be verified for accuracy, necessary adjustments would be made and the bills should be mailed out by the end of October or mid-November at the latest with a December 5, 2013 due date.

Mayor Sullivan stated that she spoke with a family on Madison Avenue and let them know that disabled veterans did not have to pay taxes. They were unaware of this benefit and were very appreciative. Kim Coates responded that the tax relief application for the elderly and handicapped was available online and needed to be submitted each spring.

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

B. Planning Commission and Boards:

Town Planner Rob Testerman stated that he had one addition to the monthly report included in the Council agenda packet and reported that the Historic District Review Board (HDRB) met on October 15 and approved two applications – an addition at 309 Mason Avenue and an alteration of 219 Jefferson Avenue.

Councilman Wendell asked about the Planning Commission's work on the Historic Town Entrance Overlay District. Rob Testerman stated that several years ago, the Commissioners were working with the County Planning Commission to protect the entrance corridor into the Town. Since the County was in the process of updating their Comprehensive Plan, the current Planning Commission was reviewing the draft from 2010 to provide the Town's input regarding commercial development along Route 13. The Commissioners discussed businesses which could be detrimental and complementary to the businesses in the Town.

There was much discussion regarding the draft Historic Town Entrance Overlay District and possible future commercial development on Route 13. It was explained that the Historic Town Entrance Overlay District was not a Cape Charles ordinance, but the County's and the Town could only provide input for consideration by the County Planning Commission and Board of Supervisors.

C. Other Departmental Reports:

Town Manager:

Town Manager Heather Arcos reported the following: i) Mr. Leon Parham was assisting the Town regarding the floor plan of the former library building and providing his recommendations to ensure that the integrity of the historic building was preserved. A plan would be presented to Council for approval. The design would also be presented to the Historic District Review Board for their review; ii) The Fiscal Year 2013 audit had been scheduled for January 13-14, 2014; iii) Davenport & Company issued a Request for Proposals on behalf of the Town of Cape Charles to solicit bids for financing options to reduce the Town's debt service on existing utility bonds as well as the potential for new financing for capital projects. Davenport & Company would present the results to Council for consideration in November; and iv) Heather Arcos, Kim Coates and Dave Fauber were working on the task list of items regarding the Public Service Authority (PSA) request. Currently under review was the Annexation Agreement language, inventory of the existing businesses in the area to determine a connection fee, establishment of an estimated cost for the future expansion of the wastewater plant, and

contact with other localities and public service authorities to discuss their experiences and development of their methodologies.

Councilman Wendell criticized the Town for not including Bob Panek in the group researching and evaluating information regarding the PSA since he was very knowledgeable about the PSA and the Town's wastewater system. Heather Arcos stated that Dave Fauber was the Director of Public Utilities and was very qualified to work on this project.

Heather Arcos continued her report as follows: v) The Cape Charles Fall Festival, sponsored by the Cape Charles Business Association (CCBA), and the Eastern Shore Birding Festival, sponsored by ESVA Festivals, had good turnouts despite the weather; and vi) Ms. Kelly Allison was the new Executive Director of the Eastern Shore of Virginia Tourism Commission and would be formally introduced to Council at the November meeting. The LOVE works, funded by the CCBA, was placed at the corner of Mason and Bay Avenues for a week.

Councilman Wendell asked about preliminary figures regarding the PSA. Heather Arcos responded that she did not have anything additional to report regarding the PSA at this time.

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 regarding the Cape Charles Community Trail – Phase 2 as follows: i) Land Studio completed the test holes to locate 26 utility components along Peach Street and Washington Avenue and the information was being incorporated into the design documents; ii) Land Studio notified VDOT of the beach erosion at the northern terminus of the concrete boardwalk where Phase 2 would connect. An extension of the existing rock revetment over the storm drain outfall was being incorporated into the design documents; iii) The project cost estimate of \$1.4M would be updated when the design changes were completed. The amount was likely to increase due to the erosion issue; and iv) The current schedule anticipated 100% design/Bid documents in November, VDOT approval in January 2014, bidding in February, contract award in March, and beginning of construction in April.

Councilman Wendell asked the amount of the 20% Town match. Bob Panek responded that the Town's match would be \$280K on a \$1.4M project.

B. *NEA Our Town Project Update:*

Bob Panek updated the Council regarding the Our Town Project as follows: i) \$26,450 was allocated for the implementation of a tourism website and a marketing campaign. The website, www.capecharlesbythebay.com, was operational and the print and social media marketing campaign was in place including advertisements in the next issues of the Virginia and Eastern Shore tourism guides. A plan was being developed to sustain the website and marketing campaign and to transition it from the Our Town Project to another organization. A recommendation would be provided to Council at a future work session; ii) A \$22K contract amendment was executed with Land Studio for the "Arts Walk" planning efforts. A steering committee of residents, business owners and the CCBA worked with the consultants to formulate proposals to link existing performance spaces and create additional spaces. The proposals were reviewed at an October 2 public meeting and included a way finding system with a signature arts piece and Town map at several locations, improvements on Strawberry Street and the south side of Mason Avenue including reuse of the former grocery store property, art displays around the trail in Central Park, and development of a beach front performance venue. The steering committee would prioritize the proposals and the recommendations would be presented to Council. If approved, the Cape Charles Master Trail Plan would be modified; and iii) Arts Enter reviewed the very successful Harbor for the Arts Festival and would likely

plan next summer's festival over a longer period with events concentrated around weekends. Just under half of the NEA grant funds were spent.

C. *Zoning Ordinance Section 3.9 – Harbor Density:*

Rob Testerman stated that the Harbor District Zoning Ordinance issue was tabled last month and no additional changes had been made to the proposed ordinance since the September meeting. At the September Council meeting, it was mentioned that proposed maximum Floor Area Ratios (FARs) for the Harbor District were possibly too low. Rob Testerman went on to state that for comparison, he looked at the existing commercial district on the north side of Mason Avenue and determined, as a whole, the district had a FAR of approximately 1.1, however, looking at individual buildings showed a wide range of FARs from 0.3 for Shore Treasures to 4.0 for the Wilson Building. Gull Hummock's building was 1.9 and Brown Dog's building was .8 or .9. Council had also discussed the possibility of extending the roads to give access to the Harbor without having to drive over the hump, but Rob Testerman stated that he did not think that language could be put into the ordinance requiring a developer to install a new road. This could possibly be negotiated as part of a conditional use permit. The proposed ordinance contained language keeping the viewsheds intact which could create a valuable pedestrian friendly area that would be better served to not have roads extending through it. Council could approve the proposed modifications as written, or approve the ordinance with changes that would make the ordinance less restrictive than what was advertised for the public hearing. Should Council wish to make the ordinance more restrictive, new public hearings would have to be held.

Councilman Wendell expressed his concern that if the FAR was made less restrictive, the Town would lose the leverage to negotiate under a conditional use permit for vehicular access to the Harbor. Last month, Councilman Bennett expressed his opinion that the FAR numbers were too restrictive. Councilman Wendell continued to state his concern that the south side of Mason Avenue would not reflect the development on the north side of Mason Avenue and added that more research was needed, especially with the relocation of the railroad to the east side. The Town was leaning so far for the developers that there was no leverage left for the citizens. Rob Testerman stated that the FAR numbers were intended to mirror the north side of Mason Avenue. Heather Arcos added that the Planning Commission had been working on this issue and researching information for several years.

There was some further discussion regarding FAR, the railroad and railway traffic. Councilman Wendell suggested adding language in the Zoning Ordinance requiring a developer to construct an access road for vehicular traffic from Mason Avenue to the Harbor. Councilman Sullivan stated that it would not be appropriate in the Zoning Ordinance and added that the railroad property was not public property. If the conceptual plan regarding the railroad would reach fruition, it would take several years and so far, nothing had been discussed with Bay Coast Railroad. Councilman Wendell suggested waiting on adopting the FAR language until a building permit was issued for property in the Harbor District. Rob Testerman stated that the ordinance needed to be in place prior to an application coming in.

Motion made by Councilwoman Natali, seconded by Councilman Godwin, to approve the proposed modifications to Zoning Ordinance § 3.9 – Harbor District as presented with the exception of the Floor Area Ratio maximums which would be changed to set the maximum FAR of 1.5 by right for the Mainstreet Mixed Use area with a FAR of 2.0 by conditional use, and the maximum FAR of 1.75 by right for other areas in the Harbor District with a FAR of 2.0 by conditional use. Staff would work with the Planning Commission regarding identifying the FAR for the buildings on the north side of Mason Avenue to see if the numbers were compatible. If needed, the FAR numbers could be adjusted in the future. The motion was approved by majority vote with Councilman Wendell opposed.

D. *Waste Collection Services Contract Award:*

Heather Arcos stated that the Request for Proposal for Waste Collection and Disposal Services closed on August 30, 2013 and one bid was received from Davis Disposal Co, Inc. Davis Disposal was the current service provider with a contract expiration of October 31, 2013. The proposal included the following terms: i) The residential account reflected an increase of 18¢ effective November 1, 2013. The monthly cost for pick up would be \$12.75 per account. The current fee charged to residents was \$12.57 effective July 1, 2013. The increase of \$1,584 in the Sanitation Fund would be covered by the positive fund balance and the cost would be evaluated during the budget process. The proposal also provided the cost for service for the next three years with the cost increasing to \$13.50 for the second and third year, and increasing to \$13.85 for the fourth year; ii) The food service accounts would continue to be billed per business according to container size and dumping frequency; iii) Curbside recycling would be \$5 per month per household or business with pick up every other week. The service would be based on the same number of residential accounts for waste collection so would be mandatory. Acceptable items would be paper and cardboard products, plastics marked with #1 or #2, and electronics with cords removed and no larger than 20 lbs. Glass would not be accepted. This option was not part of the staff recommendation at this time; and iv) The contract would be for one year with the option of three annual extensions. Mr. Mike Davis offered to work with the Town if a site could be located for a central recycling station.

Mayor Sullivan stated that another company provided recycling services for Accomack and Northampton Counties and suggested staff contact them regarding costs, etc.

Heather Arcos added that there was a continuing concern with commercial pickup in the 200 block of Mason Avenue. The issue was being reviewed and information would be provided to Council at the November meeting.

Motion made by Councilman Godwin, seconded by Councilman Sullivan, to authorize the Town Manager to execute the contract with Davis Disposal Co., Inc. for waste collection and disposal services, not including curbside recycling. The motion was approved by unanimous vote.

NEW BUSINESS:

A. *Notice of Appeal – Historic District Review Board:*

Heather Arcos stated that Old School Cape Charles (OSCC) filed a “Notice of Appeal of the Certificate of Appropriateness for School Project” to the Town Council on September 19, 2013. Per § 8.34 of the Cape Charles Zoning Ordinance, “An appeal from a decision of the property in question or by any party aggrieved by said decision, which shall be taken within thirty days after the decision appeals by filing with the Administrator a notice of appeal specifying the grounds thereof.” The Zoning Administrator and the Town Manager reviewed the notice of appeal and recommended rejection of the appeal based on the following facts: i) OSCC’s reasons for appeal were not grounds for an appeal. The approval of the five items reviewed by the Historic District Review Board (HDRB) fulfilled the requirements. The Department of Historic Resources approval process was not in the purview of the HDRB; ii) The appeal was procedurally deficient as its Notice of Appeal was directed to the Town Council rather than the Zoning Administrator as required in § 8.34 of the Zoning Ordinance; iii) OSCC was a Virginia Limited Liability Company, not a landowner; iv) OSCC did not own the former school property, nor any property in the Town. Virginia State Code § 15.2-2306 (A)(3) defined an “aggrieved party” and OSCC must own property within or in close proximity to the subject property, serving to establish a “direct, immediate, pecuniary and substantial interest in the decision;” and v) OSCC must demonstrate a “particularized harm to some person or property, right, legal or equitable, or imposition of a burden or obligation upon the petitioner different from that suffered by the public generally.” OSCC did not meet the requirements to challenge a decision by the HDRB since it did not own property in the Town, and did not have contractual rights or financial obligations with regards to the former school building. Therefore, OSCC failed to

attain the aggrieved party status. Unless Council decided to override the staff recommendation, the next step would be to respond to OSCC in writing explaining the rejection of the appeal.

Councilman Wendell stated that there were plenty of people aggrieved by the Council's decision based on the public comments from citizens expressing their concern and asking for their due process. Heather Arcos stated that during the review of the appeal, consideration was given to the definition of "aggrieved party" and the three lawsuits. The Ordinance was followed and it was determined that there were no grounds for an appeal.

There was much discussion regarding the parking lot, landscaping and the location of the front of the building.

Motion made by Councilman Wendell to override the staff recommendation to reject the Notice of Appeal from Old School Cape Charles. The motion failed for lack of a second.

There was no further discussion regarding this agenda item.

B. *Fuel Services Contract Extension/Provider Name Change:*

Heather Arcos stated that on November 8, 2010, the Town Council awarded the fuel services contract, effective December 1, 2010, to Bagwell Gas & Oil for all fuel services to the Town. The contract was for one year with the option to renew for three additional years. This would be the third and final extension under this contract. The current contract would expire at midnight on November 30, 2013 and staff would like to exercise the right to renew the contract at current fuel prices with no increase for another year. Heather Arcos went on to state that in August 2013, the Town received notification that Bagwell Gas & Oil had merged into Pep-Up, Inc., a full service petroleum distributor serving a territory from the Chesapeake Bay Bridge at Annapolis, MD to Kiptopeke, including all of Accomack and Northampton Counties. Pep-Up was operating out of the same offices as Bagwell Gas & Oil in Belle Haven and Onancock and had retained all the former employees.

Motion made by Councilman Sullivan, seconded by Councilman Godwin, to authorize the Town Manager to execute a one-year contract extension with Pep-Up, Inc. to provide fuel services to the Town. The motion was approved by unanimous consent.

C. *Virginia Local Disability Program:*

Kim Coates informed Council that the 2012 Virginia General Assembly created the Virginia Local Disability Program (VLDP) through the Virginia Retirement System (VRS) for political subdivision and school division employees who would be covered under the VRS Hybrid Retirement Plan effective January 1, 2014. VLDP provided short and long term disability coverage to employees. Coverage for employees was automatic under VLDP unless a governing body elected to opt out by December 2, 2013 and provide a comparable employer-paid program. The election to remain or opt out of VLDP was irrevocable. VLDP currently had the highest rates of all available programs and offered the shortest rate guarantee period of only six months. Many localities were opting to participate in alternate programs through the Virginia Municipal League (VML) or other companies which offered options allowing localities the flexibility of moving between plans in the future and all offered lower rates and longer rate guarantees than VLDP. The Town currently offered short-term disability to all full-time employees through another company but the VML Insurance Programs offered a significantly lower rate with added benefits. At this time, staff felt that the VML Insurance Program Option 1 was the best option for the Town. Kim Coates concluded by stating that a resolution had to be adopted to opt out of VLDP in order to move forward with enrolling in VML Insurance Programs Option 1.

Motion made by Councilman Godwin, seconded by Councilwoman Natali, to adopt Resolution 20131017 - Irrevocable Election Not to Participate in Virginia Local Disability Program.

Mayor Sullivan moved for adoption of Resolution 20131017 as noticed and forewent reading of the Resolution. The motion was approved by unanimous roll call vote. Roll call vote: Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.

D. National Friends of Libraries Week Proclamation:

Heather Arcos stated that October 20-26, 2013 was the eighth annual National Friends of Libraries Week. Staff recommended Council review and approve Proclamation 20131017 to recognize the Friends of the Cape Charles Memorial Library during National Friends of Libraries Week.

Motion made by Councilman Godwin, seconded by Councilman Wendell, to appoint Rob Testerman as the Zoning Administrator. Mayor Sullivan moved to adopt Proclamation 20131017 as noticed and forewent reading of the Proclamation. The motion was approved by unanimous roll call vote. Roll call vote: Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.

E. Fishing Pier – Permanent Repairs:

Heather Arcos stated that in 2012, the old section of the pier was damaged during Hurricane Sandy and was closed to the public until the structure was repaired, inspected and deemed safe. On December 6, 2012, representatives from FEMA and the Virginia department of Emergency Management inspected the damage and declared that the pier would qualify for a Public Assistance Grant. The Town had originally requested that the pier be moved to another location but FEMA determined that the available funding would not replace or repair the damaged structure except in the same footprint as the original. FEMA allocated \$288,300 with a Town match of \$21,700 for a total estimated project of \$310K. The Town match was included in the FY 2013-2014 budget. The pier would be closed during construction and staff was hopeful to have the repairs completed in order for the pier to reopen by May 2014.

There was some discussion regarding the possibility of expanding a section of the pier to add seating and to hold events, etc. Heather Arcos stated that the Town would put the project out for bids and would ask for bid options such as a large platform area for events.

The possibility of a Design Build bidding process was also discussed. Heather Arcos stated that she was not sure whether a Design Build could be done for this project since the pier already existed, but would check into the possibility.

Motion made by Councilman Godwin, seconded by Councilman Sullivan, to authorize the Town Manager to move the fishing pier project forward to design and put out to bid in order to have the pier reopened by spring 2014. The motion was approved by unanimous consent.

F. Virginia Local Government Insurance Association:

Kim Coates stated that VML Insurance Programs had developed, through Lincoln Financial Group, a disability program as an alternative to the VLDP. In order to take advantage of the programs, the Town must join a joint powers association called the Virginia Local Government Insurance Association (VLGIA) by adoption of an ordinance.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to adopt Ordinance 20131017- Approving Joint Powers Association Agreement and the Virginia Local Government Insurance Association Joint Powers Agreement. The motion was approved by unanimous roll call vote. Roll call vote: Godwin, yes; Natali, yes; Sullivan, yes; Wendell, yes.

MAYOR AND COUNCIL COMMENTS

Mayor Sullivan and Councilmen Godwin and Sullivan stated that they did not have any comments at this time.

Councilwoman Natali stated that she would be out of the country from November 6 through November 19.

Councilman Wendell commented on the following: i) He did not agree that Council went through the proper channels to enforce time limits for the Mayor and Council comment period; ii) The issue with the school arose when people wanted Council to slow down and consider their opinion regarding the school. Council sped up the process with a lame duck vote. He proceeded to read an excerpt from the Eastern Shore News from October 8th regarding the Mary Nottingham Smith Center. He went on to mention the Onancock Community Arts Center which was leased from the Town for 40 years and added that the lease was written by Ms. Cela Burge, former Cape Charles Town Manager, the same lease that Old School Cape Charles (OSCC) submitted to the Town for the former school building; iii) He was still waiting to review the Poquoson contract for financial advisory services; iv) He showed a rendering of the former school building and asked the Town Manager what was considered the front of the building and went on to state that the Historic District ordinance did not allow a parking lot in front of a building. He continued to state that the Town should be ashamed that it had spent more in legal fees than in repair costs for the former school building. The Town could not fix windows in the building but could pay to push the deal through for Echelon. The Council prevented OSCC from having their hearing. The Town chose a course to benefit a developer to take historic and recreational facilities from the citizens. The Sea Glass event was held in the Cape Charles Volunteer Fire Department when the former school building was the largest indoor space in the Town. It could have been used for the Crabby Blues Festival and other events. There was inclement weather last weekend for the Cape Charles Fall Festival. The festival could have been held in the school. At this point, Councilman Wendell was informed that his five minutes were exhausted.

ANNOUNCEMENTS

- October 25, 2013 – Movie in Central Park, 6:30 PM
- October 26, 2013 - Trunk or Treat, Pumpkin Carving & Haunted Harbor
- October 30, 2013 – Town Council touring the Chesapeake Bay Bridge Tunnel, 9:00 AM
- October 31, 2013 – Trick or Treating
- November 7, 2013 – Town Council Work Session, 6:00 PM, Town Hall
- November 11, 2013 – Town Offices closed in observance of Veterans' Day & American Legion's Veterans' Memorial Service
- November 21, 2013 – Town Council Regular Meeting, 6:00 PM, St. Charles Parish Hall

Motion made by Councilwoman Natali, seconded by Councilman Godwin, 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
October 17, 2013

Deborah Bender, 300 Fulcher Street

Old School Cape Charles filed a Notice of Appeal of the Historic District Review Board decision of August 20 to provide a Certificate of Appropriateness to allow Charon Ventures to begin work on the historic school in Central Park. The appeal was given to the clerk in a timely manner to be handled according to town code. Town staff has taken it upon themselves to make legal determinations about standing and who is an aggrieved party in this matter. That is not their job.

Town Code Section 8.15 says, "In all cases the decisions of the Zoning Administrator may be appealed to the Historic District Review Board, the decisions of the Historic District Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Circuit Court of Northampton County."

Section 8.34 says about appeals, "An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved by said decision ..."

Old School Cape Charles is aggrieved by the decision to grant a Certificate of Appropriateness for this property in what appears to be an effort by the developer and town staff to truncate the discussion of the Historic District Guidelines that advise the Historic District Review Board. That was obvious to those who attended the August 20 Board meeting where the vote was taken to approve the items requested by the developer and ignore other concerns raised by members of the Board.

Old School Cape Charles has two appeals actively under consideration by the Virginia Supreme Court. If we did not have an interest in this important town property, we would not have taken the matter to court.

We respectfully request that Town Council hear our appeal according to the requirements of town code.

Veann Duvall, 110 Tazewell Avenue

Old School Cape Charles is an organization made up of residents of Cape Charles. In accordance with Town Code, we entered a Notice of Appeal of the Historic District Review Board decision of August 20 to provide a Certificate of Appropriateness to allow Charon Ventures to begin work on the historic school in Central Park. The appeal was given to the clerk in a timely manner to be handled appropriately.

Town staff is not authorized to make legal judgments about the nature of our standing in the eyes of the law.

We are residents and homeowners in Cape Charles. Some of us live very close to the old school building. Almost all of us live or own property in the Historic District. As individuals and as a group, we are aggrieved by the action of providing a Certificate of Appropriateness to Charon Ventures without taking into consideration the full requirements of the Historic District Guidelines.

We have asked for a hearing in order to put forth our arguments for why the Historic District Review Board erred in giving a Certificate of Appropriateness to the developer. Please over rule the decision of the Town staff so that we can have our hearing as provided for in Town Code.

Wayne Creed, Old School Cape Charles, LLC, 548 Monroe Avenue

This letter is to request that Town Council reject the recommendation of its staff in regards to Old School Cape Charles' appeal of the Historic Review Board decision. It is apparent that the Town staff is falling back on legal precedents that do not exist attempting to act as a legal authority is outside their scope and purview; this should only take place in a court of law.

Certainly, regarding whether OSCC is required to be a landowner in order to appeal this decision is outside the scope and purview of this Council. The Town's own zoning code does not say that an aggrieved party must own the property in question. Town Code says, "An appeal from a decision of the Historic District Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved by said decision, ..."

Old School Cape Charles is indeed an interested and aggrieved party having brought two appeals of a lower court decision regarding the property in question to the Virginia Supreme Court. OSCC also meets the legal definitions provided below:

An individual [organization] who is entitled to commence a lawsuit against another because his or her legal rights have been violated.

Looking to historical precedent in Cape Charles, the civic organization Old School Cape Charles has as much right to involve itself with the decisions about the old school as the Citizens for Central Park had the right to involve itself with determining the style of bathroom in the park.

That said, Old School Cape Charles requests that it be granted time to present its case to the Town Council for a decision about the validity of the Certificate of Appropriateness provided by the zoning administrator in the name of the Historic District Review Board.

There was even disagreement within the Historic District Review Board as to whether the five items requested by the developer should be approved while leaving issues regarding the Historic District Guidelines unconsidered and requested material not received from the developer. The numerous inconsistencies found with the awarding of the Certificate of Appropriateness, lends itself to a much more introspective analysis.

Old School Cape Charles has requested a hearing on its concerns about the approval of a Certificate of Appropriateness for this property. Now is not the time to bring all the merits of the appeal forward. That is the reason for the appeal process.

Old School Cape Charles looks forward to presenting a full explanation of its reasons for its appeal to you at a hearing before Town Council.



**TOWN COUNCIL
Special Meeting
Town Hall
November 14, 2013
6:00 P.M.**

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Special Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Godwin, Sullivan and Wendell. Councilman Bennett and Councilwoman Natali were not in attendance. Also in attendance were Town Manager Heather Arcos, Treasurer Kim Coates, Harbor Master Smitty Dize, Sergeant Jim Pruitt and Town Clerk Libby Hume as well as three members of the public.

PUBLIC COMMENTS:

There were no public comments to be heard. Town Clerk Libby Hume read a letter which was submitted via email.

Jack Forgosh, 307-309 Randolph Avenue

I just learned of the municipality's intention to refinance our loan based upon the recommendation of David Rose at Davenport & Company.

I am a seasonal resident of Cape Charles and I hope to become a full time resident in a few more years.

While I am not privy to all of the details of our financing, I can tell you with a very high level of confidence that the fixed rate available to the Council and our residents is at historic lows. I understand the appeal of lowering monthly payments by extending the duration of this loan, however, the risks of a rate increase after ten years outweighs the short term savings on our principal and interest payments.

The primary saving is not the difference between a 2.65% rate and a 3.1% rate but rather from the extension of the loan from 15 year loan via sun trust to a 20 year loan via PNC. The probability that loan rates (unless there are provisions written into the loan doc) will be higher than the 2.65% is probability approaching 100%. There is also a reasonably high probability that interest rates for this loan, ten years from now, could easily be reset in the 6% to 10% range. Nobody truly knows where rates will be, ten years from now; however, this council has the opportunity eliminate the debt of Cape Charles at these historic low rates.

A variable rate loan should not be considered. It is reckless and irresponsible and whoever we are paying to advising us is putting this town's finances and budget at risk. There must be another solution if a 15 yr. fixed rate bond does not generate enough new funds needed for infrastructure investments. Refinancing is the right move. Investing in infrastructure is also needed for growth; however, committing to a variable rate bond should be taken off the table.

Please explore additional fixed rate financing options. A variable rate loan in what could prove to be a rising interest rate environment could prove to be disastrous for our town and its residents.

There were no additional written comments submitted prior to the meeting.

ORDER OF BUSINESS:

A. *Davenport & Company – Review of Financing Options:*

Town Manager Heather Arcos introduced Mr. David Rose from Davenport & Company and Mr. Kevin White, Bond Counsel from Kaufman & Canoles.

Mr. Rose began by responding to Mr. Forgosh's comment regarding extending the duration of the loan and stated that in actuality, the term of the existing loans were being shortened, not lengthened. Mr. Rose went on to state that his presentation to Council in August discussed financing up to \$1M in potential capital projects and primarily \$700 of the new money would be tied to the Enterprise Fund for water and sewer and \$300K to the General Fund. Decisions made tonight would not bind the Town to borrow \$1M. Based on the new money needs and the potential refinancing opportunity, Mr. Rose recommended that the Town pursue two potential financing scenarios via a competitive Bank Request for Proposal (RFP) process – i) the potential refinancing on its own; and ii) a strategic layering of the new money needs around the potential refinancing. The goal was to have a minimal impact to the General or Enterprise Funds. This would give the Town the flexibility to move forward with both the potential refinancing and the new money needs, with either one or the other, or neither. On October 15, 2013, Davenport distributed an RFP for the potential financing to local, regional and national banking institutions. Going into the RFP process, Town staff worked with Davenport to identify the following goals and objectives: i) Take advantage of this historically, low interest rate environment and lock-in interest saving; ii) Achieve debt service savings of at least \$200K or 3.0% Present Value which was the industry standard for a successful refinancing; iii) Obtain separate bids on approximately \$1M to finance the Town's new money needs; and iv) With firm proposals in hand, demonstrate what the cash flow impact of the potential refinancing and new money would be to the Town's Enterprise and General Funds. The key focus was how the Town could both maximize debt service savings from the potential refinancing while minimizing the cash flow impact of the new money needs. The RFP was sent to a couple of dozen institutions and three proposals were received from PNC Bank, N.A., SunTrust Institutional & Government, and Towne Bank. The two leading proposals were as follows: i) PNC proposed a 2.65% interest rate with a 10-year rate reset for a total term of 20 years with no prepayment penalties; and ii) SunTrust proposed a 3.10% 15-year fixed rate with no prepayment penalties. Based upon the combination of the goals and objectives, Mr. Rose stated that Davenport recommended PNC Bank for the refinancing, and, if desired, the new money as well. Mr. Rose stated that Davenport's recommendation was the PNC proposal and reviewed the Summary of Refinancing Results for the PNC Proposal which showed a known savings of \$231K. The Summary of New Money Results for the PNC Proposal was also reviewed briefly.

Councilman Wendell asked how the rate could be locked in when the recommendation was for a variable rate. Mr. Rose explained that the recommendation was not for a variable rate and added that the rate would be reset in 10 years. It was impossible to predict what the rate would be in 10 years, but if the 2.65% rate were to double in 10 years, the Town would still be saving approximately \$150K. The refinancing and new money would allow the Town to move forward with the Capital Projects without having to increase utility rates for the users.

Mr. Rose distributed a handout depicting the figures for refinancing and new money from SunTrust and added that if the Town did not need new money, the SunTrust proposal would have been recommended. This was a shorter term at 3.10% fixed rate with no reset which would save the Town about \$292K over the term of the loan. The savings were back-ended. The Town would pay about \$1,750 more per year for the first ten years before seeing any savings in debt service. In looking at the numbers, since the Town did need new money, Mr. Rose stated that he recommended the proposal from PNC where the Town would benefit from the inception of the loan(s). Mr. Rose continued to state that Davenport was paid the same amount with either option. If Council decided to move forward with the new money at around

the same time as the refinancing, only one fee would be charged. The total fee of \$37,500 was factored into the figures being reviewed this evening.

Councilman Wendell stated that the new money needs had not been discussed enough by Council in developing the "wish list" and went on to ask how the Town would be affected if the new money needs were cut in half. Mr. Rose stated that the debt service would be less if the new money needs were cut in half and added that the Town did not need to borrow \$1M. The proposals would give the Town the option to borrow up to \$1M and he would work with Council over the next several months to determine how much was needed initially. Council did not have to decide which projects to move forward with at this time. The banks just needed to know the amounts. If the Town borrowed \$700K now and found that it did not need the entire amount, it could pay back the excess money with no prepayment penalty. Mr. Rose stated that the Town would borrow money with reasonable expectations to spend it within three years. 85% of the money borrowed needed to be used within a three-year period.

Heather Arcos stated that the Capital Improvement Projects spreadsheet was based on priorities discussed previously and some of the items had been on the list for a number of years, such as the pump stations, manholes, and connection of wells. These were infrastructure projects that the Town needed. The Town needed to plan for items which were necessary to reduce the impact to the users.

Councilman Wendell reiterated his concern that the capital projects needed more discussion and suggested the manholes be done 10-20 at a time vs. all 100. There needed to be more discussion regarding the breakwaters at the Harbor as well and he did not see them as a priority at this time. Councilman Wendell brought up Davenport's recommendation from February for a 19-year fixed rate which showed a guaranteed savings of \$231K. Mr. Rose explained that the information and figures provided in February were estimates of what the Town could do, but that a recommendation was not made since no proposals were received at the time. The numbers reviewed tonight showed the known savings since we now had the rates and proposals.

There was much discussion regarding the Capital Improvement Project spreadsheet and the proposals from PNC and SunTrust.

Councilman Wendell asked about the total indebtedness of the Town. Treasurer Kim Coates stated that she did not have the total amount but listed the debt service for FY 2014 as follows: i) \$1,579,300 for the 1992 FHA General Obligation Bond for the Water System; ii) \$62,500 for the 2003 FHA General Obligation Bond for the Sewer; iii) \$1,795,000 for the 2006B VML/VaCo General Obligation Bond for public improvements; iv) \$5,151,627 for the 2010C General Obligation & Revenue Bond from the Virginia Resources Authority; v) \$2,120,000 from VML/VaCo; and vi) \$500,000 for the 2010F General Obligation Bond from VML/VaCo. The Town also had loans for the police vehicles. Mr. Rose stated that as of June 30, 2012, the Town's total indebtedness appeared to be about \$10M. Heather Arcos added that \$5M of that was for the wastewater treatment plant.

Councilman Godwin stated that he didn't see anything wrong with the recommendation and suggested moving forward.

Councilman Sullivan agreed but added that he did not disagree with Councilman Wendell's concerns regarding the capital projects and the priorities. Councilman Sullivan continued to state that the capital projects would have to be done over the next several years and if the Town waited to borrow the money until that time, the prosed rates probably would not be available and the project costs would most likely be higher. The Town would have to increase the rates to pay for the project. By refinancing existing debt and borrowing new money as proposed, the Town could take care of the capital projects and not increase the annual debt service.

Heather Arcos stated that the amounts shown for the various capital projects were estimated through previous preliminary engineering reports. Better costs would be obtained when the projects were put out to bid. The Town was permitted for three additional sections of breakwater for the Harbor and had \$500K from the Virginia Port Authority (VPA) Grant for the Harbor breakwater but was unable to construct the next section due to lack of funding for the match. This loan was the Town's opportunity to complete the next section of the breakwater to better protect the Harbor and promote economic development in the Harbor area. In regards to the Cape Charles Trail project, \$150K was included in this year's budget and another \$150K would be included in next year's budget for the Town's match for the next phase of the trail. Borrowing the \$300K for the match would reduce the need to budget the additional \$150K in FY 2015.

Vice Mayor Bannon stated that in the past, the Town put off all maintenance and construction on its infrastructure and became a disaster. The Town had improved significantly over the past 10 years and was now moving forward. He did not want to go back to years past by again putting off the capital projects that Council knew were necessary. Mr. Rose added that the bottom line was to increase rates and taxes to pay for \$700K of infrastructure or borrow the money to complete the projects without having to increase rates and taxes. Davenport looked at the overall big picture to make the recommendation being presented.

Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to move forward with the refinancing and schedule the public hearing for the new loan through PNC Bank.

Councilman Wendell stated that Council had not spent enough time reviewing and discussing the capital improvements projects and added that a work session was needed. The Town just raised the tax rate this year although the property assessments had decreased. The Town also had the largest increase in utility rates this year. Council was spending other people's money and needed to keep that in mind. The breakwater project was not an immediate need vs. the sewer pumps. There was a lot of information on the table tonight that was provided for the first time. The Poquoson contract was just provided but voted for in September without anyone reviewing it. Another work session was needed before moving forward to see how much money was needed.

Councilman Godwin asked Mr. Rose how long the proposed rates were good. Mr. Rose responded that the rates and structure for the refinancing were good until December 10 and about December 19 for the new money.

Heather Arcos stated that a work session was scheduled following the public hearing on December 5 where Council could review the list of capital improvement projects to identify the priorities.

Mr. Rose stated that it seemed that all agreed that the refinancing made sense. Council could further discuss the new money on December 5 before making a decision. Mr. Kevin White added that the public hearing notice could state that the Town would be borrowing up to \$1M. After the December 5 meeting, if Council decided that less money was needed, there would be no problem to borrow a lesser amount.

Libby Hume informed Council that Councilman Bennett sent his apologies for not being in attendance this evening but he was tied up at work and unable to leave. He wanted to let Council know that he was in favor of moving forward with the refinancing and with scheduling a public hearing. Councilwoman Natali was out of the country but sent an email stating that she was in favor of moving forward with the refinancing.

Mr. White reviewed the basics of the Resolution for the refinancing. Mayor Sullivan read paragraph 3 of the resolution.

Councilman Wendell asked why the resolution wasn't included in the original agenda packet for this meeting. Heather Arcos stated that the resolution was just received and the packets had already been distributed last week and added that if Council preferred, the decision on the refinancing could wait until December 5 as well.

Councilman Sullivan stated that this resolution was for the refinancing only and did not obligate the Town to any new money and added that he had no problem with moving forward in adopting this resolution tonight and setting a public hearing for the new money.

Councilman Wendell expressed his concern regarding the commitment to PNC for the refinancing before Council had discussed and prioritized the projects. Councilman Sullivan stated that the projects had been on the table for years but Council had not discussed the prioritization because there was no money to move forward with any of the projects until now.

Mayor Sullivan moved for adoption of Resolution #20131114 - Resolution of the Town Council of the Town of Cape Charles, Virginia, Authorizing the Issuance of a General Obligation Refunding Bond in a Principal Amount Not to Exceed \$1,215,000, and Providing for the Form and Details Thereof as noticed, forewent reading of the Resolution and called for a vote on the motion to move forward with the refinancing through PNC Bank. The motion was approved by majority vote. Roll call vote: Bannon, yes; Godwin, yes; Sullivan, yes; Wendell, no.

Mayor Sullivan called for a vote on the motion to schedule a public hearing for the new loan with PNC Bank. The motion was approved by majority vote. Roll call vote: Bannon, yes; Godwin, yes; Sullivan, yes; Wendell, no.

B. Historic District Review Board Vacancy:

Heather Arcos stated that Mr. Theodore Warner tendered his resignation from the Historic District Review Board (HDRB). Zoning Ordinance Section 8.9-Historic District Review Board Qualifications and Article 2-2 of the Historic District Review Board By-Laws state "members of the Historic District Review Board shall have demonstrated interest and knowledge in the historical and architectural development of the Town and when possible be a licensed architect or engineer, planning commission member, or licensed building contractor." At the November 5 Planning Commission meeting, the Commission discussed the vacancy along with the HDRB By-Laws and voted to nominate Ms. Sandra Salopek to be considered to serve as the Planning Commission representative on the HDRB. Staff was in agreement with the Planning Commission and recommended appointing Ms. Sandra Salopek as the Planning Commission representative on the HDRB.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to appoint Ms. Sandra Salopek as the Planning Commission representative to the Historic District Review Board.

Councilman Wendell stated that in the past, Council interviewed interested applicants to fill vacancies. Heather Arcos responded that the HDRB By-Laws recommended a Planning Commissioner on the Board. The Planning Commission discussed the issue and felt that it would be beneficial to have a Commissioner on the HDRB. At this time, there was one application from an interested citizen and if Council preferred, staff could advertise the vacancy and schedule interviews to fill this position on the Board.

Vice Mayor Bannon stated that the Planning Commission and other Boards included members from the Town Council and Planning Commission and he thought the HDRB did as well. Vice

Mayor Bannon continued to state that he felt that it would be beneficial to have a Planning Commission representative on the HDRB.

Councilman Wendell added that he felt that all members of the HDRB should be residents of the Historic District. Libby Hume responded that the HDRB By-Laws were recently revised and approved in September 2013. The By-Laws stated that at least three of the five members of the HDRB be residents of the Historic District. The draft By-Laws were provided to the Town Council for their review and comments. All of Council's concerns were addressed prior to approval. There was no mention about changing the membership requirement to mandate that all members live in the Historic District.

Mayor Sullivan called for a vote on the motion. The motion was approved by majority vote with Councilman Wendell opposed.

Motion made by Vice Mayor Bannon, seconded by Councilman Wendell, to adjourn the Town Council Special Meeting. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk

DRAFT

Planning Commission Report for Town Council

From: Rob Testerman
To: Town Council
Date: November 8, 2013
Subject: Report for Planning Department

Planning Commission Meeting – November 5

1. The Planning Commission held its regular meeting on November 5, 2013
 - a. The Commission voted to schedule a joint public hearing on the proposed modifications to the sign regulations in the zoning ordinance.
 - b. The Commission reviewed sections I and II of the Comprehensive Plan. At this time, we are not editing content of the plan, we are currently identifying items in need of updating. The content of the plan will be revised following public meetings, charettes and work with the Accomack-Northampton Planning District Commission, pending approval of their assistance in the update.
 - c. The Planning Commission continued discussion of the Town Entrance Corridor Overlay District, we anticipating having a draft ready for council to review shortly.
 - d. The Planning Commission has nominated Sandra Salopek to be considered to fill the vacancy on the Historic District Review Board.
2. Due to advertising deadlines for the joint public hearing, if scheduled by Council, the next Planning Commission meeting will be rescheduled from December 3 to December 10, 2013.

Historic District Review Board Meeting – September 17

1. The Historic District Review Board met on October 15, 2013 to review an application for an addition at 309 Mason Avenue, as well as an application to add a dormer on 219 Jefferson Avenue. Both applications were approved unanimously.
2. Mr. Ted Warner has submitted his letter of resignation from the Historic District Review Board.
3. The HDRB will meet on November 19, 2013 to review applications for a renovation of 1 Pine Street, alterations to 711 Tazewell Avenue, an addition to 114 Peach Street, and an addition to 619 Monroe Avenue.

Wetlands Board Meeting – No Meeting Held

MEMORANDUM

TO: Mayor and Town Council

FROM: Heather Arcos, Town Manager

DATE: November 15, 2013

REFERENCE: October Report

Heritage Acres

On the morning of Tuesday, November 12, 2013; a kitchen fire was reported by a resident and we are happy to report that no one was injured and the fire did not spread due to the response time of the Cape Charles Volunteer Fire Co., local fire companies, Northampton County Emergency Services and Cape Charles Police Department. The resident was relocated to another unit.

On November 20, 2013; Town Staff and Council will serve our annual Thanksgiving Luncheon for the residents.

Town Financing Options

On November 14, 2013, the Town Council was presented with the results of an RFP solicitation to refinance the Town's existing debt for capital projects and potential new financing for upcoming capital needs.

The results of the bank proposals can be obtained by calling the Town Clerk's office at 757-331-3259 ext. 24.

The recommended proposal to refinance two USDA loans established in 1992 and 2003 for Capital projects in the wastewater and water fund was approved by resolution. The proposal was awarded to PNC at a fixed 2.65% for the first 10 years out of a 20 year term.

The Town will save money and decrease the term of the original USDA loans. The savings of this proposal will potentially allow for new money to be rolled into the infrastructure needs of the town in the water and wastewater fund without an impact to the user; which means user rates will not have to fluctuate over the next 10 years in order to take care of the Collections Systems in Town which are scheduled for capital improvements over the next 2-3 years.

The Town Council passed the resolution to refinance with a known savings of \$231,305.21.

A Public hearing has been set for December 5, 2013 at 6 p.m. at the Town Hall to hear public comments on borrowing up to \$1,030,000 for the purpose of financing Town Capital improvement projects. Please contact the Town Manager for more information on the potential financing of capital improvements to better understand the upcoming need for capital improvements primarily in the water and wastewater fund that will impact our user rates.

Public Service Authority (PSA) Update

We continue to finalize the items to report back to the Town Council.

Annexation agreement - underway

Inventory of the existing businesses to determine a connection fee - completed

Establish an estimated cost for expansion of plant as of 2013 - Completed

Contact other towns, counties and public authorities to discuss their experiences and development of their methodologies - underway

A date will be set upon completion of staffs work. We will tentatively meet on January 2, first Thursday work session unless otherwise directed by the Town Council.

Virginia Executive Institute Program

The Virginia Executive Institute is a program for leaders to enhance their skills and professional development. It's a privilege and honor to have been selected for this program; with the support and nomination made by the Mayor and Council. I was the first local government manager to be accepted and I graduated on October 25, 2013. The program is within the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University.

International Institute of Municipal Clerks

Congratulations! Libby Hume, our Town Clerk is officially a Certified Municipal Clerk. She has completed the very demanding education requirements; with her contributions to the citizens of Cape Charles and our community. She has been working hard for almost 5 years and we are very proud of her achievement.

Police Chief Vacancy Update

We have received two applications for the Chief of Police vacancy and the deadline for applications is November 22, 2013. The position is a chartered officer for the Town and the Council will interview the applicants. A date will be set for interviews in early December. Chief Brown's last day is December 31, 2013.

Police Department

Please Welcome Chelsea Pfeiffer who will be graduating from the Police Academy on November 21, 2013. She will complete required ride along hours with Sergeant Pruitt prior to being released to patrol.

Chesapeake Bay Bridge Tunnel

On October 30, 2013; a few members of the Town Council and Staff attended a presentation given by Jeff Holland, Executive Director and a tour of the tunnel and ventilation building. We would recommend for any citizens who have never been on a tour of the tunnel and ventilation building to call. The tours are typically offered in the spring and fall.

Comprehensive Plan Update

We expect to receive a scope of work and a cost estimate from the Accomack-Northampton Planning District to work with the Planning Commission on our 5 year update in order to make updates and revisions to the existing plan. We plan to bring the proposal to the Town Council no later than December 19, 2013 at the regular scheduled Council meeting.

FY13/14 Budget Update

We are 4 months into the budget year; and the revenue generated from the Real Estate and Personal Property taxes is major source of revenue for the General Fund.

The Multi-Use Trail Phase 2 project connecting the trail from Central Park to North Peach Street and along Washington Ave. to Bay Ave. and Fig Street is currently at 90% design. An updated cost estimate and an updated preliminary schedule will be presented to the Town Council in December. We have several more VDOT reviews which can be a timely turn around prior to advertising an RFP to award a contract to complete the 2nd phase of the trail.

FY14/15 Budget Preparation

The Treasurer and Town Manager will begin to work with staff on the upcoming budget and will provide an outline of budget meetings. We will begin by holding meetings on the first Thursday of each month which is the regularly scheduled date for work sessions.

Letters will be sent to all organizations who request support from the Town on an annual basis.

Bayshore Concrete USACOE Permit Application Update

The proposal for the construction of travel lift piers in Cape Charles Harbor has been revised. The revision modifies the project to avoid encroachment into the Federal Navigation Channel widening the existing slip, relocating and shortening the travel lift piers, and eliminating the wave screen. A copy of the revised proposal can be obtained by contacting Robert Testerman, Town Planner. The application process has been expedited in order obtain a permit.

Code Enforcement

Month of October FY 2014

Building Permits Issued/Permit Fees Collected:

Permits this month: 21	
Permits this year: 74	Total permits last year: 257
Total construction this month: \$ 127,414	
Total construction this year: \$1,133,696	Total construction last fiscal year: \$7,411,540
Permit fees this month: \$1,883.68	
Total permit fees this fiscal year: \$26,041.63	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: \$12,350	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$12,350	Total Tap fees last fiscal year: \$105,756
Fire Dept. levy this month: \$159.26	
Total Fire Dept. levies this year: \$1,075.16	Total Fire Dept. levies last fiscal year: \$3,195.93
State levy this month: \$31.85	
Total state levies this year: \$215.03	Total state levies last fiscal year: \$638.20
Miscellaneous Revenue: \$20 for Sewer Screens	

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 October FY14

Other items of note:

1. Completed 26 inspections
2. Conducted 0 zoning clearances
3. Completed 3 courtesy residential inspections
4. Conducted 2 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 1 residential plan reviews
8. Issued 2 Public Utilities Shallow Well permits
9. Working on a commercial plan review of a building in downtown district with an addition.
10. Working on 2 residential plan reviews of new single family homes.
11. Working with new owner of old Reliable property on Stone Road to change use of the building for new business.

11/04/13

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
083A3-0206-01	PT130005	UST/AST	10/23/2013	202 Arnie's Loop	500 Gallon UST	\$56.00	\$200
	PB130095	Building	10/21/2013	208 Bay Avenue	Tear off/roeroof	\$184.80	\$18,000
	PP130025	Plumbing	10/16/2013	1011 Baysshore Road	New Plumbing for Storage Building & R-2 A	\$130.48	\$6,650
	PE130053	Electrical	10/03/2013	605 Carousel Place	New Electrical for S/F Res	\$98.00	\$10,000
	PE130052	Electrical	10/03/2013	605 Carousel Place	60 Amp Temp Pole	\$56.00	\$250
	PB130088	Building	10/01/2013	634 Carousel Place	Construct Walkway over the dune	\$98.00	\$10,000
	PB130098	Building	10/31/2013	638 Carousel Place	Walkway Over Dunes	\$86.80	\$8,000
	PU130003	PU Shallow W	10/08/2013	125 Creekside Lane	Shallow Well	\$100.00	\$2,900
0831-0100-098	PB130093	Building	10/03/2013	219 Jefferson Avenue	Adding Rear Dormer	\$56.00	\$600
0831-0100-098	PB130094	Building	10/16/2013	219 Jefferson Avenue	Tear off/roeroof	\$90.27	\$8,620
	PM130032	Mechanical	10/03/2013	621 Jefferson Avenue	1 New Air to Air Heat Pump	\$75.60	\$6,000
	PP130024	Plumbing	10/04/2013	627 Madison Avenue	Plumbing Alteration	\$62.16	\$3,600
	PM130035	Mechanical	10/04/2013	627 Madison Avenue	2 new air to air heat pumps	\$92.40	\$9,000
	PE130054	Electrical	10/11/2013	627 Madison Avenue	Some Electrical changeout due to old wiring	\$56.00	\$2,500
	PM130033	Mechanical	10/04/2013	506 Monroe Avenue	1 new air to air heat pump for addition	\$88.38	\$8,282
083A3-0100-34	PE130055	Electrical	10/25/2013	522 Monroe Avenue	New Electrical for Kitchen & Bath Remodel	\$56.00	\$2,500
083A3-0100-34	PG130012	Gas	10/04/2013	606 Monroe Avenue	2 new air to air heat pumps	\$177.59	\$16,712
	PB130096	Building	10/23/2013	606 Monroe Avenue	New Gas Line to house	\$56.00	\$200
	PP130026	Plumbing	10/25/2013	215 Randolph Avenue	Bathroom Remodel	\$151.20	\$12,000
	PT130004	UST/AST	10/22/2013	530 Randolph Avenue	New rough-in plumbing	\$56.00	\$1,200
			10/23/2013	4 Tazewell Avenue	500 Gallon UST	\$56.00	\$200

Total Permits: 21

\$1,883.68

\$127,414

PerDateIssued Range from 10/01/2013 to 10/31/2013



Town Harbor Town Council Report October, 2013

November 7, 2013

Maintenance:

1. We are operating now with 3 Employees. We continue to prep the fuel tank for priming and painting and plan to complete this work by the end of November. We have several small projects we are working on such as re-screwing docks, bumpers, pile caps, etc.

Capital Projects:

1. **Waterman's Memorial:** We are drafting the documents to move forward with the process to have a Waterman's Memorial at the Harbor.
2. **Updated Harbor Master Conceptual Plan:** A draft will be presented at the December Council meeting with the changes made by Council at a previous work session.

Other Items:

1. Follow us on Face Book (**Cape Charles Town Harbor**)
2. Beginning October 1st, our hours of operation are 8am to 5pm 7 days a week.

Important Dates:

1. **November 28th 2013** – Office Closed
2. **December 7th 2013** – Lighted Boat Parade
3. **December 15th 2013** – Virginia's Crabbing Season Ends
4. **December 25th 2013** – Office Closed
5. **December 31st 2013** – Bay Rock Fish Season Ends
6. **January 1st 2014** – Office Closed
7. **January 1st 2014** – Harbor Office Closed on Weekends
8. **March 15th 2014** – Harbor Office open 7 days a week
9. **March 17th 2014** – Crabbing season opens
10. **April 26th & 27th 2014** - 7th Annual Blessing of the Fleet
11. **May 1st 2014** - Summer Office hours begin
12. **June 13th – 15th 2014** – Tallships at Cape Charles
13. **August 1st – 3rd 2014** – Clam Slam 2014
14. **October 25th 2014** – Haunted Harbor

Business:

Average docking per day/night by category:

	<u>Rentals</u>	<u>Oct.13</u>	<u>Oct. 12</u>	<u>Ytd13/14</u>	<u>Ytd11/12</u>
1. Nightly:		3.3	3.9	7.4	6.4
2. Weekly:		0.5	3.2	2.1	4.8
3. Month/Quart:		2.0	13.5	3.5	10.0
4. Seasonal:		20.0	14.0	21.0	14.1
5. Annual:		46.2	38.0	40.6	38.7
Total Rentals,		72.0	72.6	74.6	74.0

Cape Charles Memorial Library
October 2013

1. Our attendance for October was 1180, 45 more customers than last year. All of our statistics for this month remain higher than the previous year.
2. Monthly attendance for programs held during October:
Children's Programs:

Wednesday	10:30	Crafts	34 attended
Thursday	3:30	Chess	26 attended
Thursday	10:30	Storytime	89 attended
Total			149
3. On October 12 the Library participated in **the 21st Annual Eastern Shore Birding & Wildlife Festival** as part of the **Family Passport Program**. This was our second year being a part of the Passport Program for children, and the first year that we had a table at the event. It was a very successful day and we saw many of our regular customers and met many new people and participants
4. We continue to furnish the new library. This month we received our new circulation desk. It was a welcome addition and we have received many compliments. We have also rearranged the magazine area, removing the computers and furnishing the area with comfortable chairs and end tables where people can browse newspapers and magazines.
5. During the month of October Sharon Silvey has assisted numerous people with individual computer help. The Library continues to offer computer classes in our **Computer Lab**. They are Introductory Computer Skills, Basic Email, and Intro to the Internet. If you would like to take a class, call the Library at 331-1300 for dates and time.
6. On October 24, **the Early Literacy Committee of Smart Beginnings Eastern Shore** offered Every Day Fun with Reading Workshop for parents and preschool children at the Library. This workshop gave parents effective ways to read aloud with children and all participants received free books. The workshop was led by local instructors from public schools and the community and will be held at all local libraries
7. On October 31, Halloween, The **Friends of the Library** gave out candy at the Library.
8. As of today our Facebook page has 318 likes and our postings reached 913 people in the past week. For additional information about library programs and library related information check out our **Facebook** page!

	CAPE CHARLES MEMORIAL LIBRARY 2013												
	January	February	March	April	May	June	July	August	September	October	November	December	YTD
INCOME:													
Donations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$27.80	\$0.00	\$0.00	\$0.00	\$27.80
Copier/Prt	\$63.05	\$54.30	\$80.90	\$43.10	\$53.60	\$84.42	\$144.75	\$99.00	\$87.70	\$76.20	\$1.60	\$0.00	\$788.62
Faxes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13.00	\$36.50	\$12.00	\$1.50	\$0.00	\$63.00
TOTAL	\$63.05	\$54.30	\$80.90	\$43.10	\$53.60	\$84.42	\$144.75	\$112.00	\$124.20	\$88.20	\$3.10	\$0.00	\$851.62
Deposit													
BOOK CIRC-ADLT													
Fiction	513	0	0	350	340	480	561	513	457	461	0	0	3675
Non-fiction	182	0	0	87	112	114	229	203	173	162	0	0	1262
DVDs	149	0	0	139	86	183	224	304	211	181	0	0	1477
TOTAL 2013	844	0	0	576	538	777	1014	1020	841	804	0	0	6414
Books Circ. 2012	578	579	468	561	610	642	1166	944	765	698	605	585	8201
BOOKS CIRC-JUV													
Fiction	343	0	0	216	287	605	726	609	488	488	0	0	3762
Non-Fiction	121	0	0	60	49	76	84	63	118	169	0	0	740
DVDs	77	0	0	60	64	127	168	150	129	105	0	0	880
TOTAL 2013	541	0	0	336	400	808	978	822	735	762	0	0	5382
Books Circ 2012	377	461	508	454	325	691	900	795	511	544	465	286	6317
TOTAL 2013	1385	0	0	912	938	1585	1992	1842	1576	1566	0	0	11796
Total Circ. 2012	955	1040	976	1015	935	1333	2066	1739	1276	1242	1070	871	14518
ATTENDANCE 2013	656	575	675	718	756	1418	2160	1586	1131	1180	59	0	10914
Attendance 2012	843	810	802	878	847	1223	1618	1256	734	1135	979	705	11830
PROGRAMS 2013	8	6	9	10	8	14	20	13	13	14	0	0	115
Programs 2012	11	15	13	10	10	12	15	12	10	9	11	8	136
PROG. ATTEND 2013	65	74	95	112	67	21	582	199	134	149	0	0	1498
Prog. Attend 2012	104	164	111	129	76	236	487	320	100	127	124	78	2056
Computer Classes	0	0	0	0	1	0	0	0	0	0	0	0	1
Class Attendance	0	0	0	0	1	0	0	0	0	0	0	0	1
INTERNET USE 2013	200	162	207	201	172	333	510	414	335	306	16	0	2856
Internet use 2012	368	314	373	300	309	499	549	511	267	277	314	225	4306
LIBRARY CARDS 2013	6	9	8	7	7	26	52	32	24	14	3	0	188
Library cards 2012	20	11	7	22	14	25	22	22	8	7	15	12	185
Volunteer Hours	0.00	0.00	0.00	6.50	0.00	9.00	5.50	9.00	4.00	32.25	0.00	0.00	66.25

 TOWN OF CAPE CHARLES	AGENDA TITLE: Cape Charles Police Department		AGENDA DATE November 21,2013
	SUBJECT/PROPOSAL/REQUEST: OCTOBER 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: 28

Calls for Service Outside of Cape Charles: 19

10-13 Calls

(A) By Dispatch: 34

(B) By Phone via Officer/Trooper: 4

(C) In Person 9

Felony Arrests: 0

Misdemeanor Arrests: 0

DUI Arrests:0

Traffic Summons Issued: 8

Traffic Warnings Issued: 3

Parking Tickets Issued: 2

Assisted Northampton County Sheriff's Office: 15

Assisted Virginia State Police: 0

Assisted Other Local Police: 2

Assisted Other Federal Agencies 0

Assisted Fire & Rescue: 7

Assisted VDOT: 0

Hours of Training Received & What Type? Bell- 20hrs (Breath Alcohol Operator)

Pruitt -40hrs of training (First Line Supervisor) Pfeiffer-80hrs (Academy Training)

Public Utilities

Monthly Report October 2013



Production Summary

- Miss Utility Tickets: 13
- Emergency Call Outs After Hours and Weekends:
 - Number of times called out: 4
 - Total Man Hours: 8
- Sludge: 34 Tons
- Water: Total Production: 2,771,351 gallons
 - High: 120,100 on 10/25
 - Low: 63,500 on 10/26

Average	Raw Water	Finished Water
Hardness	388	158
Iron	8.08	.015
Manganese	.501	.009

All Data in PPM

- Waste Water:
 - Average Flow 95,368
 - Maximum 128,000
 - Total for Month 2.95 Million Gallons

Personnel

- Water
 - Ron Bailey Operator Class 3 water
 - Attended class for Energy Conservation in the Waterworks Industry sponsored by Virginia Tech
 - Scottie Neville Operator in Training
 - Gerald Elliott Maintenance
- Waste Water
 - Patrick Christman Operator in Charge, Class 2
 - Attended class for Energy Conservation in the Waterworks Industry sponsored by Virginia Tech
 - Freddie Meditz Operator Class 3, Lab Manager
 - Dan Dabinett Operator Class 3, Maintenance
 - Billy Powell Maintenance Supervisor

Completed Projects

- We submitted the Aquifer Test Report for the Keck Wells to the DEQ for review.

Public Utilities

In Progress

- Replacement of aging water meters.
- Plans have been drawn for the expansion on the backwash vault and the cost is being estimated.

Upcoming Projects

- An automatic flush valve will be installed in Heron Point.

Capital Projects

- Water:
 - Emergency Generator for Water Plant \$45k
 - IFB has been prepared
 - Advertising is not required
 - Contractor and Bid approval by council; December
 - Contract Award December
 - Install; January
 - Engineering for Keck Wells \$60k
 - Resolution to apply for VDH Grant Money Approved by council; August 1, 2013
 - No grant money will be awarded
 - 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

October 2013

Dump Fees

- Oyster Landfill: 14 Trips, 6.17 Tons @ cost of \$401.05

Personnel

- Note: Town residents – we have free mulch available.

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. (Slowing Down)
- Maintenance, cleaning, and landscaping of 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. (Slowing Down)

Completed Projects

- Central Park Electric Work Complete:
 - Outlet installed at Melvin's Tree
 - 2 Outlets installed at Trellis
 - Dedicated outlet installed inside gazebo
- New poster boards with historical info installed @ 5 locations in Town
- 13 street lights sent & repair work confirmed from ANEC
- C.P. Playground slide & Zip line rebuilt
- C.P. soccer goals were modified for ability to secure 3 side's to ground

In Progress

- Drop inlets at the intersection of Plum and Madison are being rebuilt and drainage problems corrected.
- Town wide curb to street grass & weed edging
- Watering of Town plants , new trees on Mason ave & new flowers at route 13 Town Sign

Upcoming Events

- Grand Illumination
- Progressive Dinner Tour

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	Meter Reads
31	33.5	40	77.5	97.5	48.5	22	54.5	28.5	69.2	41	14

Capital Projects

- Central Park Restrooms , contractor moving forward on wood framing
- Multi-Use Trail

Recreation Department November 2013 Council Report

Programs and Events:

1. New Roots Youth Garden continues its Fall session every Thursday. About 30 children have been in attendance for each session. Jen has been working with the Get Fit activity but on October 24 ran the craft activity and the kids made spiders out of pine cones and pipe cleaners for Halloween.
2. Chess Club continues to meet every Thursday. Chess Club did not meet on October 31 to accommodate the Halloween trick-or-treaters. Kids continue to learn new skills and better their game under the leadership of Stephanie Hadden.
3. Arts & Crafts continues to meet every Thursday. The kids put together several Halloween themed crafts during the month of October.
4. The Birding Festival was well attended October 11-13. There were many activities for children on October 12. The Fall Festival was also held on October 12 and did really well even with the last minute arrangements for an indoor facility due to rainy weather.
5. The Recreation Department sponsored a showing of the movie *Hocus Pocus* on October 25. Due to the change in the weather and the possible call for rain showers the movie was moved to the Palace Theatre. About 30 people were in attendance. There were many comments after the movie from families happy to be able to go somewhere in Town and watch a movie together. Jen will work with the Palace to hopefully partner on a few movies during the winter months.
6. Trunk or treating took place on October 26. There were only four "Trunks" in attendance but plenty of ghosts and goblins. Jen plans on having a Halloween party next year with games and activities due to the lack of attendance for trunks in order to accommodate the number of children participating.
7. The LOVE installation was able to stay in Cape Charles for an additional week. The Business Association is researching the possibility of making Cape Charles a permanent home for a LOVE installation. Jen will update Council on their progress in future Council reports.

Meetings:

1. Jen met with representatives for the Progressive Dinner Tour. Things are well under way and it should prove to be another successful year.
2. Jen met with representatives from the Business Association regarding a permanent LOVE installation as stated earlier in this report.

Upcoming Events:

- 11/20 – Town staff to provide Thanksgiving Dinner for Heritage Acres. Town is seeking covered dishes for this event. See Jen for more details.
- 11/23 – Tool Mania at the Cape Charles Fire Department. Please see any Cape Charles Firefighter for tickets.
- 12/6 – Holiday Progressive Dinner Tour
- 12/7 – Santa Train
- 12/7 – Grand Illumination

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Public Service Authority (PSA) & Regional Wastewater System.	AGENDA DATE: November 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Provide an update on the PSA and potential regional wastewater system.	ITEM NUMBER: 7A
	ATTACHMENTS: <ol style="list-style-type: none"> 1. PSA presentation of September 16, 2013 2. Southern Node Commercial Properties 3. Potential Changes to Special Tax District 	FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager

BACKGROUND:

On June 28, 2010, the four participating Towns and the County adopted ordinances approving the joinder of the Towns to the existing, but dormant, Eastern Shore of Virginia PSA. The State Corporation Commission approved the revised charter, new Board Members were sworn in, and the PSA has been meeting monthly. The PSA has assumed responsibility for the Northern and Southern Node projects initiated by the Towns and County Utilities Project Management Team.

The Northern Node (Exmore and the Nassawadox medical community) would cost about \$11.3 million. This project is on hold until Riverside determines the disposition of the Nassawadox medical campus and the existing wastewater treatment plant.

DISCUSSION:

The PSA has been exploring a limited Southern Node service area focused on the commercial properties around the US 13/SR 184 intersection. The PSA has been working with the Northampton County Board of Supervisors (BOS) to develop financial options for implementing the system, as well as estimates to extension to the Webster property (\$0.8M to \$1.0M) and Cheriton (\$6.7M).

At the April 16, 2013 meeting, the PSA approved a recommendation to the BOS to construct a system to service 68 commercial properties, to be funded 75% through a Special Tax District and 25% through General Real Property Tax. Tax rates would be set to generate sufficient revenues to accommodate debt service for bonds issued to build the system. The District tax rate would be about \$0.52 per \$100. The incremental portion of the general tax rate would be about \$0.0014 per \$100 and has been accommodated in the County FY 2014 rate. The County budget includes \$130K for engineering of the system and a debt service reserve.

The operations cost for the new system would include treatment at the Cape Charles wastewater treatment plant, collection system maintenance, meter reading and billing. These costs would be included in service rates charged to customers in the District.

The BOS took the following actions on July 22, 2013:

1. Authorized County staff to set a public hearing for the proposed Service/Special Tax District.
2. Requested the PSA to conduct a financial analysis of the Cape Charles sewer system and to draft an agreement to purchase service from Cape Charles.
3. Assigned the County contract with Hurt & Proffitt for engineering services to the PSA.

The PSA held a Public Information Session on September 16, 2013, in preparation for the BOS Public Hearing on September 23, 2013. A copy of the PSA presentation is at attachment 1. At the conclusion of the Public Hearing, the BOS tabled action on creation of the Special Tax District and requested that the PSA provide additional alternatives for consideration.

The PSA has compiled a list of property owners who have voiced opposition to being included in the Tax District, as well as property owners who have requested to be added; attachment 2. There are 10 parcels wishing to be excluded, and 4 parcels wishing to be added. A map indicating the potential changes is at attachment 3. The PSA Board will finalize the input to the BOS at their November 18 meeting.

The PSA has not yet received the requested input from the Town, but the Board is reviewing the operational costs considered at the Town Council Work Session on September 25, 2013.

The PSA approved an amendment to the Hurt & Proffitt contract for the Topographic Survey and Preliminary Engineering (30%) phases of the project, totaling \$70,000. The survey work is about 80% complete.

RECOMMENDATION:

Provided for information only.

**Eastern Shore of Virginia Public Service
Authority
Regional Wastewater System**

Public Information Session

September 16, 2013

Background

- Dormant ESVA PSA reformed adding four Towns in June 2010.
- Assumed responsibility for the two wastewater projects initiated by Towns & County Utilities Project Management Team.
- Northern Node – Exmore and Nassawadox.
- Southern Node – Cape Charles and Cheriton

Background

- Northern Node - \$11.3 million. On hold until Riverside decides on disposition of medical campus in Nassawadox after hospital move.
- Southern Node - \$11.9 million. Original estimate including Cheriton and surrounding areas in County.
- Both projects heavily dependent on grants or other capital contributions to yield affordable rates.
- State and Federal agencies indicated little grant funding available.

Background

- Focus narrowed to Southern Node Commercial District, Phase 1, around US 13/SR 184/Bus 13 intersection.
- Supports BoS strategic plan to provide infrastructure to better enable private sector economic development and job creation.
- Affordable first step to regionalization.

Engagement of Property Owners

- Met with property owners in May 2012.
- Survey issued in July 2012, providing cost information and requesting interest in Tax District, connection charges, usage, etc.
- Poor survey response.
- Follow-up with owners of significant existing buildings done Fall 2012.

Results

- 64 owners; 85 parcels, mostly vacant; assessed value of about \$20M.
- 10 responses: 5 yes, 4 maybe, 1 no.
- The 9 “positive” responses represent parcels with assessed value of about \$7M.
- About a third of the total assessed value.
- A thin response but significant value.

Proposed Service Area

- PSA recommended about 70 commercial zoned parcels with valuation of \$17.8M.
- Project cost estimate of \$1.8M.
- PSA also provided BoS cost options for extending service area.
- Town of Cheriton - \$6.7M.
- Webster property - \$1.0M.

Southern Node Commercial District, Phase 1

- Low pressure grinder pump collection system.
- Capital cost of approximately \$1.8M.
- Debt service of approximately \$124K/yr., 20 years.
- Debt service funded via real property tax.
- CC WWTP utilized for treatment.
- Operations cost (treatment, maintenance, billing, etc.) via rates.

Real Property Taxes

- 75% of debt service via Special Tax District – rate of \$0.52 / \$100.
- 25% of debt service via general tax – rate of \$0.0014 / \$100.
- Covered in rate adopted by County for FY 2014.
- Total tax rate in District: $\$0.6728 + \$0.52 = \$1.1928$
- Total tax rate in Cape Charles: $\$0.6728 + \$0.2759 = \$0.9487$

CC WWTP

- Design capacity of 250K GPD, based on TN & TP discharge limits.
- Actual capacity somewhat higher based on performance.
- Average daily flow for past year is 150K GPD.
- Now about 1,200 Equivalent Residential Connections (125 GPD/ERC).
- About 800 ERCs remain.
- Estimated current new service area demand of 15K to 20K GPD or max of 160 ERCs.
- Plant designed for easy expansion to 500K GPD.

Benefit of Regionalization

- Economy of scale is important.
- Systems with a small number of customers have relatively high rates.
- < 5,000 average 14% higher than > 5,000. CC has about 1,100.
- CC rate increased significantly due to debt service on new plant.
- About 70% of WWTP operating costs are fixed.
- Adding customers will reduce rate.

Development

- County recognizes economic benefit from CC businesses.
- Planning Commissions will work together on an Overlay District for complementary businesses.
- Economic Development Director will work to attract those businesses.

Additional Public Engagement

- PSA Public Information Session at 7:00 PM, Monday, September 16, at the Cheriton fire hall.
- BoS Public Hearing on Special Tax District at 7:00 PM, Monday, September 23, at the county Board Room in Eastville.

October 10, 2013

Southern Node, Commercial, Phase 1

A. Property Owners Wanting Out – 9 owners, 10 parcels.

Business 13

Richardson	84-A-144A
Morgan (Walker)	84-A-144
Steelman	84-10-1

Stone Road

Brown	84-A-77
Brown	84-A-80

U.S. 13

Campbell	84G-A-3
Morris	84-A-85
Downing	91-A-17
Wendell	91-A-13

Bayview Circle

ANEC	84-A-103A
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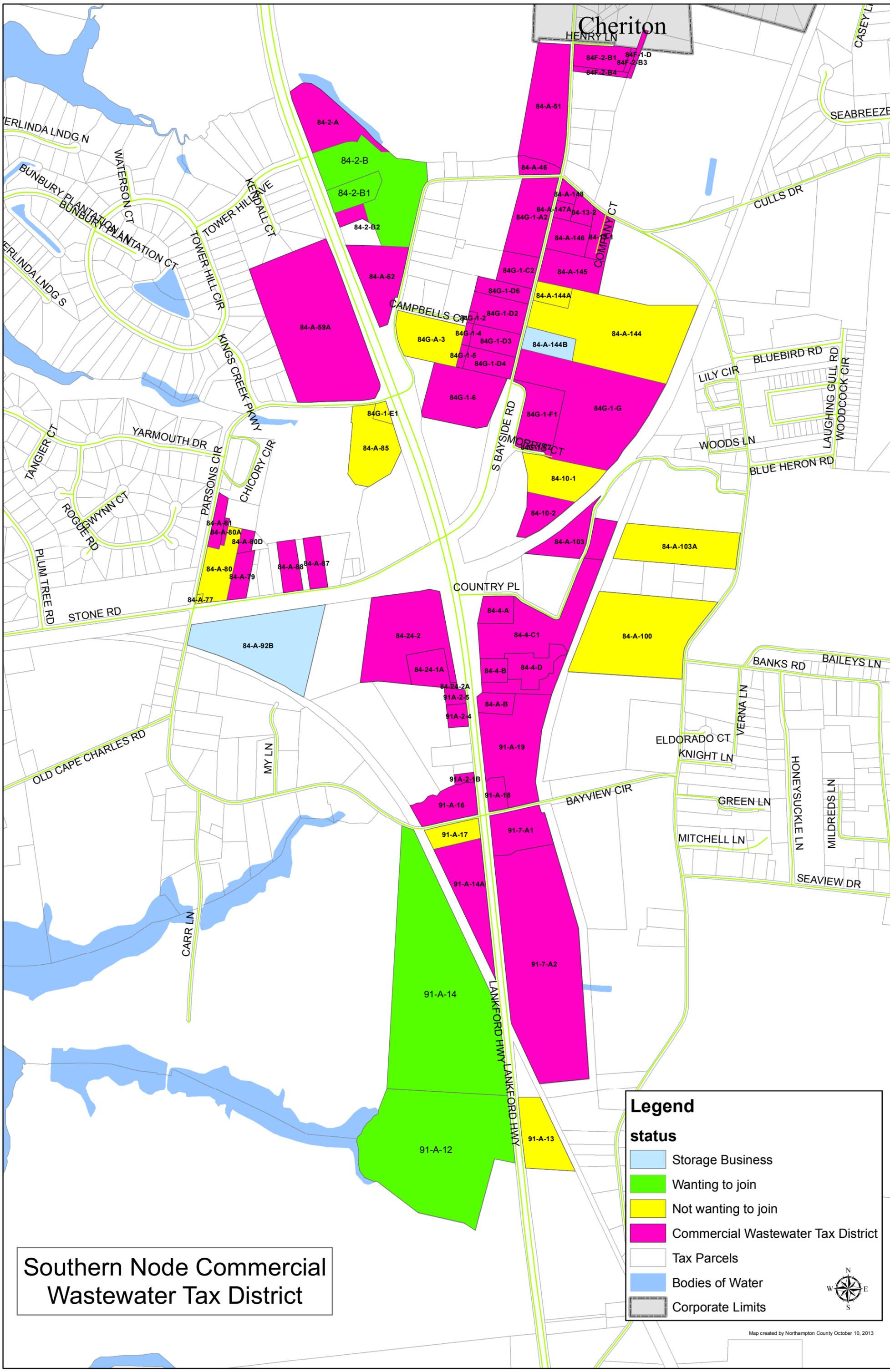
B. Property Owners Wanting In – 2 owners, 4 parcels.

U.S. 13

CC Chocolates (Haney)	84-2-B	Needs Rezoning
CC Chocolates (Haney)	84-2-B1	Needs Rezoning
Crisler	91-A-14	Needs Rezoning
Crisler	91-A-12	Needs Rezoning

C. Other Considerations

84-A-100	Only property remaining on Bayview Circle.
84-A-144B and 84-A-92B	Both properties are fully developed storage businesses.



Southern Node Commercial Wastewater Tax District

Legend

status

- Storage Business
- Wanting to join
- Not wanting to join
- Commercial Wastewater Tax District
- Tax Parcels
- Bodies of Water
- Corporate Limits

 TOWN OF CAPE CHARLES	AGENDA TITLE: Former Library Building Update		AGENDA DATE: November 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Progress report on former library building renovations		ITEM NUMBER: 7B
	ATTACHMENTS: Plan as submitted by Leon Parham		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): David Fauber	REVIEWED BY: Heather Arcos Town Manager	

BACKGROUND:

The Cape Charles Memorial Library was moved last year to the Bank of America Building on Mason Avenue. The vacated building at 500 Tazewell Avenue will be used for Town Hall meetings and other Town related activities. Some minor modifications are required prior to moving into the building. The budget for FY 2014 includes \$40,000 to complete the improvements.

DISCUSSION:

Staff met with Leon Parham to discuss the new use of the building, building code and ADA requirements and the desired layout and floor plan. The attached plan is Mr. Parham's proposed layout and site plan, prior to the completion of staking off the lot bordering on the east side of the building. After a survey of the property, it was determined that the ADA ramp would not fit on the east side of the building as originally proposed. At this time, Mr. Parham is modifying the design regarding placement of the handicap ramp into the building. The revised plans will be provided to Council upon receipt. The interior remains the same as shown, please provide any feedback with regard to the interior of the building. The plans will be presented to the Historic District Review Board for a Certificate of Appropriateness prior to start of construction.

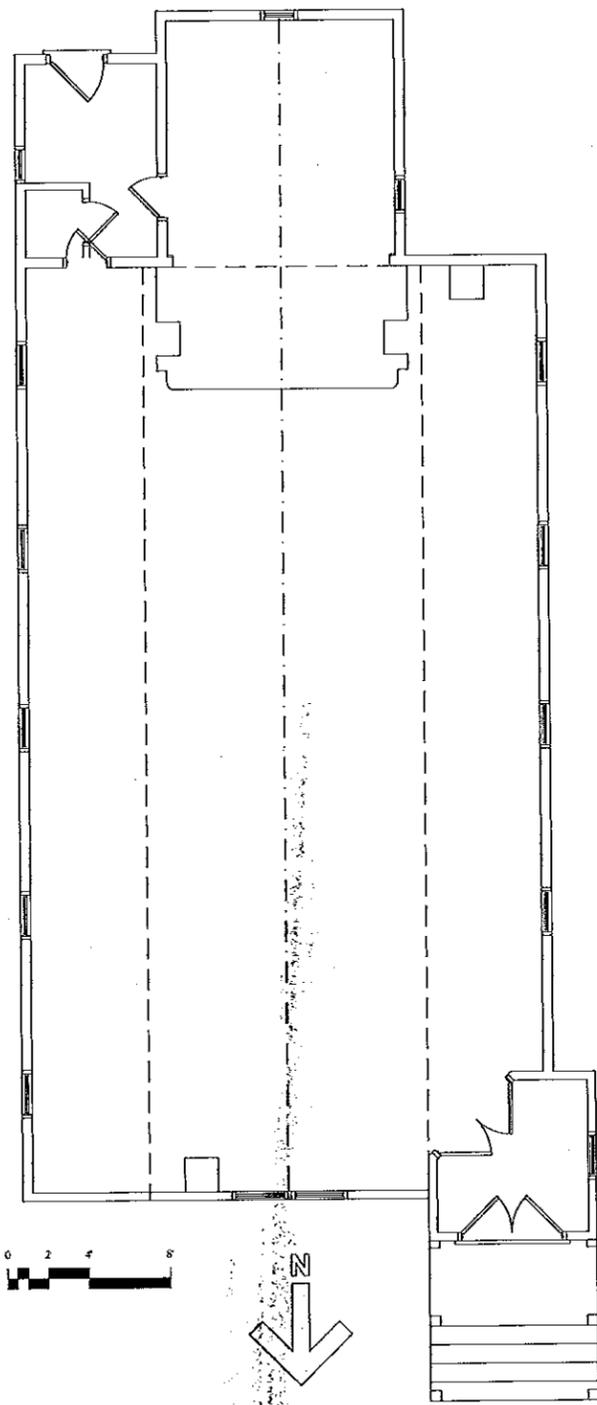
Mr. Parham also recommended that a structural engineer be consulted to determine if the building would require some additional reinforcement to accommodate the new use. We agreed that this would be a good idea, and Mr. Parham has contacted an engineer to perform that task.

Following the completion of the design layout and structural inspection of the building, the work to complete the bathroom and ADA ramp will be put out to bid and Council will award the job in order to get started.

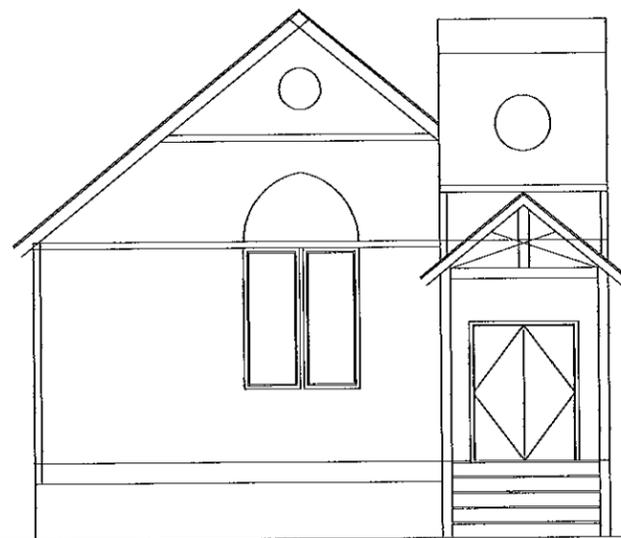
In the meantime, Staff is working to develop policy and procedures for the use of the building in addition to Town meetings, options for a name for the historical building, and reviewing the needs of the functionality of the meeting space. We will be planning for additional cost associated with outfitting the interior of the building in the upcoming budget process. We will have a better idea once the bids are evaluated for the renovations to the bathroom and construction of the ADA ramp in order to see if any funding may be available in the current budget.

RECOMMENDATION:

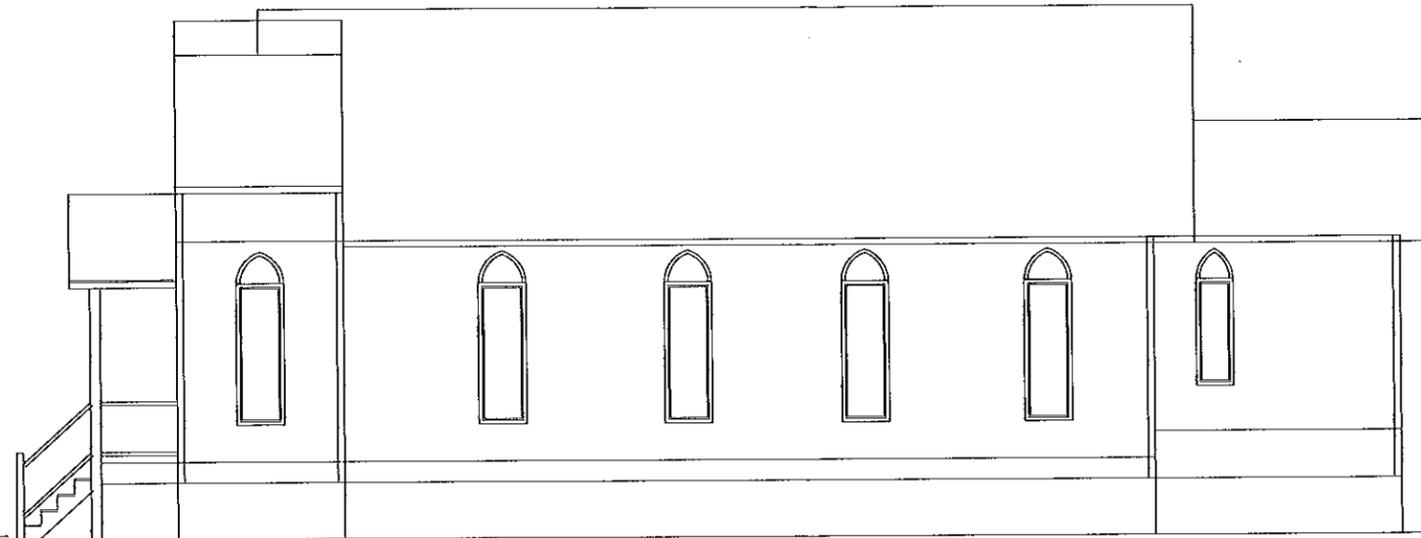
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FIRST FLOOR



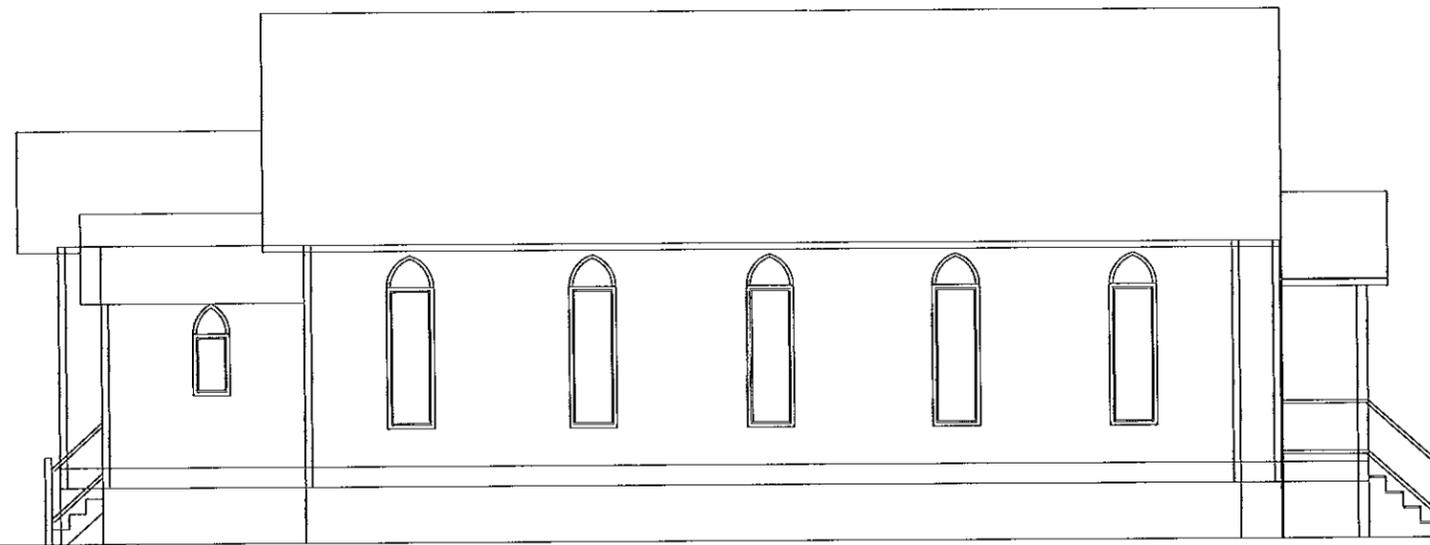
FRONT (NORTH) ELEVATION



SIDE (WEST) ELEVATION



REAR (SOUTH) ELEVATION



SIDE (EAST) ELEVATION



PARHAM

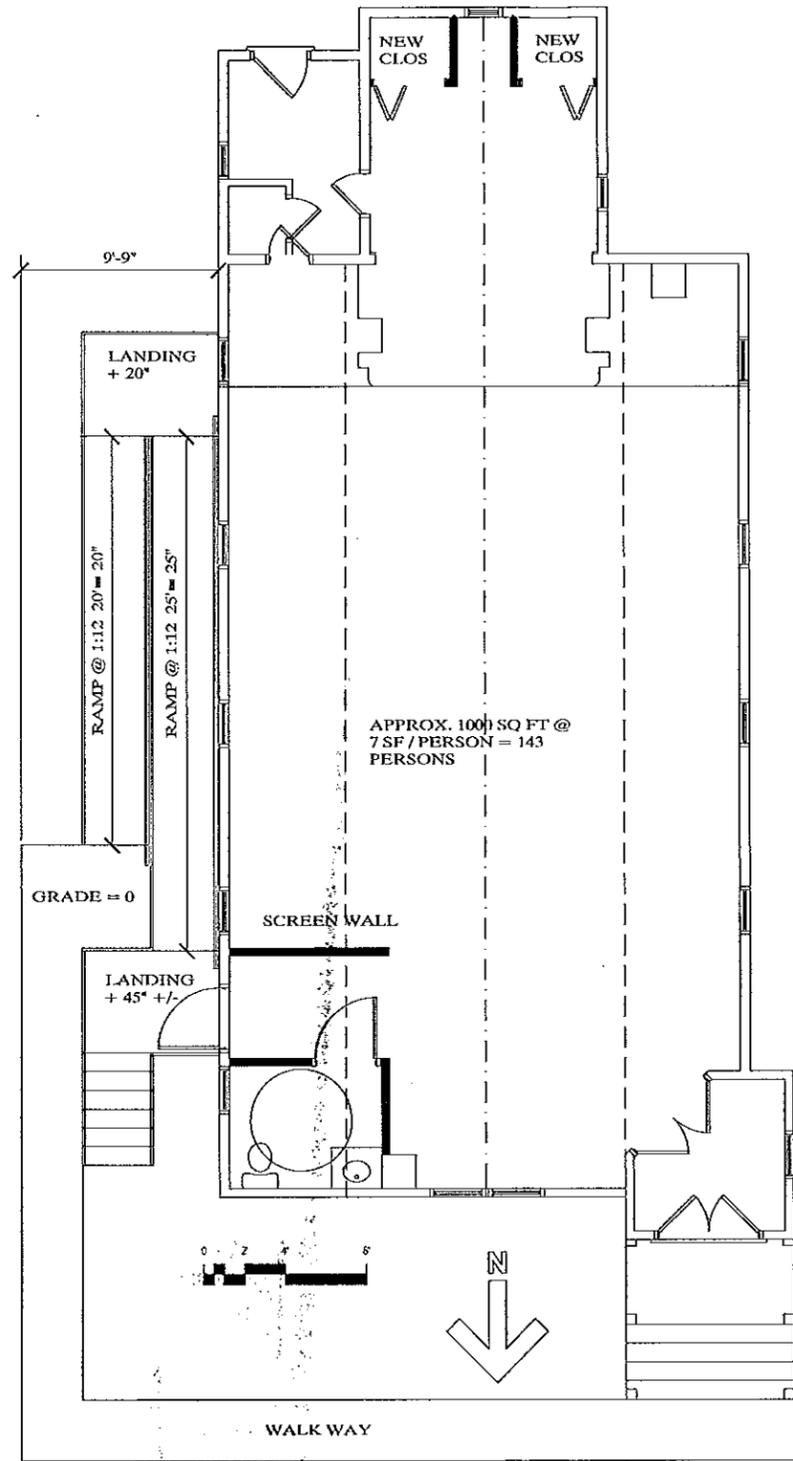
403 TAZEWELL, CAPE CHARLES VIRGINIA 23310-3217
 757.331.8133 ... rktek@verizon.net
 LEON FULLER PARHAM, ARCHITECT, R.A., NCARB

500 TAZEWELL AVENUE, CAPE CHARLES, VA
 RENOVATION

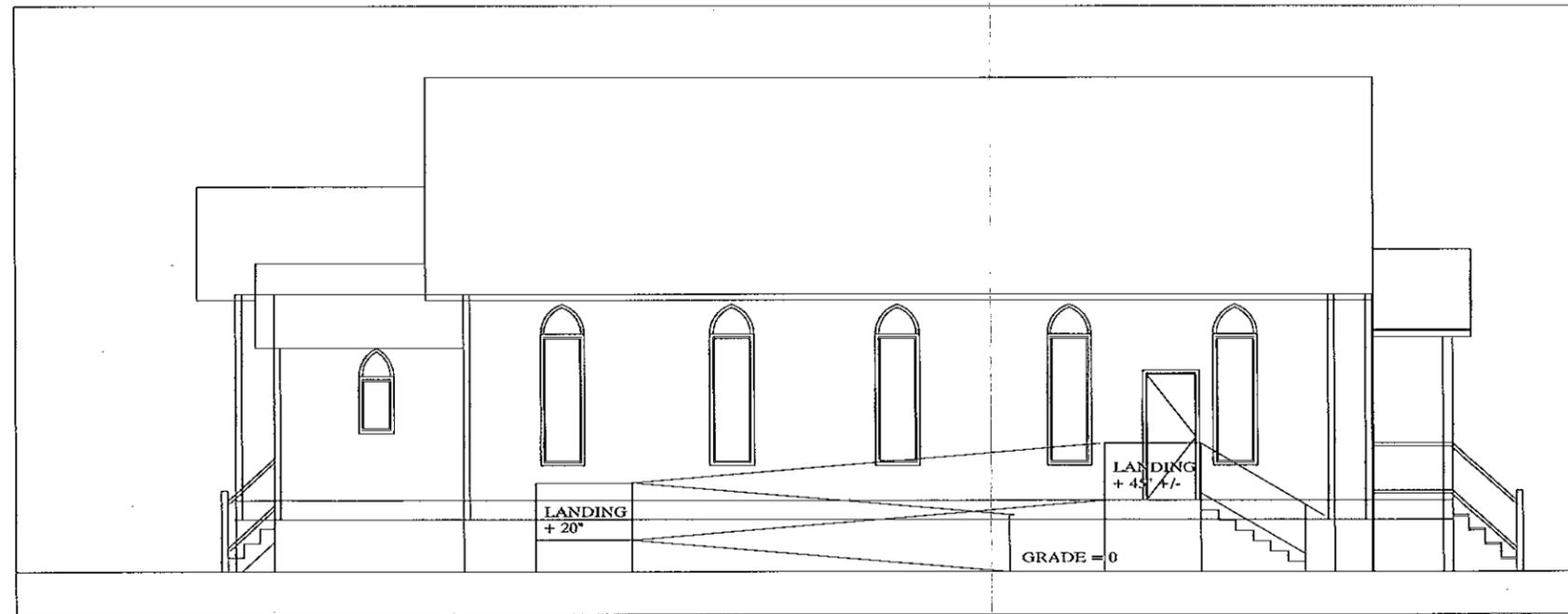
EXISTING CONDITIONS

201309

LP	10-23-13		ec-1
	1/4" = 1'		



FIRST FLOOR



SIDE (EAST) ELEVATION



PARHAM

403 TAZEWELL, CAPE CHARLES VIRGINIA 23310-3217
757.331.8133 ... rktek@verizon.net
LEON FULLER PARHAM, ARCHITECT, R A, NCARB

500 TAZEWELL AVENUE, CAPE CHARLES, VA
RENOVATION

EXISTING CONDITIONS

201309

LP	10-23-13		SK-1
	1/4" = 1'		

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Multi-Use Trail		AGENDA DATE: November 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Acceptance of additional grant funds.		ITEM NUMBER: 7C
	ATTACHMENTS:		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Council adopted the Cape Charles Master Trail Plan on September 11, 2007. This multi-use trail is being constructed in phases as funding is available. Eighty percent of the cost is funded by Federal grants authorized under the Transportation Enhancement Act for the 21st Century (TEA-21), now succeeded by the Transportation Alternatives Program (TAP), and twenty percent by local funds. The Town had been awarded \$2M in grant funding for the Master Trail Plan, Phase 1 in Central Park, and Phase 2 – North Peach St. and Washington Ave. As authorized by Council on January 24, 2013, the Town Manager applied for an additional \$312K of TAP grant funds for the Phase 2 project based on the 30% design estimate.

DISCUSSION:

The Commonwealth Transportation Board approved the full \$312K applied for at their June 19 meeting. The Virginia Department of Transportation (VDOT) has provided an amended Appendix A to the grant agreement reflecting this increase, bringing the total amount to \$2.3M. The amended Appendix A must be executed by the Town to accept this increased grant allocation.

RECOMMENDATION:

Authorize the Town Manager to sign the amended Appendix A to the VDOT grant agreement.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Section 4.1 Sign Regulations

AGENDA DATE:
November 21, 2013

SUBJECT/PROPOSAL/REQUEST: Schedule a Joint Public Hearing with the Planning Commission

ITEM NUMBER:
8A

ATTACHMENTS: Draft modified Section 4.1

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Rob Testerman

REVIEWED BY:

BACKGROUND:

The Planning Commission has for some time, been working on revising the sign regulations in the Town Zoning Ordinance. The purpose and intent of these regulations are to maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, among others, while also minimizing adverse effects of signs on public and private property, and enabling a consistent means of enforcement of the regulations.

The proposed regulations have had a legal review, and their two minor suggested modifications have been reviewed by the Planning Commission and incorporated into the draft language.

RECOMMENDATION:

Schedule a Joint Public Hearing with the Planning Commission regarding the proposed Zoning Ordinance modifications to Section 4.1, Sign Regulations.

Section 4.1 Sign Regulations

A. Purpose

The purpose of this sign ordinance is to encourage the effective use of signs as a means to communicate in the Town, to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve the pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions.

B. Definitions

The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle.
2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "*Canopy*, Attached and Free-standing."

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. Any large sign/panel including supporting structure used as an outdoor display for the purpose of displaying advertisements; the product, business, or service so advertised or displayed being remote from the site of the sign. This sign is typically seen alongside roadways or on the sides of buildings. (Sometimes referred to as "Off-premise sign" or "Outdoor advertising sign.")

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free-standing *canopy*. For reference, see Section C.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

Manually activated. Changeable sign whose message copy or content can be changed manually.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord, approved in accordance with Section I.2 of this chapter.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "Wall or fascia sign."

FLASHING SIGN. See "Animated sign, electrically activated."

FREE-STANDING SIGN. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. Maximum size of 10 square feet. For visual reference, see Section C.

FRONTAGE (Building). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE (Property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN. See "Free-standing sign."

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated). Lighting fixtures must be dark sky compliant.

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE. See "*Canopy* (attached)."

MARQUEE SIGN. See "*Canopy* sign."

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification. Maximum size of 10 square feet.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

OFF-PREMISE SIGN. See "Billboard."

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. See "Billboard."

PARAPET. The extension of a building facade above the line of the structural roof.

POLE SIGN. See "Free-standing sign."

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office during an election. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN. Any *sign* not permanently attached to the ground or to a building or building surface. See "Temporary Sign."

PROJECTING SIGN. A *sign* other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section C.

REAL ESTATE SIGN. A temporary *sign* advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN. A *sign* that revolves 360 degrees (6.28 rad) about an axis. See also "Animated sign, mechanically activated."

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN. A *sign* mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section C.

SANDWICH BOARD. A freestanding temporary sign, constructed of two large boards hinged at the top, held together by a chain or rope, with no other moving parts or lights; displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion, etc. Maximum size of 10 square feet.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a *sign*, exclusive of numerals identifying a street address only.

SIGN FACE. The surface upon, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. see Section C.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the *sign* copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of *sign* structures with routed areas of sign copy, the *sign* face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the *sign* face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the *sign* copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of *sign* copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the *sign* face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. Any structure supporting a sign.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or *sign* structure that is permanently embedded in the ground, are considered temporary signs.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a *canopy* or marquee.

V SIGN. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

WALL OR FASCIA SIGN. A *sign* that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section C.

WINDOW SIGN. A *sign* affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. A business

is permitted to hang a sign in a window relating to something within their establishment. A business is not permitted to hang a sign in their window advertising another business.

C. General

Sign types and the computation of *sign* area shall be as depicted in Figures C.1(1) through C.1(4).

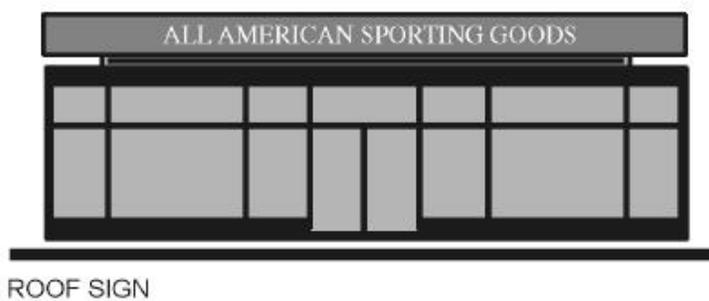
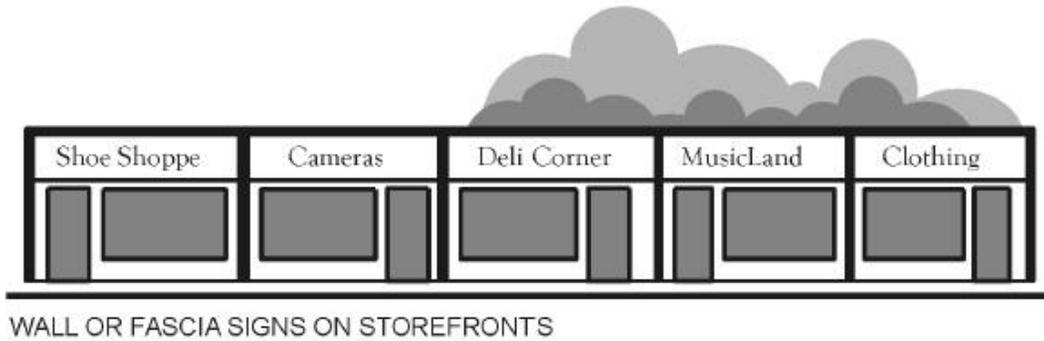
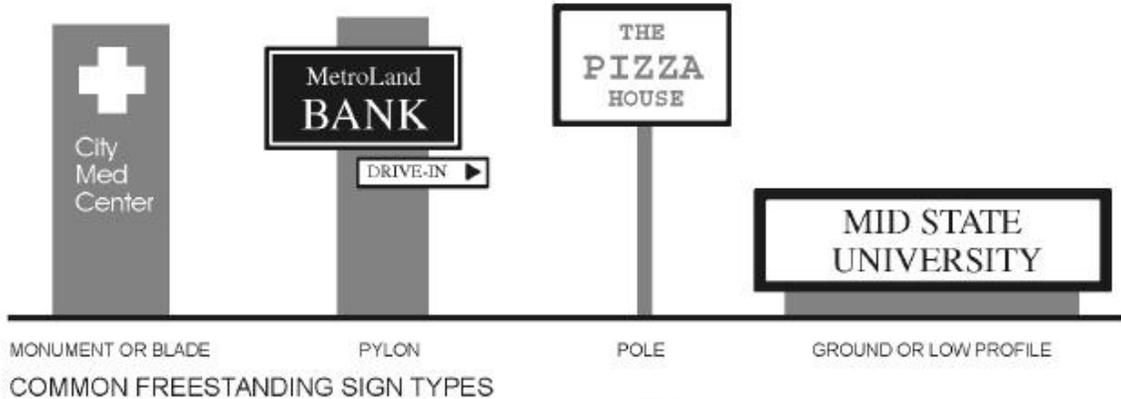


FIGURE C.1(1) GENERAL SIGN TYPES

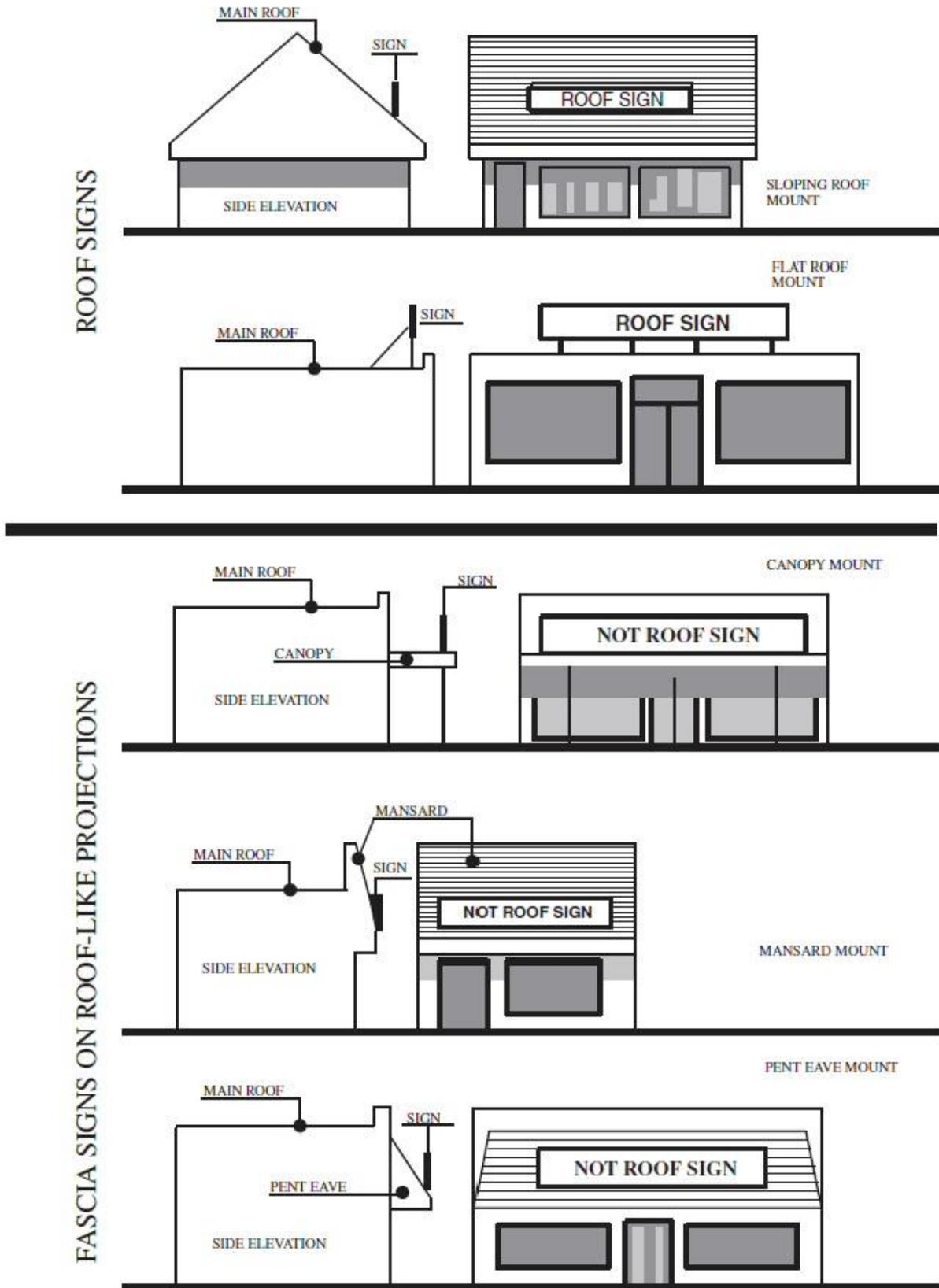
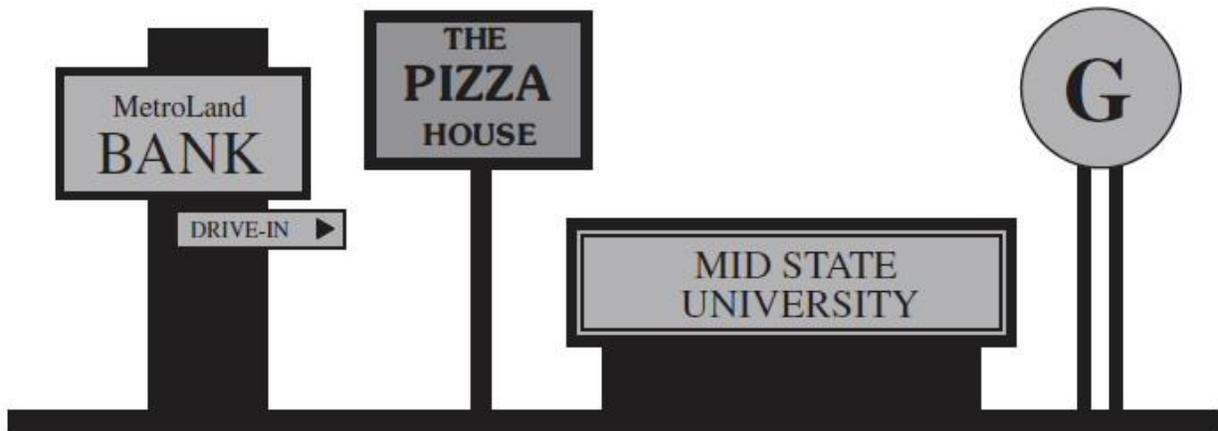
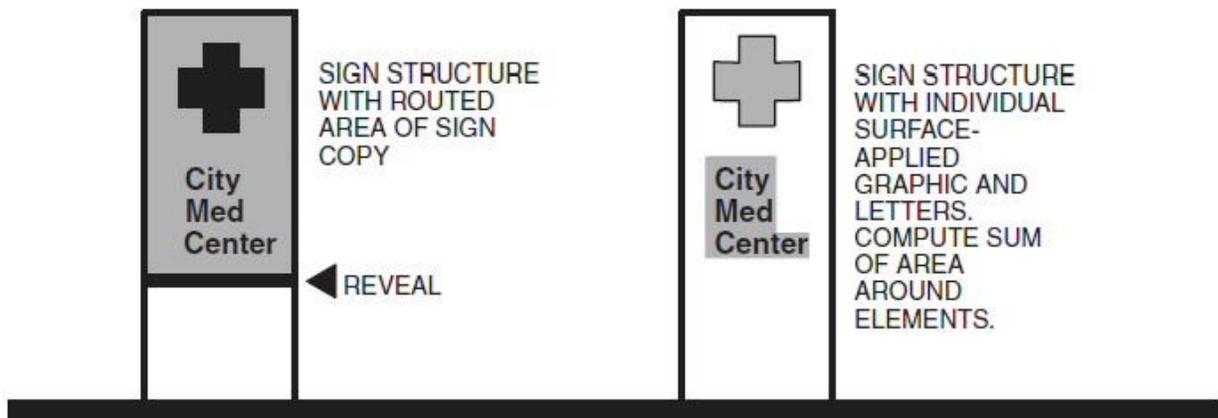


FIGURE C.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS

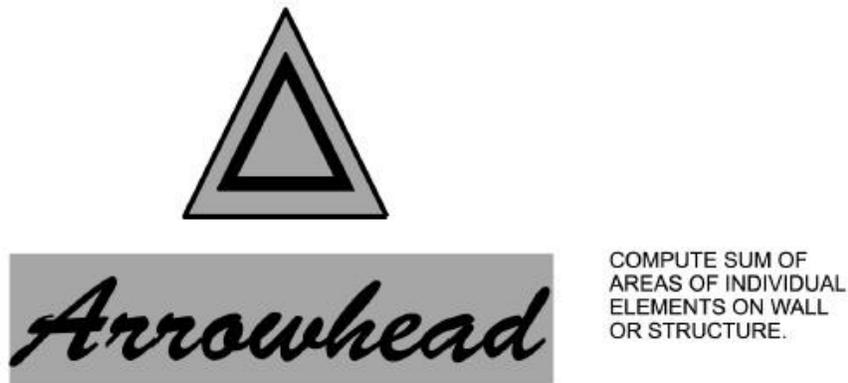


SIGN STRUCTURES



Notes: Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

FIGURE C.1(3) SIGN AREA—COMPUTATION METHODOLOGY



Notes: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

FIGURE C.1(4) SIGN AREA—COMPUTATION METHODOLOGY

D. General Provisions

1. Conformance to codes
Any sign hereafter erected shall conform to the provisions of this ordinance and of any other ordinance or regulation within this jurisdiction.

2. Signs in rights-of-way
No sign other than an official traffic sign or similar sign shall be erected within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the Town Manager and the Virginia Department of Transportation (VDOT).
3. Projections over public ways
Signs projecting over public walkways shall be permitted to do so only with the approval of the Town Manager on a temporary basis. These signs are subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. Traffic visibility.
No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
5. Computation of frontage
Business signs with an area of two square feet for each foot of facade width to a maximum of fifty square feet in sign area (where more than one business exists in a building, each maximum sign area is to be proportionate to the business square footage). For buildings with more than one wall facing a street, each side of the building will be computed separately.
6. Animation and changeable messages
Animated signs are not permitted in any areas of the Town.
7. Maintenance, repair and removal
Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the zoning administrator, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the zoning administrator forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, zoning administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign. The Town will store the sign for 30 days to give the owner an opportunity to reclaim the sign. The sign will be destroyed if unclaimed after 30 days. If ownership of the sign cannot be determined, the sign shall be removed and destroyed after 30 days if unclaimed.
8. Obsolete sign copy
Any *sign* copy that no longer advertises or identifies a use conducted on the property on which said *sign* is erected must have the sign copy covered or removed within 10 days after written notification from the zoning administrator; and upon failure to comply with such notice, the zoning administrator is hereby authorized to cause removal of such sign copy, and any expense incident thereto

shall be paid by the owner of the building, structure or ground on which the sign is located.

In some instances, the historic significance of the sign will exempt the property from adherence to this ordinance. Such cases will be determined by the zoning administrator.

9. Nonconforming signs

Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such *sign* is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

- a. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
- b. Any legal nonconforming *sign* shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the zoning administrator.
- c. Signs that comply with either Item 1 or 2 above need not be permitted.

E. Exempt Signs

The following signs shall be exempt from the provisions of this chapter but no sign shall be exempt from Section D.4.

1. Official notices authorized by a *court*, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs, historical markers and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art or historical signs displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 4 square feet (0.56 m²) in area.
8. Freestanding signs or signs attached to fences, no more than one and one half square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the existence or danger of such, when placed on the periphery of the property or at a location where the warning is necessary.
9. Political signs during the election season. All requirements shown in § H.2.f must be followed.

F. Prohibited Signs

The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No *sign* shall be attached to any utility pole (with the exception of the utility pole located at the Post Office on Randolph Avenue), light standard, street tree or any other public facility located within the public right-of-way.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Signs, any part of which moves by any means, including but not limited to rotating signs, propellers, discs, and such but excluding pennants and signs indicating time and temperature.
5. Portable signs except as allowed for temporary signs.
6. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
7. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
8. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means no more than 20 days in any calendar year.
9. Any signs that use the word "stop" or "danger" or otherwise present or imply the need or requirement to stop or take caution of the existence of danger or which is a copy of, imitation of, or which for any reason is likely to be confused with any sign displayed or authorized by a public authority.
10. Any non-shielded illumination of a sign within 200 feet of a residential district.
11. Billboard signs
12. Illuminated tubing or strings of lights solely for the purpose of illumination, except when displayed as decorations during the holiday seasons. This includes any lighting arrangement which outlines any portion of a building or structure by exposed tubing or strings of lights.
13. Signs advertising activities which are illegal under federal, state, or local laws and regulations.

G. Permits Required

1. Unless specifically exempted, a permit must be obtained from the zoning administrator for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

2. Construction documents
Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the zoning administrator showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.
3. Changes to signs
No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
4. Permit fees
Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.
5. Permit number. Permit must be made available upon request.
6. Permit expiration. If a sign is not erected within twelve months following the issuance of a sign permit, such permit shall be null and void.
7. Church, school, or other public or semi-public institutions may have one name sign or bulletin board not exceeding twenty square feet in area.
8. Landscaping shall be integrated with each individual freestanding sign. Landscaping plans will be approved by the Zoning Administrator.
9. Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, or ingress and egress for any building structure.

H. Specific Sign Requirements

1. Identification signs.
Identification signs shall be in accordance with Sections H.1.a through H.1.b.
 - a. Wall signs
Every single-family residence, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table H.1.a. For shopping centers, planned *industrial* parks or other multiple occupancy nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy.

TABLE H.1.a IDENTIFICATION SIGN STANDARDS—WALL SIGNS

LAND USE	AGGREGATE AREA (square feet)
Single-family residential	2 SQFT
Multiple-family residential	2 SQFT per residential dwelling

For SI: 1 square foot = 0.0929 m².

- b. Free-standing signs
 In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table H.1.b.

TABLE H.1.b IDENTIFICATION SIGN STANDARDS—
 FREE-STANDING SIGNS^{a,b,c}

LAND USE	NUMBER OF SIGNS	MAXIMUM HEIGHT (feet)	AREA (square feet)	SPACING
Residential Subdivision	1	6'	12 Sq Ft	1 per subdivision entrance ^a
Multiple-family residential	1	6'	12 Sq Ft	1 per driveway ^a
Commercial and industrial	<u>1</u>	6'	64 Sq Ft	150 ^b
Mason Avenue Commercial	1 per store front	6'	12 Sq Ft	1 per store front

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

a. For shopping centers or planned *industrial* parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in Table H.1.b.

b. For any commercial or *industrial* development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned *industrial* parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.

2. Temporary signs
 Temporary signs shall be in accordance with Sections H.2.a through H.2.f.
- a. Real estate signs
 Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

- (1) Real estate signs, including Open House Signs, located on a single residential lot shall be limited to one sign, not greater than 4 square feet in area.
- (2) Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each *sign* shall be no greater than 32 square feet in area nor 6 feet in height. All signs permitted under this section shall be removed within 7 days after sale of the last original lot.
- (3) Real estate signs advertising the sale or lease of space within commercial or *industrial* buildings shall be no greater than 12 square feet in area nor 8 feet in height, and shall be limited to one sign per street front.
- (4) Real estate signs advertising the sale or lease of vacant commercial or *industrial* land shall be limited to one sign per street front, and each sign shall be no greater than 8 feet in height, and 20 square feet for property of 10 acres or less, or 32 square feet for property exceeding 10 acres.
- (5) Real estate signs shall be removed not later than 7 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.
- (6) Real estate auction signs advertising the sale of residential, commercial or *industrial* property shall be no greater than 32 square feet, and may be displayed for up to 30 days.

b. Development and construction signs

Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- (1) Such signs on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 4 square feet in area.
- (2) Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 6 feet in height and 32 square feet in area.
- (3) Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed 6 feet in height and 12 square feet for projects on parcels 5 acres or less in size, and not to exceed 6 feet in height and 32 square feet for projects on parcels larger than 5 acres.
- (4) Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 7 days following issuance of an occupancy permit for any or all portions of the project.

c. Special promotion, event and grand opening signs

Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and *industrial* districts subject to the following limitations:

- (1) Such signs shall be limited to one sign per street front.

- (2) Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 7 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
 - (3) The total number of all such signs shall not exceed 5 in any single-family residential district, limited to 4 square feet in any multiple-family residential district and in any commercial or *industrial* district.
 - d. Special event signs in public ways

Signs advertising a special community event shall be allowed in or over public rights-of-way, subject to approval by the zoning administrator and the Virginia Department of Transportation as to the size, location and method of erection. The zoning administrator may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.
 - e. Political signs

Political signs shall be permitted in all zoning districts, subject to the following limitations:

 - (1) Such signs shall not exceed an area of 4 square feet per sign.
 - (2) Such signs for election candidates or ballot propositions shall be displayed only for a period of 45 days preceding the election and shall be removed within 7 days after the election.
 - (3) Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.
 - f. Other Temporary Signs

This category includes temporary signs that do not conform to any of the other categories listed above.

 - (1) Such signs on a single residential slot shall be limited to one sign per lot which shall not exceed an area of 4 square feet.
- 3. Requirements for specific sign types

Signs of specific type shall be in accordance with Sections H.3.a through H.3.g.

 - a. Canopy and marquee signs
 - (1) The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
 - (2) Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.
 - b. Awning signs
 - (1) The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning

surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.

- (2) Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

c. Projecting signs

- (1) Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in area to 2 square feet per each lineal foot of building frontage, except that no such sign shall exceed an area of 50 square feet.
- (2) No such *sign* shall extend vertically above the highest point of the building facade upon which it is mounted.
- (3) Such signs shall not extend over a public sidewalk without approval of the Town Manager.
- (4) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 8 feet.

d. Under *canopy* signs

- (1) Under *canopy* signs shall be limited to no more than one such sign per public entrance to any occupancy.
- (2) Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 8 feet.

e. Roof signs

- (1) Roof signs shall not be permitted in any districts.

f. Window signs (Inside).

Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and *industrial* districts, subject to the following limitations:

- (1) Any signs attached to windows or glass walls advertising weekly specials or special services offered for a limited time by a business establishment.
- (2) The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.
- (3) Window signs shall not be assessed against the sign area permitted for other sign types.

g. Menu boards

Menu board signs shall not be permitted to exceed 10 square feet and are limited to one sign per business.

- h. Sandwich boards
Sandwich boards on public right-of-way shall be removed at daily close of business. The signs shall not exceed 10 square feet and are limited to one sign per business.

I. Signs for Development Complexes

1. Master sign plan required

All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m²) in size, such as shopping centers or planned *industrial* parks, shall submit to the zoning administrator a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- a. Proposed sign locations.
- b. Materials.
- c. Type of illumination.
- d. Design of free-standing sign structures.
- e. Size.
- f. Quantity.
- g. Uniform standards for nonbusiness signage, including directional and informational signs.

2. Development complex sign

In addition to the free-standing business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

3. Compliance with master sign plan

All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

4. Amendments

Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

J. Other Permitted Signs

1. Commercial Districts

- a. Barber poles.
- b. Theater marquees, including chaser lights, neon, and backlit changeable letterings appropriate to its use.

K. Sign Illumination

1. External Illumination. External lighting shall be limited to light fixtures utilizing white, not colored, lighting and shall not be blinking, fluctuating, or moving. External lighting shall be provided by concealed and/or screened spots or floods and shall be arranged and installed so that direct or reflected illumination does not exceed (0.5) foot candles above background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.
2. Internal Illumination. Internal lighting shall be limited to internal light contained within translucent letters and internal illuminated sign boxes provided the background or field on which the copy and/or logos are placed is opaque. The area illuminated is restricted to the sign face only. The direct or reflected illumination shall not exceed (0.5) foot candles above the background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.

L. Violations of Signs

The Zoning Administrator shall have the authority to determine violations of this preceding section and notify the owner of such violation in writing. In addition to penalties described in Section 2.4.3, if it is determined that a sign is unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the zoning administrator forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, zoning administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign. The Town will store the sign for 30 days to give the owner an opportunity to reclaim the sign. The sign will be destroyed if unclaimed after 30 days. If ownership of the sign cannot be determined, the sign shall be removed and destroyed after 30 days if unclaimed. For repeat offenses, the Zoning Administrator is authorized to immediately remove any unlawfully placed sign.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Waterworks Backwash Vault Expansion		AGENDA DATE: November 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Approval to Request Bids for Backwash Vault Expansion		ITEM NUMBER: 8B
	ATTACHMENTS:		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): David Fauber	REVIEWED BY: Heather Arcos Town Manager	

BACKGROUND:

The Town of Cape Charles owns and operates a public water system with a Water Treatment Plant. The plant has a 7,500 gallon backwash vault that was installed as the chlorination tank for the old Waste Water Treatment Plant (WWTP), later converted to a UV System. The backwash from the Water Treatment Plant was originally designed to be discharged into the WWTP polishing pond. When the old WWTP was decommissioned, the polishing pond was removed and the backwash water was rerouted directly to the UV Vault. The UV Vault lacks the capacity to effectively handle the water plant backwashes without discharging some of the iron laden backwash water into the harbor before the iron and manganese have had time to settle out completely. The Town would like to expand the existing vault to a greater capacity to make it more effective in retaining all the iron and manganese laden water allowing us to discharge water that can meet our Total Suspended Solids Discharge Limits.

The expansion of the backwash vault was discussed at our budget meetings for FY14; and the timing of the expansion was unknown without going through a summer season.

DISCUSSION:

Staff has prepared a Request for Bids and drawings for the expansion of the backwash vault expansion. With some preliminary cost estimates and quotes received, it looks like the total cost of the project will be around \$25K.

One possible source of funds that could be made available for this project is the \$30K that is budgeted this year for engineering the Pine and Plum Street Pump Station improvements.

RECOMMENDATION:

Staff requests Council approval to proceed with the advertising of an Invitation for Bids and construction of the backwash vault expansion project using funds budgeted for engineering the pump stations, or from some other available money source.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Virginia Waterman's Memorial Easement		AGENDA DATE: November 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Easement for the Virginia Waterman's Memorial		ITEM NUMBER: 8C
	ATTACHMENTS: Aerial Photo of Proposed Location for the Virginia Waterman's Memorial		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Friends of Virginia Waterman's Memorial on the Eastern Shore, Inc. was incorporated in 2006 with plans to construct a memorial to Virginia's watermen who were lost at sea. Mr. Ed Lewis, president of the organization, gave a presentation to the Town Council in September 2012 requesting to construct the memorial at the Cape Charles Harbor due to the proximity of the Chesapeake Bay. At that time, Council was polled and all members expressed their support of the Virginia Waterman's Memorial being constructed at the Cape Charles Harbor.

DISCUSSION:

In order for the construction to move forward, the Town needs to grant an easement for the specified location of the memorial and plans need to be reviewed by the Harbor Area Review Board. The easement is necessary before the Friends of the Virginia Waterman's Memorial can move forward with the plans.

Under Virginia Code § 15.2-2100(B), the Town needs to advertise and receive bids on any easement lasting more than five years. Under § 15.2-1800, a public hearing must also be held.

The maximum length of the easement cannot exceed 40 years.

RECOMMENDATION:

Staff requests Council discussion regarding the easement for a portion of Tax Parcel ID #83A3-A-10, and if deemed appropriate, authorization to move forward with i) advertising for bids for the proposed location for a memorial; and ii) scheduling a public hearing for December 19, 2013 prior to the regular meeting.

Exhibit A



 Waterman's Memorial Location

0 30 60 120 180 240
Feet



Area depicted:

Tax Parcel # 83A3-A-10

Coordinates:

Latitude: 37 degrees, 15.908 minutes north

Longitude: 76 degrees, 01.089 minutes west

The area of the center pin has a radius of 19 feet or a total area of 1,134.115 feet.

The center pin is located 50 feet east of The Shanty's steps, 73 feet north of the water's edge and 84 feet south west of the sewer manhole.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Northampton County Funding Request		AGENDA DATE: November 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Letter to Northampton County requesting funding assistance for FY 2014/2015		ITEM NUMBER: 8D
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Each year, the Town submits a letter to Northampton County for a contribution request for the next Fiscal Year budget. Typically, the Town requests funding assistance for the Cape Charles Memorial Library and the 4th of July celebration. Last year, the Town requested funding assistance as follows:

- \$20K for the operations of the Cape Charles Memorial Library
- \$40K towards the Library Expansion
- \$7K for the 4th of July fireworks display
- \$10K for public beach operations
- \$10K towards the public fishing pier operations

The Town received \$20K for the operations of the Cape Charles Memorial Library. The County also provided assistance to the Eastern Shore of Virginia Festivals Organization for the Tall Ships Initiative.

DISCUSSION:

On October 30, 2013, the Town received notification from the County to submit any funding assistance requests for FY 2014/2015 by December 18, 2013. Due to the current economy and known reductions in revenues from the State and other anticipated reductions, it is uncertain if Northampton County plans to submit a budget equal to or less than the current budget year.

For Fiscal Year 2014/2015, the Town plans to request funding assistance as follows:

- Cape Charles Memorial Library Operations – \$20K (FY2013/2014 budget = \$119K)
- Cape Charles Computer Training Lab Operations – \$20K
- July 4th 2013 fireworks display – \$8K of a \$15K budget
- Public Beach Operations – \$10K of a \$75K budget
- Offshore Breakwater – \$75K of a \$800K project

The Town will request Northampton County to continue its efforts to provide emergency services to the residents of the County after the relocation of Riverside Shore Memorial Hospital and continued support for the Cape Charles Harbor Access Road, the Cape Charles Volunteer Fire Company, and the Eastern Shore of Virginia Festivals organization for the Tall Ships initiative.

RECOMMENDATION:

Staff recommends discussion and requests Council’s input on any additional projects to include in the request to Northampton County for funding assistance in the FY 2014/2015 budget.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Water Reuse		AGENDA DATE: November 21, 2013
	SUBJECT/PROPOSAL/REQUEST: Authorize additional effort on implementation of water reuse.		ITEM NUMBER: 8E
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Town is authorized to discharge an average daily flow of up to 250K gallons per day (gpd) of treated wastewater effluent at the nitrogen and phosphorous concentrations specified in our Virginia Pollutant Discharge Elimination System permit. Based on the Total Maximum Daily Load of pollution approved for clean-up of the Chesapeake Bay, it is highly unlikely that the Town's permitted discharge would be increased in the future. Effluent volume beyond 250K gpd would need to be accommodated through a water reuse system.

Our current average daily flow is about 150K gpd. The remaining discharge capacity would accommodate about another 800 Equivalent Residential Connections (125 gpd). Additional growth is dependent on water reuse. At total build-out, an average daily flow of 750K has been projected.

DISCUSSION:

Town staff and our engineering firm (GHD) have been working with the Department of Environmental Quality (DEQ) on a future water reuse program. DEQ has conceptually approved reuse of the treated effluent at the Bay Creek lake system for irrigation purposes. The State Water Control Board has approved a change to the reuse regulations to accommodate the unique characteristics of the proposed reuse site. DEQ provided additional grant funds for the new waste water treatment plant (WWTP), in part to encourage incorporation of water reuse capability.

The WWTP budget included \$270K for water reuse (\$85K for design, \$185K for construction). We have utilized \$260K for: design, incorporation of reuse capability into the plant, construction of the pipeline to Old Cape Charles Road, and a survey of the Bay Creek lake system for the storm water analysis required by DEQ. GHD estimates that an additional \$10K to \$15K will be required to complete the storm water analysis. Once completed, the remaining effort to implement water reuse includes: a formal agreement with Bay Creek, applying for the DEQ permit, completing design and construction of the pipeline to the lake system.

The water reuse effort is included in the portion of the WWTP budget funded by the Clean Water Revolving Loan Fund zero-interest loan. The authorized loan amount is \$5,152K, and about \$317K remains unutilized. Staff is in discussion with DEQ about funding the storm water analysis from this balance. Additionally, the Water Quality Improvement Fund grant has been closed out with a balance of \$109.6K, but those funds are not available for the reuse effort.

While there is no urgency to continue implementation of water reuse, there is an advantage to completing the storm water analysis at this time while the GHD team is in place.

RECOMMENDATION:

Staff recommends authorization of the additional effort.