



# TOWN COUNCIL

## Regular Meeting

July 18, 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. Public Comments (3 minutes per speaker)
4. Consent Agenda
  - A. Approval of Agenda Format
  - B. Approval of Minutes
5. Department Reports
  - \*A. Treasurer's Report
  - B. Planning Commission and Boards
  - C. Other Departmental Reports
6. Old Business
  - A. Old Cape Charles School Project Update
  - B. Everbridge Communication Update
  - \*C. Cape Charles Federal Channel Navigation Appraisal
  - \*D. Zoning Ordinance – Harbor District – Schedule Public Hearing
7. New Business
  - A. FEMA Flood Insurance Rate Maps
  - \*B. Code 42-3 – Adoption of State Law
  - \*C. Re-Appointment of Library Board Members
8. Mayor & Council Comments
9. Announcements
  - July 20, 2013 – Chamber of Commerce Jammin' At the Jetty, 6PM
  - July 27, 2013 – Free Concert & Movie in Central Park, 7PM
  - August 1, 2013 – Town Council Special Meeting, 6PM, Town Hall
  - August 3-4, 2013 – Clam Slam & Boat Docking Contest
  - August 15, 2013 – Town Council Regular Meeting, 6PM, St. Charles Parish Hall
10. Adjourn at 8:00 P.M.



**DRAFT**  
**TOWN COUNCIL**  
**Public Hearing**  
**St. Charles Parish Hall**  
**June 20, 2013**  
**6:00 p.m.**

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Godwin, Sullivan and Wendell, and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Treasurer Kim Coates and Town Clerk Libby Hume. There were 11 members of the public in attendance.

Mayor Sullivan read the public hearing advertisements announcing that the evening's Public Hearing was to hear public comment regarding:

1. Conditional Use Permit Application for use of a dwelling unit over commercial space for the property located at 712 Randolph Avenue; and
2. Fiscal Year (FY) 2013-2014 Proposed Budget and Utility Rates. The budget would be discussed and brought to a vote at a special meeting on June 27, 2013 at 6:00 p.m. at the Town Hall located at 2 Plum Street.

Mayor Sullivan opened the floor to public comments.

**PUBLIC COMMENTS:**

There were no comments from the public nor any written comments submitted prior to the meeting regarding the Conditional Use Permit Application for 712 Randolph Avenue.

*Deborah Bender, 300 Fulcher Street*

Ms. Bender spoke in opposition to the proposed increase in the monthly wastewater fee.

*Veann Duvall, 110 Tazewell Avenue*

Ms. Duvall also spoke in opposition to the proposed increase in the monthly wastewater fee and asked Council to consider reducing the amount of the utility fees for senior citizens on fixed incomes. Ms. Duvall also suggested waiving the utility fees for the Cape Charles Police officers living in the Town.

*Dan Burke, 516 Madison Avenue*

Mr. Burke stated that last year, the Town used \$200K from the bond originally reserved to connect the new wells to the water system to purchase the bank building for the new library. Mr. Burke went on to state that he heard that the Town was now required to connect the two new wells to the system and asked that this issue be addressed.

Mayor Sullivan informed Mr. Burke that this issue would be addressed during the Town Council meeting.

Mr. Leon Parham of Parham Architecture arrived and Heather Arcos asked if he would like to address Council regarding the Conditional Use Permit Application for 712 Randolph Avenue.

Mr. Parham stated that the 2,600 square foot space on the second floor of the property had previously been rented to the Eastern Shore Community Center. Since the college moved out, the owner had not had any success in renting the space for commercial use. Mr. Parham continued to state that one large three bedroom/three and a half bathroom apartment was a very apt reuse for the space and there was adequate parking available.

There were no other comments from the public nor any written comments submitted prior to the meeting.

**Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to adjourn the Town Council Public Hearing. The motion was unanimously approved.**

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Mayor Sullivan

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Town Clerk

DRAFT



**DRAFT**  
**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**June 20, 2013**  
**Immediately Following Public Hearing**

At 6:10 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Godwin, Sullivan and Wendell, and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek and Town Clerk Libby Hume as well as the Department Heads and approximately 14 members of the public.

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

**PUBLIC COMMENTS:**

*Dianne Davis, 601 Jefferson Avenue*

Ms. Davis addressed the Council as follows: i) Last year, she addressed Council regarding the safety of the citizens at Heritage Acres requesting consideration for a safe crossing to Rayfield's Pharmacy and asked whether anything had been done about it; ii) The large increase in the utility fees would be difficult for many of the senior citizens to pay since they had limited incomes and asked if anything could be done to offer reduced bills for senior citizens; and iii) The year before last, she came to Council regarding some areas which looked pretty bad and provided a list of properties that needed to be cleaned up. The Town had worked on getting these areas cleaned up. The Town currently did a good job of keeping Mason Avenue, the Harbor, etc. clean but there were still some areas in Town which had grown up again and in need of attention.

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

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

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett to approve the agenda format as presented. The motion was approved by unanimous consent.**

**CONSENT AGENDA – APPROVAL OF MINUTES:**

The Town Council reviewed the minutes of the May 16, 2013 Public Hearing, the May 16, 2013 Regular Meeting, the May 20, 2013 Joint Work Session with the Planning Commission, the May 23, 2013 Work Session, the May 30, 2013 Public Hearing, and the June 3, 2013 Special Meeting.

**Motion made by Councilwoman Natali, seconded by Councilman Bennett, to approve the minutes from the May 16, 2013 Public Hearing, May 16, 2013 Regular Meeting, May 20, 2013 Joint Work Session with the Planning Commission, May 23, 2013 Work Session, May 30, 2013 Public Hearing and June 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 May 31, 2013 which showed \$233,951 in the Bank of America account, \$209,530 in the Shore Bank account, \$68,461 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,342 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$952,284. The report also showed Total Cash Held in Reserve at \$356,065. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$69,661 more was collected in FY 2013 as of May 31<sup>st</sup> with increases noted for meals tax, transient occupancy, personal property and real estate taxes. Kim Coates also reviewed the revenues vs. expenditures and the capital improvement projects. The report detailing the dollars spent to date on the new library building was reviewed.

**Motion made by Councilman Bennett, seconded by Councilman Godwin, to accept the Treasurer's Report as submitted. The motion was approved by unanimous consent.**

### B. *Planning Commission and Boards:*

Town Manager Heather Arcos informed Council that Town Planner Rob Testerman was not able to attend tonight's meeting due to a prior commitment and reported the following on his behalf: i) The Planning Commission was given a presentation and explanation of the PSA by Bob Panek who was the Chair of the PSA and the Town's representative to the PSA; and ii) The Historic District Review Board (HDRB) met on June 18<sup>th</sup> and Joe Fehrer was named the HDRB representative to the Harbor Area Review Board. The Board was considering an amendment to their By-Laws to change the meeting time from 4:30 p.m. to 5:00 p.m. They would be continuing their review of the By-Laws. The Board also reviewed an application for 423 Plum Street. They asked the applicant for more information and tabled their decision until the information could be reviewed.

Councilman Wendell stated that it was good that the HDRB was considering moving their meeting start time but added that he didn't think the meetings should begin any earlier than 6:00 p.m. so the public could attend. Heather Arcos stated that she would relay the information to the HDRB.

Councilman Wendell stated that in the application for the old school building, Section 8 showed a family unit with more than one bedroom and asked whether Charon Ventures would be charged the full connection fee for that apartment. Heather Arcos stated that connection fee was based on the number of bedrooms and the fees for each unit would be charged accordingly.

### C. *Other Departmental Reports:*

Harbor Master Smitty Dize informed Council that last weekend, for the first time since he became the Harbor Master in 2005, he had to turn away a boat due to the Harbor being full to capacity. The Harbor was full again this weekend and was completely booked for the Clam Slam weekend. The Harbor would probably also be booked for Labor Day weekend. The Town had a good working relationship with Kings Creek Marina and boats that could not be accommodated at the Harbor were referred to Kings Creek. Joe Habel did the same for the Town.

Chief Brown addressed Ms. Davis' concern regarding the street crossing for Heritage Acres informing her that VDOT was performing the second phase of the traffic study this week counting cars, golf carts, wheelchairs, etc. The first study was done in the winter. The Town was working with VDOT to install a crossing to enable to residents of Heritage Acres safe passage across the road. Heather Arcos added that funding was included in the proposed FY 2013-2014 budget to extend the sidewalk from Heritage Acres to Fig Street.

Councilman Wendell stated that the bio filter was removed from the Fig Street Pump Station over a month ago and the pump station was emitting sewer gases which were very difficult for the people living in the proximity. He added that this should have been avoided. Public Works/Public Utilities Director Dave Fauber stated that the Town would have preferred to leave the mulch on longer but the people doing the repairs on the pump station felt that the filter added to the pressure on the pump so it had to be removed. New mulch would be installed sometime next week. Additional work had to be done to the New Quarter Pump Station before the new mulch could be installed.

Mayor Sullivan asked Dave Fauber to address Mr. Burke's questions regarding the new wells which were posed earlier in the evening during the public hearing regarding the FY 2013-2014 proposed budget. Dave Fauber stated that the Town was not under any mandate from the Environmental Protection Agency or any other agency to connect the new wells. About four or five years ago, the Town was instructed by the Virginia Department of Health (VDH) to connect the new wells before any further development in Bay Creek was approved. A well was installed several years ago by Benders Lane but the water quality and yield were not suitable to be connected to the Town's water system. Two more wells were installed at the Keck property, but the VDH stated that they did not have to be connected at this time but advised that the Town proceed with the engineering so they would be ready to connect when needed.

Vice Mayor Bannon asked whether Bay Creek South and the Marina Village areas were still flushing out the sewer mains to keep them from becoming septic. Dave Fauber stated that he did not believe the sewer systems were being flushed but added that he thought there was more usage in the areas. Vice Mayor Bannon asked Dave Fauber to contact Bay Creek South and the Marina Villages to continue the sewer system flushes.

Councilman Wendell asked about Granville Hogg's request for a food cart on Bay Avenue stating that the Town Manager had issued a letter denying Mr. Hogg's request. Councilman Wendell stated that he felt that a food stand on Bay Avenue would enhance the Town and asked that the issue be forwarded to the Planning Commission or placed on the Town Council agenda to allow Mr. Hogg an opportunity to make his case. Heather Arcos stated that several years ago, Mr. Hogg submitted a similar request for a permanent location on Bay Avenue. Council held several work sessions, reviewed the ordinance and modified it to allow temporary, moveable food carts but not a food stand in a permanent location. Councilman Godwin added that he had spoken with Mr. Hogg and he was willing to pay for electricity at the location but there were other issues to be resolved with the health department.

Heather Arcos reported the following: i) She had good news to report about the Governor's Transportation Bill which detailed project funding for FY 2014. Route 642, Old Cape Charles Road, was funded for a projected \$6.2M for FY 2014 through FY 2019. This project was included as Northampton County's #1 priority and would benefit Bayshore Concrete, South Port and the Harbor and would have a very positive impact on the Town's economic development; and ii) A description of a project planned by Bayshore Concrete was distributed. Bayshore Concrete had submitted a joint permit application to the Army Corps of Engineers for up to 250' encroachment in to the Federal Channel to construct two concrete piers to support a 250 ton travel lift which would enable them to obtain larger contracts. There would be a \$2.2M investment for the travel lift and wave break to protect the travel lift and harbor basin. The land improvements were estimated at approximately \$4.5M. The Town and other developments around the Harbor were supportive of the project. Bayshore Concrete was bidding on two upcoming contracts which could create over 200 jobs over several years.

Vice Mayor Bannon stated that Librarian Ann Rutledge informed him that three events were held at the Library on June 19<sup>th</sup> and 117 people came into the Library on that day. The Library was very busy over the weekend and on a daily basis.

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

**OLD BUSINESS**

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

Assistant Town Manager Bob Panek reported that the Cape Charles Multi-Use Trail Project plans passed the 60% design milestone. If everything passed VDOT's review, he was hopeful that construction could begin in February 2014. VDOT recommended \$312K in additional grant funding which stated in the Commonwealth Transportation Board's draft minutes from their June 19<sup>th</sup> meeting as having been approved. This brought the total available funding to \$1.4M. The Town's match of \$347K would be phased over two years and \$150K was included in the FY 2014 budget. Bob Panek stated that he had the 60% Design Plans in his office if anyone was interested in reviewing them.

Councilman Wendell asked if the Town anticipated any drainage problems with Phase 2. Bob Panek responded that drainage improvements were included along Peach Street to drain to Crystal Lake.

Councilman Godwin remarked that if the water by the old school could be handled, it would be an amazing engineering feat. Bob Panek stated that Plum Street and Madison Avenue were not included in Phase 2 of the project but it could help with the drainage since water from Peach Street naturally flowed to that corner. Bob Panek added that the money from the grant was not allocated to solve drainage problems but was specific for construction of trail projects.

Vice Mayor Bannon commented that the Town and staff had a fantastic rapport with VDOT and the Virginia Port Authority.

B. *Conditional Use Permit – 712 Randolph Avenue:*

Heather Arcos stated that a public hearing was held earlier this evening regarding the conditional use permit application for 712 Randolph Avenue for a residential apartment over commercial space. No comments were heard. There were no questions regarding the proposed project.

**Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to approve the conditional use permit for 712 Randolph Avenue for one dwelling unit above commercial space. The motion was approved by unanimous consent.**

**NEW BUSINESS:**

A. *Citizens' Needs Advisory Committee Report:*

Heather Arcos stated that, at the request of the Mayor, the Town Council formed the Citizens' Needs Advisory Committee naming Councilman Bennett as the Chairperson and Jen Lewis as the staff liaison. Councilman Wendell also served on the committee which was tasked to identify the needs of the community and inventory the existing assets to allow the Town to better design the physical space which would be available to better define the programs necessary to fill the unmet needs. The Committee was also tasked with evaluating the former library space for public use and to provide recommendations to Council. In addition to Councilmen Bennett and Wendell and Jen Lewis, the committee members included Mss. Pat Buckley, Dianne Davis, Tammy Holloway and Jenni Potts. Ms. Lenora Mitchell also attended a meeting. The Committee developed a survey for the citizens to complete regarding the types of activities and programs they wanted the Town to provide. As of May 30<sup>th</sup>, 78 responses had been received with 55 coming from full-time residents of the Town. The results were compiled and were included in the report provided by the Committee. Staff would be reviewing the information to develop future programs and activities for the community. Council allocated funding in the proposed FY2013-2014 budget to update the former library building with ADA access so future Council, Commission and Board meetings could be held in the space along with other activities for the public.

Councilman Bennett stated that the number of survey responses was now up to 90 and added that the responses represented an excellent cross-section of the community. The Committee would continue to collect responses and add them to the report. Councilman Bennett went on to give an overview of the Committee Report. The requested activities were divided into four categories: i) Currently Providing; ii) Could be Provided with Minimal Cost/Staffing; iii) Would Like to Offer But Additional Resources Needed; and iv) Dream List. Another category included activities that were outside the Committee's scope. Another portion of the survey rated the Town and most of the negative responses were due to the citizens not being aware that a program was available. The Town needed to improve advertisements and communication regarding the available programs. Councilman Bennett continued to state that he hoped this report could become part of the Comprehensive Plan and used as a guideline for future activities. The Committee was recommending use of the old library building as a community center for indoor activities.

Councilman Godwin asked if any further studies were planned. Councilman Bennett stated that survey responses would continue to be collected and the Committee would meet again in the fall. Councilman Bennett thanked all the participants in the Committee and the survey responders and gave special thanks to Jen Lewis who worked very hard on the project and was a great asset to the group.

Heather Arcos stated that Jen Lewis informed her that she had been approached by parents telling her that there was so much to do in Cape Charles that they weren't able to participate in every activity. As a result of the study, the Gazette would now also be printed and copies distributed to the Sea Breeze Apartments, Heritage Acres and the Library. Notices of events would also be provided to the Town's churches for inclusion in their bulletins.

**Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to approve the Citizens' Needs Advisory Committee Report for implementation as a planning tool and consideration for the upcoming Comprehensive Plan update.**

Further discussion continued as follows:

Councilman Wendell stated that he concurred with Councilman Bennett regarding Jen Lewis doing a great job for the Committee and added that Councilman Bennett was very organized and adept in chairing the Committee. Councilman Wendell added that it was ironic that the Committee brought up that the Town had limited indoor space for activities when it had a great location in the old school.

Councilwoman Natali congratulated the whole team working on this project, especially Councilman Bennett and thanked everyone for all their time in attending meetings. Councilwoman Natali asked if there had been any discussion regarding a recommendation to charge a fee for non-residents to participate in the Town's activities. Councilman Bennett stated that the information was in the report to charge non-residents and giving priority to Town residents. The report also stated the need for more parents to volunteer for various programs.

Heather Arcos stated that the report would be placed on the website.

**The motion was approved by unanimous vote.**

**B. *Procurement Policy Manual:***

Heather Arcos stated that at the May 16, 2013 Regular Meeting, Council adopted revisions to Chapter 54 of the Cape Charles Town Code to bring the Town's procurement policies in line with the Code of Virginia § 2.2-4300, et seq. which was the Virginia Public Procurement Act. The new Town Code § 54-3 required the development of a purchasing manual and administrative regulation to implement the policy established by Chapter 54. The Procurement Policy Manual was provided to Council at the May 16<sup>th</sup> meeting for review and Council input was requested prior to implementation. With the modification in Town Code, the Town was

now able to utilize other procurement methods, such as cooperative procurement which allowed the Town to benefit from the bidding process from other localities in the State. In the past, the Town had internal procedures in place but this manual was the first official policy.

C. *New Roots Youth Garden:*

Heather Arcos stated that in 2010, New Roots Youth Garden (NRYG) was established as a community youth initiative for the Town of Cape Charles. At that time, the Council supported the NRYG initiative by designating the Town-owned parcel and providing minimal water and electric needed for the garden activities. Since 2010, NRYG became a 501 (c)3 entity supported by a board, many volunteers, and Recreation Coordinator Jen Lewis and had received support from the Cape Charles Rotary for activities. The maintenance of the parcel/lawn care was taken care of by the organization. Water was being conserved by utilizing rain barrels. Heather Arcos went on to state that a Memorandum of Agreement was included in the packet to formalize the commitment by the NRYG members, volunteers and the Town.

Mayor Sullivan stated that she thought the garden was a great thing in that it taught the children about gardening and fresh vegetables. In the past, many children didn't know what these vegetables were and now they grew the vegetables, harvested them and ate them. This was important in the community especially since the area was now first in the State for obesity.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to authorize the Town Manager to execute the Memorandum of Agreement in support of the New Roots Youth Garden. The motion was approved by unanimous vote.**

**MAYOR AND COUNCIL COMMENTS**

Mayor Sullivan stated the following: i) Years ago, when she first came on the Town Council, she was gung ho regarding having a different utility bill amount for the lower income residents and senior citizens. She found out it was against the law to have different bill amounts. The Dept. of Social Services had programs to help residents in need of assistance for real estate taxes and utility bills and asked Kim Coates to check into the program and provide notification in a future Gazette; and ii) The Tall Ships weekend was great. The ships did well. She met a lot of nice people who all seemed to enjoy themselves. Heather Arcos thanked the Police Department, Public Works Department, the Harbor crew and Jen Lewis. All worked the weekend, put in a lot of hours and did a great job.

Councilman Godwin stated that people on Section 8 could not pay any added costs and there should be something that could be done.

Councilman Sullivan suggested Kim Coates contact Mr. Richard Sterrett at the Dept. of Social Services who should be able to answer any questions.

Vice Mayor Bannon stated that he didn't have anything to add but asked everyone to stay after the meeting to help set up the Parish Hall for tomorrow's funeral service.

Councilwoman Natali stated that the Schooner Virginia would be back to Cape Charles July 2<sup>nd</sup> through July 8<sup>th</sup> and would be offering day sails, sunset sails and a special sail for July 4<sup>th</sup> from 7:00 p.m. to 9:00 p.m.

Councilman Wendell questioned the current procedure of obtaining bids for expenditures over \$10K and asked who authorized the \$80K in expenditures to the law firm to defend the Old School Cape Charles lawsuit. Mayor Sullivan stated that legal expenses were included in the Town Manager's budget. The Town would get a bill for services and it would be paid from the Town Manager's budget. Councilman Wendell went on to comment that the legal fees did not come to the Town Council for approval prior to payments being made. Heather Arcos stated that legal fees for contract review, lawsuits, and any other necessary legal review were included in her budget per

Council's direction. Councilman Sullivan added that when the Town got sued by the Old School Cape Charles, it had no option but to spend legal fees to defend the suit. Vice Mayor Bannon suggested that Councilman Wendell visit the Town Hall to discuss the issue with the Town Manager individually. There was much heated discussion amongst the Council.

**ANNOUNCEMENTS**

- June 27, 2013 – Town Council Special Meeting, 6PM, Town Hall
- July 4, 2013 – Town Offices Closed in Observance of July 4<sup>th</sup>
- July 4<sup>th</sup> Celebration – Parade, Activities & Fireworks
- July 6, 2013 – CCVFC Seafood Extravaganza, 5PM-8PM, Cape Charles Harbor
- July 18, 2013 – Town Council Regular Meeting, 6PM, St. Charles Parish Hall

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adjourn the Town Council Regular Meeting. The motion was approved by majority vote with Councilman Wendell opposed.**

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Mayor Sullivan

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Town Clerk



**DRAFT**  
**TOWN COUNCIL**  
**Special Meeting**  
Town Hall  
June 27, 2013  
6:00 p.m.

At 6:00 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Special Meeting of Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Sullivan and Wendell, and Councilwoman Natali. Councilman Godwin was not in attendance. Also present were Assistant Town Manager Bob Panek, Treasurer Kim Coates, Town Clerk Libby Hume, Librarian Ann Rutledge, Police Chief Charles Brown, Officer James Pruitt and Officer Chelsea Pfeiffer. There were 6 members of the public in attendance.

Mayor Sullivan stated that the order of business for this evening was i) USDA Grant Award for Library Equipment; and ii) FY 2013-2014 Budget.

A. *USDA Grant Award for Library Equipment:*

Treasurer Kim Coates stated that in September 2012, the Town Council authorized a grant application submission to the USDA Rural Development (USDA RD) in the amount of \$25K to purchase equipment, furniture, shelving and other possible equipment needs for the Library. The grant covered equipment needs only, not rehabilitation of a building. The Town Manager received notification of the grant award in the amount of \$25K which required a Town Match of 25% for a total project cost of \$33,375. The match amounted to \$8,375 and would be paid from the Library CD funds which had a current balance of \$11,510. Items could be included in grant reimbursement if they were ordered after October 11, 2012. Staff was requesting adoption of a resolution to authorize the Town Manager to execute the appropriate forms to accept the USDA RD Grant award for Library equipment.

**Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to adopt Resolution 20130627A to authorize the Town Manager to execute the appropriate forms to accept the USDA RD Grant award.**

Councilman Bennett stated that he would prefer to use money that was already spent to purchase equipment towards the match before spending any additional money from the CD fund. Kim Coates responded that the money from the grant would reimburse money spent from the CD fund so that additional funding would also be available for Library use.

Councilwoman Natali added that the Friends of the Cape Charles Memorial Library had raised \$20K to purchase furnishings and equipment for the Library as well.

**Mayor Sullivan moved for adoption of Resolution 20130627A of the Governing Body of the Town of Cape Charles to accept the USDA RD Grant for Library Equipment as noticed and forewent reading of the Resolution. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

B. *FY 2013-2014 Budget:*

Kim Coates stated that the total General Fund budget was \$2,957,183 which included \$1.1M for the Multi-Use Trail, \$986K of which would be reimbursed by grant funding. The General Fund Operations budget amounted to \$1,847,183 which was an increase of

\$2,826 over the current FY budget. The Town Manager's budget included operating expenses for the Municipal building, annual fishing pier license, debt service and legal fees. Additional expenses for this year were: i) Professional Services to review and update the Comprehensive Plan; ii) Utilities to maintain the old Library building; iii) Contributions for nonprofits was decreased by \$20,250 from FY 2012-2013; and iv) Support to the Cape Charles Volunteer Fire Company, Local Challenge Grant, July 4<sup>th</sup> Fireworks, and the NEA Our Town Grant. The water and wastewater services were funded by user fees and charges as opposed to general tax revenues. Each year, the Town reviewed projected expenses, numbers of connections, and results from previous years to determine the rate that must be charged to generate the revenue needed to provide these services. The main driver of the increase in the wastewater rate was the debt service on the new treatment plant. The total cost of this project was about \$19.2M and the Town was fortunate to obtain two grants to cover almost 73% (\$14M) of the cost. The remaining amount was being financed by a 20 year, no-interest loan provided by the Commonwealth of Virginia. The debt service associated with this loan comprised most of the wastewater rate increase. The water rate decreased by \$5.05, from \$39.55 to \$34.50. The wastewater rate increased by \$25.40, from \$35.45 to \$60.85. The sanitation rate decreased by \$1.43, from \$14.00 to \$12.57. The total utility fee would be \$107.92. The General Fund budget was 2,957,183, the Public Utilities budget was \$1,496,082, the Harbor Fund budget was \$2,566,869 and the Sanitation Fund budget was \$160,452 for a total FY 2013-2014 budget of \$7,180,586. Kim Coates went on to review the Capital Projects by Fund. For the General Fund i) The Cape Charles Multi-Use Trail at \$750K, \$600K would be reimbursed by grant proceeds with a Town match of \$150K; ii) The Fishing Pier Old Section Replacement at \$310K, \$288,300 would be reimbursed by grant proceeds with a Town match of \$21,700; iii) Handicap Access for old Library at \$40K; and iv) Sidewalk Connection from Heritage Acres at \$10K for a total expense of \$221,700. For the Public Utilities Fund: i) Engineering for Keck Wells Connection at \$60K; ii) Replacement Generator at \$45K; and iii) Engineering for the Plum Street Pump Station at \$30K for a total expense of \$135K. For the Harbor Fund: i) Floating Slip Section at \$100K, \$75K would be reimbursed by grant proceeds with a Town match of \$25K; ii) A new Gator at \$12K; and iii) Wave Attenuators at \$1M, all of which would be reimbursed by grant funding. The total expense for the Harbor projects amounted to \$37K and the total of all Capital Projects for FY 2013-2014 was \$393,700.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to adopt Resolution 20130627 Approving the Budget for Fiscal Year 2013-2014 and Making Appropriations for the Fiscal Year. Mayor Sullivan moved for adoption of Resolution 20130627 as noticed and forewent reading of the Resolution. The motion was approved by majority vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, no.**

Chief Brown introduced new police officer Chelsea Pfeiffer who was formerly with the Department of Juvenile Services. Ms. Pfeiffer held a bachelor's degree in Criminal Justice and would be starting the police academy the end of July. Council welcomed Ms. Pfeiffer to the Town.

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

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Mayor Sullivan

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Town Clerk

# Planning Department Report for Town Council

From: Rob Testerman  
To: Town Council  
Date: July 9, 2013  
Subject: Report for Planning Department

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1. Preliminary Flood Insurance Rate Maps (FIRMs) have been received from FEMA. The preliminary versions have been released to provide community officials and citizens an opportunity to identify changes or corrections to non-technical information, such as road names, corporate limits, stream names, etc. FEMA will soon be contacting the Town to schedule a formal community coordination meeting to discuss the revised flood hazard information.
2. The Town Manager and I have met with Charles McSwain and Peter Stith of Northampton County Planning. The County is aware of the Town's concerns regarding commercial development along Route 13, near Route 184, and the impact it may have on Town businesses. The County and the Town will continue to work together on this matter.
3. The Planner is working on:
  - a. Revision of land use applications (conditional use permit, rezoning, HDRB, etc.) and procedures to provide a more streamlined procedure from start to finish.
  - b. After discussions with the Planning Commission, continued review and draft revisions of the Harbor District, regarding density and Floor Area Ratio.

## Planning Commission Meeting – July 9

1. The Planning Commission will hold its regular meeting on July 9, due to the holiday week, the meeting was rescheduled from July 2.
  - a. Preliminary FIRMs will be presented to the Planning Commission for review and comment.
  - b. The new Zoning Map, created by the former intern, Kyle Pendergrast will be presented to the Commission.
  - c. The Commission will continue its discussion on density and FAR in the Harbor District.
  - d. If time permits, the Commission will continue discussion regarding the sign ordinance.
2. The next regular meeting of the Planning Commission will be August 6, 2013.

## Historic District Review Board Meeting – June 18

1. The Historic District Review Board met on June 18 to review an application by Charon Ventures, LLC who is proposing a total rehab and adaptive reuse, creating 17 residential apartments at the former Cape Charles High School. After much discussion, no action was taken on the matter; it will be revisited at the August 20, 2013 meeting.
2. The HDRB will meet July 16 to review an application submitted by Andy and Margaret Spagnuolo, of 114 Randolph Avenue. The application to enclose an existing rear porch and add a second level to a detached garage was previously reviewed and approved in 2011, however the work was never done, and the approval expired after 12 months.

## Wetlands Board Meeting – No Meeting Held

## Code Enforcement

Month of June FY 2013

### Building Permits Issued/Permit Fees Collected:

Permits this month: 27

Permits this year: 257

Total construction this month: \$586,330

Total construction this year: \$7,411,540

Permit fees this month: \$18,741.66

\*Total permit fees this fiscal year: \$177,559.27

Bay Creek Water/Sewer Tap fees: \$12,350

The Colony/Sewer Water Tap fees: \$0

Marina Village/Marina Village East Sewer/Water Tap fees: \$0

Bayside Village Sewer/Water Tap fees: \$68,666

Old-Town Water/Sewer Tap fees: \$24,740

Total Tap fees this year: \$105,756

Fire Dept. levy this month: \$494.80

Total Fire Dept. levies this year: \$5,240.61

State levy this month: \$98.96

Total state levies this year: \$1,048.11

Miscellaneous Revenue: \$0

\*Includes Connection & Facility Fees

Total permits last year: 218

Total construction last fiscal year: \$4,654,387

Total permit fees last fiscal year: \$37,034.16

Total Tap fees last fiscal year: \$0

Total Fire Dept. levies last fiscal year: \$3,195.93

Total state levies last fiscal year: \$638.20

### Existing Structures Code Enforcement Cases:

Total Cases: 28

New this month: 0

Closed this month: 0

Rental Inspections: 0

Rental C.O's Issued: 0

Rental Inspection Fees Collected: \$50

Rental Inspection Fees Collected this Fiscal Year: \$1,950

Grass cutting enforcement: 10

Grass cutting: 16

Enforcement fees charged this month: \$750

Enforcement fees charged this year: \$10,050

Enforcement fees collected: \$0

Enforcement fees collected this year: \$1,129.36

Fees charged last fiscal year: \$11,859.56

Fees collected last fiscal year: \$6,362.53

### Annual Fire Inspections (updated) (Completed)

Total Cases: 92

Inspections conducted: 0

Closed this month: 0

Closed altogether: 92

Cases unresolved: 0

Month of June FY13

**Annual Fire Reports (updated) (Completed)**

Total Cases: 59

Received this month: 0

Closed: 59

Unresolved: 0

**Other items of note:**

1. Completed 32 inspections
2. Conducted 0 zoning clearances
3. Completed 0 courtesy residential inspections
4. Conducted 1 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 Commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 1 Commercial plan reviews.
8. Completed 0 Residential plan reviews.
9. Issued 0 Public Utilities Shallow Well permits.
10. Been working with the new Town Planner regarding ongoing projects and new ones that are in review. Have also been taking Rob out in the field with me to get him familiar with the area.
11. 4<sup>th</sup> of July Fireworks went off without a hitch and it was one of the best shows I have ever seen.

**Code Enforcement  
Totals for FY 2013**

**Building Permits Issued/Permit Fees Collected:**

Permits this year: 257

Total permits last year: 218

Total construction this year: \$7,411,540  
\$4,654,387

Total construction last fiscal year:

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Total Fire Dept. levies this year: \$5,240.61

Total Fire Dept. levies last fiscal year: \$3,195.93

Total state levies this year: \$1,048.11

Total state levies last fiscal year: \$638.20

Code Enforcement Performed a Total of 960 Inspections this Fiscal Year.



# Town Harbor Town Council Report June 1 – July 9, 2013

June 9, 2013

## Maintenance:

1. **Western Dock Area:** Shells in parking area remains in good shape as we drag it every morning for about two hours, currently staff is weeding the flower beds in this area but we are having a difficult time keeping up. We are having problems with the pilings getting knocked over; we are working on a solution. We added shells to the railroad crossing and it looks really well.
2. **Floating Docks:** We switched the 20 amp outlets on the main pier to 30 amp outlets, by doing this we can moor 6 additional boats on the floating docks, we still need to add water to these locations. The floats on D-dock -10 will be replaced this week or next, these were damaged during Super Storm Sandy. We will also replace the bumpers to that slip at the same time. We also will be tightening some bolts that are loose on A-Dock and we will make new hangers for the heavy G-Cable that runs under the west Gangway.
3. **Bath House:** for the most part all is well in this area except for the past two weeks where the week before last someone crapped all over the wall in the women's restroom an last week the same thing happened in the men's, also in the men's someone decided to take a Sharpie and write all over the stall. Staff did a great job of getting it all cleaned up.
4. **Boat Ramps:** Staff retightened a few bolts that were loose and sticking out.
5. **Harbor Masters Office:** nothing has changed here as we still are trying to get this project completed but finding time has been difficult.
6. **Fuel System:** Pump #2 was down for about 5 days as a pulse sensor in the computer board went down. We had to wait for Oil Equipment Services to come out and replace that piece.
7. **Pump Out Station:** Nothing to report
8. **Work Shed:** Nothing new to report.
9. **Water:** Nothing new to report.
10. **Electric:** We have a couple of pedestals showing reverse polarity, we will have Chapman come and check them out.
11. **Boardwalk:** We continue to re-screw boards on the inner harbor section. The reason for this is when we first constructed this section we were under Budget restraints and all screws were ceramic and not Stainless Steel, over time the Ceramic has not been able to withstand the salty elements and has deteriorated. We are replacing with Stainless Steel.
12. **Lighting:** We are having a problem with people shutting of the 20 amp lighting breakers on the pedestals, looking at different ways to lock the breaker on. They are not being shut off intentionally, it's just a matter when boats leave and unplug they shut off all breakers.
13. **Computers:** Since we have been connected to the Town Server we have had nothing but problems. I opposed this move from the get go. For 7.5 years we rarely had to get IT support, now, sometimes, it's two and three times daily and it normally happens on a weekend when we need them most.



## **Town Harbor Town Council Report June 1 – July 9, 2013**

### **Capital Projects:**

1. **Wave Attenuator:** There will be an update with a staff report at the council meeting.
2. **Waterman's Memorial:** Nothing new to report.
3. **Dredging:** Nothing new to report
4. **Entrance Sign:** Sign was completed 7/3 should be installed by 7/14
5. **UTV:** Staff purchase a John Deere gator, the new gator is Diesel powered and should last 10 to 12 years opposed to the gas powered ones that last 5 to 7 years.

### **Other Items:**

1. Follow us on Face Book (**Cape Charles Town Harbor**)
2. We will be open (8am to 6pm Mon – Thur.) (7am to 7pm Fri – Sun & Holidays) through labor day weekend, after that we will be open 8am to 6pm 7 days a week.

### **Events at the Harbor:**

1. **The 2<sup>nd</sup> Annual Tall Ships at Cape Charles** – The ships had around 200 paid visitors for day sails and logged around another 2500 visitors for deck tours, there was an estimation of about 7500 visitors to the Town. Also the harbor was full for the weekend.
2. **4<sup>th</sup> of July weekend:** 4<sup>th</sup> of July was a huge success all the way around, beginning with a full Harbor, plus great feedback from all of our visitors. The group on B-Dock stated that they normally go to Norfolk for the 4<sup>th</sup> and stated that our Fireworks were just as good, if not better. GREAT NEWS!!! Also this was the first year for the Fire Departments Seafood Extravaganza at the harbor. Everyone was pleased for the turnout and we rented 6 slips because of that event.
3. **Clam Slam 2013 & 3<sup>rd</sup> Annual Boat Docking contest:** Tickets are on sale now at the harbor, both days are currently \$8, the weekend of the event prices are \$5 per day. Currently we have sold around 300 tickets for the weekend. We are also selling, multi draw raffle tickets 1 for \$5 or 5 for \$20, some of the items included are \$250 worth of Blue Crab Bay Products, 2 Nights docking at the Harbor, Etc.
4. **Godspeed Visit:** October 24<sup>th</sup> – 28<sup>th</sup>,



**Town Harbor  
Town Council Report  
June 1 – July 9, 2013**

**\*\*\*Note\*\*\* Numbers are through June, 2013**

**Business:**

**Average docking per day/night by category:**

<u>Rentals</u>	<u>Jun.13</u>	<u>Jun. 12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Nightly:	9.4	10.0	3.9	3.1
2. Weekly:	11.1	7.7	6.5	7.1
3. Month/Quart:	7.4	14.0	7.3	4.6
4. Seasonal:	31.6	12.5	11.9	7.6
5. Annual:	40.0	44.0	41.5	46.1
<b>Total Rentals,</b>	<b>99.5</b>	<b>88.2</b>	<b>71.1</b>	<b>68.5</b>

**Harbor Wharfees (Lbs):**

	<u>Jun. 13</u>	<u>Jun.12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Seafood:	80,535	95,797	1,467,573	1,624,366
2. Comm. Gear	0	0	489,985	86,000
3. Other	0	0	48,000	0
<b>Total Pounds:</b>	<b>80,535</b>	<b>95,797</b>	<b>2,005,558</b>	<b>1,710,366</b>

<u>Fuel Gallons:</u>	<u>Jun. 13</u>	<u>Jun. 12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Diesel	11,759	8,888	81,044	68,946
2. Regular	3,641	4,588	32,808	32,054
3. Non-Ethanol	3,687	4,255	27,359	28,312
4. Transport	1,000	1,099	42,149	36,549
<b>Total Fuel</b>	<b>20,087</b>	<b>18,830</b>	<b>183,360</b>	<b>165,861</b>

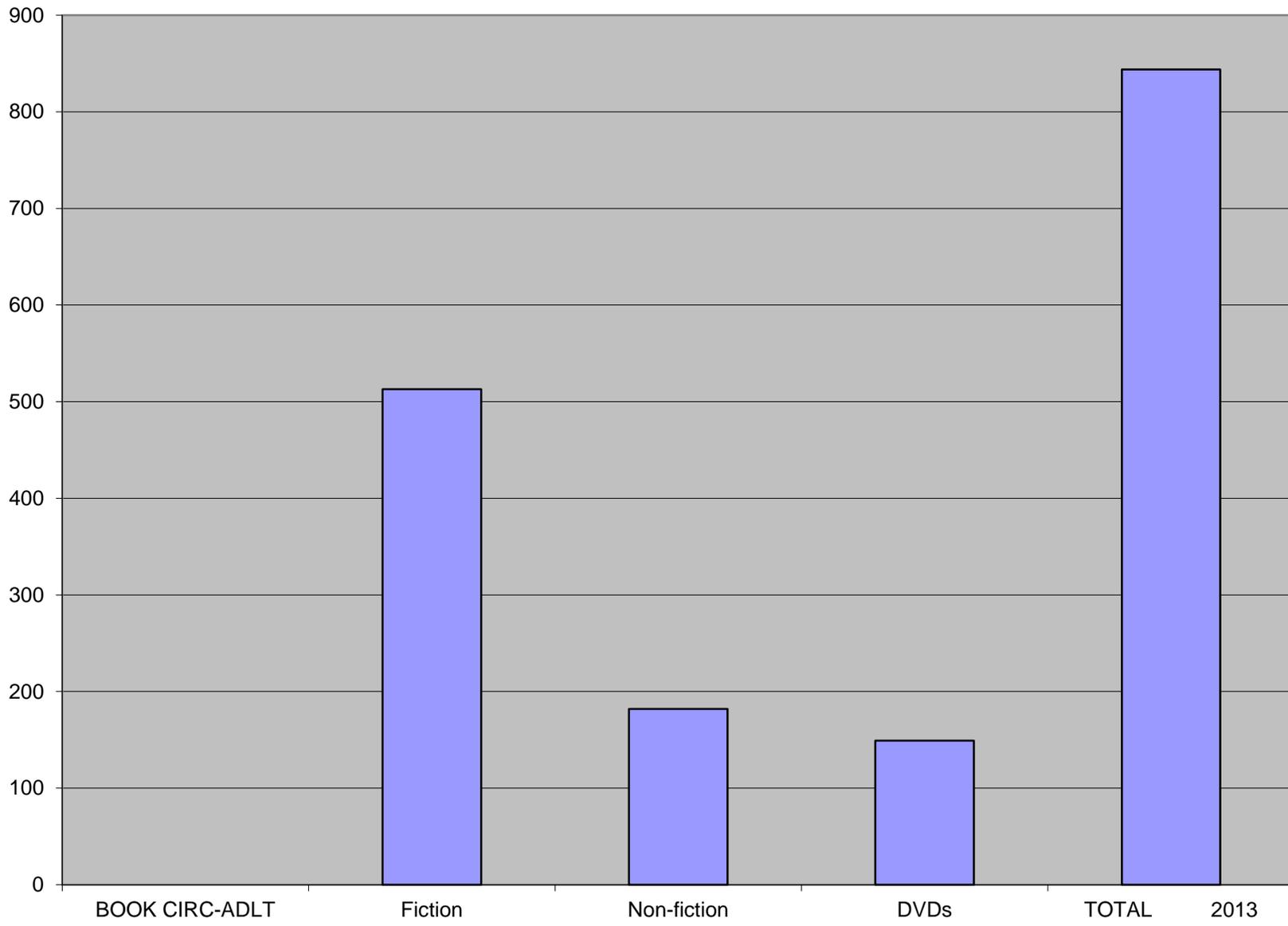
<u>Waiting List:</u>	<u>5/31</u>	<u>Registered</u>	<u>Removed</u>	<u>6/30</u>
1. 60ft Slips:	2	0	0	2
2. 50ft Slips:	2	0	0	2
3. 45ft Slips:	14	0	2	12
4. 36ft Slips:	5	0	0	5
5. 30ft Slips:	19	0	0	19
6. 24ft Slips:	21	0	0	21
7. 20ft Slips:	11	0	0	11
<b>Total</b>	<b>74</b>	<b>0</b>	<b>0</b>	<b>72</b>

Cape Charles Memorial Library  
June 2013

1. Dig Into Reading, the 2013 Summer Library Reading Program began on June 17 and as of today we have had 137 children sign up to read books! (**Our total** count from last year was 110.) Each week we offer 4 programs for children, as well as extra programs throughout the summer
2. Monthly attendance for programs held during June:
  - Wednesday: 10:30, Crafts – 49 attended  
3:30, Chess – 29 attended  
5:00, Movie Night – 60 attended
  - Thursday: 10:30, Story time – 38 attended. The theme for the 6/20 Storytime was *I Dig Ice Cream* and Foster, the Brown Dog, from Brown Dog Ice Cream was the special quest.
  - Saturday, 6/15: 3:00, Jean Flynn presented Pirate Stories & Crafts at the Library as a part of the Tall Ships Weekend – 10 attended
  - Tuesday, 6/25: 10:30, Frank Russell played silly songs and music at the library. – 15 attended
  - Friday, 6/28: 11:00, Kiptopeke State Park presents “Digging Through the Sand.” – 16 attended
3. Several outside groups are using our meeting room and we have purchased a fan to help with cooling until air conditioning can be installed.
4. The library has been in its new home now for 2 months and we continue to order furniture and to improve our facility. This month we received a new kiosk for the lobby where we can highlight library and local events. Our rack card holders are up and we welcome information from local business. Our new bulletin board will be going up soon.
5. Our numbers continue to increase with our peak attendance being July 3 with 177 people! It is great to see the Children’s section full of children reading and playing with blocks and games. Teens gather in the back to use our two teen computers and parents and children enjoy the 3 computers in the Children’s area. Our computer lab is being used daily for people doing online classes. Tourists are making use of our honor system check out to get books and movies while on vacation. Our returning customers are pleased and surprised with our new building.

Cape Charles Memorial Library

	2013												
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV.	DEC	YTD
<b>INCOME:</b>													
Donations													
Copier/Prt	\$63.05	\$54.30	\$80.90	\$43.10	\$53.60	\$84.42							
<b>TOTAL</b>	\$63.05	\$54.30	\$80.90	\$43.10	\$53.60	\$84.42							
Deposit	\$63.05	\$54.30	\$80.90	\$43.10	\$53.60	\$84.42							
<b>BOOK CIRC-ADLT</b>													
Fiction	513	STATISTICS		350	340	480							
Non-fiction	182	UNAVAILABLE		87	112	114							
DVDs	149			139	86	183							
<b>TOTAL 2013</b>	844			576	538	777							
Books Circ. 2012	578			561	610	642							
<b>BOOKS CIRC-JUV</b>													
Fiction	343			216	287	605							
Non-Fiction	121			60	49	76							
DVDs	77			60	64	127							
<b>TOTAL 2013</b>	464			276	336	808							
Books Circ. 2012	377			545	325	691							
<b>TOTAL 2013</b>	1185			912	938	1,585							
<b>TOTAL CIRC 2012</b>	955	1,040	976	1,015	935	1,333							
<b>Attendance 2013</b>	656	575	675	718	756	1,418							
Attendance 2012	843	810	802	878	847	1,223							
<b>Programs 2013</b>	8	6	9	10	8	14							
Programs 2012	11	15	13	10	10	12							
<b>Prog. Attend 2013</b>	65	74	95	112	67	21							
Prog. Attend 2012	104	164	111	129	76	236							
Computer Classes	0	0	0	0	1	0							
Class Attendance	0	0	0	0	1	0							
<b>Internet use 2013</b>	200	162	207	201	172	333							
Internet use 2012	368	314	373	309	309	499							
<b>Library Cards 2013</b>	6	9	8	7	7	26							
Library Cards 2012	20	20	7	22	14	25							



  <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> Cape Charles Police Department		<b>AGENDA DATE</b> <b>JULY 18, 2013</b>
	<b>SUBJECT/PROPOSAL/REQUEST: JUNE 2013</b> Monthly Law Enforcement Statistic		<b>ITEM NUMBER</b>
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action ( ) Information ( X )
	<b>STAFF CONTACT (s):</b> Charles Brown Chief of Police	<b>REVIEWED BY:</b> 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: 06

10-13 Calls

(A) By Dispatch: 25

(B) By Phone via Officer/Trooper: 05

(C) In Person 04

Felony Arrests: 00

Misdemeanor Arrests: 04

DUI Arrests: 00

Traffic Summons Issued: 15

Traffic Warnings Issued: 02

Parking Tickets Issued: 01

Assisted Northampton County Sheriff's Office: 05

Assisted Virginia State Police: 02

Assisted Other Local Police:

Assisted Other Federal Agencies

Assisted Fire & Rescue: 02

Assisted VDOT:

Hours of Training Received & What Type? NONE

# Public Utilities

## Monthly Report June 2013



### Production Summary

- Miss Utility Tickets: 10
- Emergency Call Outs After Hours and Weekends:
  - Number of times called out: N/A
  - Total Man Hours: N/A
- Sludge: 8 Tons
- Water: Total Production: 3.98 Million Gallons
  - High: 183,000 gallons on June 26
  - Low: 81,000 gallons on June 12

Average	Raw Water	Finished Water
Hardness	428	144
Iron	8.05	.013
Manganese	.48	.008

All Data in PPM

- Waste Water:
  - Average Flow .14 mgd
  - Maximum .158 mgd
  - Total for Month 4.2 Million Gallons

### Completed Projects

- We have completed our corrective actions and submitted our WWTP Environmental Lab Quality Assurance Manual revisions to the Va. Environmental Lab Accreditation Program as a result of our bi-annual review earlier this year.
- The Fig Street and New Quarter pump station bio filters have been filled with new mulch.
- Grading of stock pile site west of new WWTP is complete.
- We pulled the Mason Avenue Pumps for routine maintenance.
- Final comments have been submitted to VDH-ODW on the Keck Well Connection PER.

### New WWTP

- We continue to work on correcting some issues under the warranty period.

## Public Utilities

### **In Progress**

- The Keck Well Aquifer Drawdown test for the DEQ has been completed and staff is preparing the report for submittal to the DEQ. Waiting for site elevations being prepared by Shore Engineering.
- Staff is working on the Asset Management program, populating the program and becoming familiar with how it works. A two day training session is scheduled for mid-August.

### **Upcoming Projects**

- An automatic flush valve will be installed in Heron Point to introduce water into that vacuum sewer system to increase the flow through the pump station in an effort to reduce the septic odors created when sewage water resides in the system for extended periods of time.
- Engineering for chloramine for chlorine substitution during warmer months to aid in total trihalomethane reduction in our water supply. PER was submitted and approved by the VDH-ODW.

### **Capital Projects**

- Water:
  - Emergency Generator for Water Plant      \$45k
  - Engineering for Keck Wells      \$60k
- Waste Water
  - Engineering for pump station improvements \$30k

# PUBLIC WORKS

June 2013

## Dump Fees

- Oyster Landfill: 10 Trips, 3.91 Tons @ cost of \$246.33

The Public Works Department would like to thank all residents and visitors for their help in abiding with the street cleaning effort.

## Routine Monthly Responsibilities

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

## Completed Projects

- Safety fence installed for upcoming events on Railroad property.
- VDOT & Public Works combined effort to clean streets (6/12 thru 6/13).
- Town fire extinguishers have all been replaced and reinstalled at all locations.
- Wild cherry trees removed on Bay Avenue sand area and planted 9 Japanese maple trees on
- Installed and removed 7 event banners & event sign set ups
- Reinstalled old Mason Avenue benches on the Fishing Pier in response to requests from fishermen.
- Events: Great Bay 5K Run (6/15), Pirates & Wenches Festival (6/15), Tall Ships (6/15 – 6/16)

## Ongoing

- Playground maintenance & repairs –tractor tire swing being repaired/modified.
- Event fence maintenance/repair for all events.
- VDOT Sidewalk Project. VDOT recently repainted the lines on the Town's streets.

## 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
9	24.5	4.5	75	87.5	36	58	48.5	77.5	116.5 +15 meter reads	22

## Capital Projects

- Cape Charles Multi-Use Trail
- Former Library building – ADA accessibility
- Fishing Pier Redesign – Working with FEMA

## **Recreation Department July 2013 Council Report**

### **Committee/ Organization Updates:**

Due to the conflict of programs with the many committees and organizations that meet monthly Jen has not been able to attend meetings through the Summer months. Jen will resume meetings in the Fall.

### **Programs and Events:**

1. **Arts and Crafts** – The new summer hours are Wednesdays at 10:30 a.m. The Baptist Church has joined arts and crafts every week. Due to the number of children for this program Jen has added a second session each Wednesday at 11:00 a.m. to accommodate everyone.
2. **Scrapbooking** – Scrapbooking sessions have been scheduled for June 18 and July 2. So far there have not been any participants. Jen will continue to try these hours through the summer and if there continue to be no participants, will change the hours in the Fall to accommodate those who may be working.
3. **Chess Club** – Chess Club has been a great addition to Cape Charles' programming. Each week we have an increase in the number of participants. The Eastern Shore News came down to do a story and it was published in the July 6 edition. Chess Club continues to meet every Wednesday at 3:30 p.m.
4. **Tall Ships/Pirate and Wenches Festival** – Two great events that shared the same weekend. Jen had a booth with model ships and make your own pixie sticks.
5. **New Roots Youth Garden Summer Camp** – This camp meets every Tuesday and Thursday. So far the kids have learned about bees, butterflies and insects, water conservation and how to run a vegetable stand. The kids are finding out what it takes to eat healthy and manage money.
6. **Tennis Camp** – Tennis Camp was canceled due to lack of interest. There was only one registration. Jen has received a lot of input from parents that there is just too much going on this summer. Camp will be rescheduled in the Fall.
7. **July 4** – The day started with a parade, activities all day for every age, great music, food and fireworks. Please see the article in the next Gazette thanking all who helped.

### **Upcoming Events**

July 19 – Elephant Toothpaste sponsored by 4-H

July 27 – Cape Charles Band and Movie in the Park

July 22-26 – Field Hockey Camp

August 5-9 – Soccer Camp

The Town of Cape Charles held its annual 4<sup>th</sup> of July Street Parade and Festival July 4, 2013. As the Community Events/Recreation Coordinator I would just like to take the time to thank so many people who helped to make this a fun day for all. Trina Veber once again faced the hot temperatures to emcee the day's events. Paul Skolnick and Elsie Bowen judged the parade. Matt Evans ran the tournaments. Spencer Travis and friend as well as Sharon Silvey for taking on the very difficult task of judging the beautiful baby contest. Marie Brady and all the people she rounds up to make the parade happen. Pete Leontieff, Paul Yates and Mike Mullner for running the Golf Cart Obstacle Course. Malcolm Hayward for putting together another challenging scavenger hunt. Tom Bonadeo for putting up the PA system at the last minute. Coast Guard Station Cape Charles for presenting the colors. Peter Lawrence for reading the Declaration of Independence. Cassie Wise and Jocelyn Ferguson for singing the National Anthem. The Cape Charles Community Band for playing. Danielle Campbell who always decorates the beach gazebo. Dora Sullivan for taking care of Trash to Treasures. Claudette Twichell who put together the Guppie Challenge. The Cape Charles Fire Company for manning the beer truck and leading the parade. Spencer Parker for rounding up all the other fire companies for the parade. If I have left anyone out, I am so sorry. It is hard to remember everyone when a Town comes together and pulls off the best 4<sup>th</sup> of July ever!

Parade Results:

Best Fire Dept/Rescue Squad Cape Charles	Best Equestrian Group Pfeiffer Riding Stables	Best Commercial Entry Dave Griffith/Coldwell Banker
Best Non Commercial /Service Club Entry Shriners/Mecca Temple #2	Best Novelty Group Girl Scout Troop 1063	Best Decorated Bicycle Ava
Best Antique Vehicle Jaguar Convertible	Best Classic Vehicle 1961 Jaguar Steve and Chris Michel	Most Patriotic Golf Cart American Legion Post 56
Most Creative Golf Cart Steve Houchens/Flintstones	Most Original Golf Cart Gibb Family	Most Colorful Golf Cart Maria Ledinsky
Beautiful Baby 0-12 months 1 <sup>st</sup> – Everett Reiter 2 <sup>nd</sup> – Ruby June 3 <sup>rd</sup> – Holloway Spiller	13-24 months 1 <sup>st</sup> – Kallie Baum 2 <sup>nd</sup> - Chase Brady 3 <sup>rd</sup> – Lillie Rhian Eley	25-36 months 1 <sup>st</sup> - Abigail 2 <sup>nd</sup> - Samrit 3 <sup>rd</sup> – Tennessee
1 <sup>st</sup> Place Tournament Winners		
Volleyball – ASC		
Horseshoes – Aaron/Bones		
Cornhole – Steve/Timmy		

 <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> Old Cape Charles School Project Update		<b>AGENDA DATE:</b> July 18, 2013
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Status update on the Old School Project		<b>ITEM NUMBER:</b> 6A
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action ( ) Information (X)
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The two lawsuits filed by Old School Cape Charles were heard on January 25, 2013. Northampton Circuit Court Judge W. Revell Lewis issued his opinion letter on February 27, 2013 but did not sign the final order dismissing the lawsuits until April 8, 2013.

The Town Manager received a letter dated April 18, 2013, from Charon Ventures, providing an update to the status of the commencement of construction. Due to the litigation process, the underwriting process for this project had to be stopped until receipt of the final order dismissing the suits. The underwriting review process has begun again, and is anticipated to be completed within 90 days. Charon Ventures has expressed their commitment to the project but wanted to advise the Town of this delay. They cannot move forward with construction until completion of the lender's underwriting process.

On April 25, 2013, the Town Council approved a 120-day extension beginning April 25, 2013 for commencement of construction of the former school by Charon Ventures, LLC. The deadline for commencement of construction is now August 23, 2013. A condition of this approval was for Charon Ventures to move forward with submittal of the Historic District Review Board application within 30 days.

The Historic District Review Board reviewed the application from Charon Ventures at their June 18, 2013. The Board requested additional information from the applicant and tabled their decision regarding the application until their August 20, 2013 meeting.

On July 5, 2013, the Town was notified that Old School Cape Charles had filed their petition for appeal of the Northampton Circuit Court's decision to the Virginia Supreme Court. We will await the decision of the Supreme Court on whether the petition is granted and the appeal will be heard. The Town will be submitting an opposition to the petition by July 24, 2013.

**RECOMMENDATION:**

Provided for informational purposes only.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Everbridge Alert System Update		<b>AGENDA DATE:</b> July 18, 2013
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Update regarding the Everbridge Alert System		<b>ITEM NUMBER:</b> 6B
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action ( ) Information (X)
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

In March 2012, Northampton County began using Everbridge Aware™ for Citizen Alerts to communicate with the businesses and residents in an emergency. The County uses the system to alert residents and businesses about severe weather, fires and other emergencies, road closures, water utility maintenance, and other important information. Messages can be sent using a number of communication methods – cell phone, home phone, email, text messaging, fax, pager, PDA, etc. Residents listed in the County’s 911 database were automatically subscribed by phone and residents and business owners could also self-register and provide additional contact information or opt out of the notifications. The County also uses the system to send important messages to staff.

Since that time, Town staff has been working with Hollye Carpenter, Northampton County Coordinator of Emergency Management, regarding the ability for the Town to use the Everbridge Alert system. A preliminary meeting was held shortly after inception of the system and Hollye Carpenter had been working to get the Town set up in the system.

On July 8, 2013, Town staff met with Hollye Carpenter regarding using the Everbridge Alert system to send messages to the Town staff, residents and business owners regarding items specific to Cape Charles, such as water system flushes, VDOT road work, etc. The first step is setting up the Town staff on the system. Hollye Carpenter is working on a localized map in the system for the Town to be able to send alerts to only the residents within the Town. Once this has been set up, the Town will begin a campaign to get residents and business owners to opt in to the Town’s routine alerts. Citizens must opt in to receive non-emergency communications such as alerts regarding water system flushes, etc. In checking the system, Hollye Carpenter noted that there were quite a few citizens who had already registered for alerts due to the Town being proactive last year in getting the word out in the Gazette and on the website urging people to sign up.

Town Clerk Libby Hume will be the administrator for the Town and Police Chief Charles Brown, Code Official Jeb Brady and Assistant Town Clerk Amanda Hurley will have rights to issue alerts. More training will be provided to these staff members in the future and we are excited about getting things finalized so the Town can begin using the system as another means to improve our communications to the citizens and business owners of the Town.

**RECOMMENDATION:**

Provided for informational purposes only.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Cape Charles Federal Channel Navigation Appraisal

**AGENDA DATE:**  
July 18, 2013

**SUBJECT/PROPOSAL/REQUEST:** Initial Appraisal of deepening the channel to improve navigation

**ITEM NUMBER:**  
6C

**ATTACHMENTS:** Appraisal of Federal Interest re: Cape Charles City Harbor Navigation Improvement Study, Sample Letter to the U.S. Army Corps of Engineers

**FOR COUNCIL:**  
Action (X)  
Information ( )

**STAFF CONTACT (s):**  
Heather Arcos

**REVIEWED BY:**  
Heather Arcos, Town Manager

**BACKGROUND:**

Over the years, the Town has continued to support Bay Shore Concrete Products and their desire to dredge the federal channel in the harbor to a depth of 35 feet. The deepening of the channel would allow Bayshore Concrete to grow their operations and employee base to keep jobs in Cape Charles/Northampton County by allowing them to pursue opportunities to produce larger products and be competitive on projects of a larger scale. The deepening of the channel to a depth as great as 35 feet could provide additional opportunities to existing and new businesses with providing jobs and growing our commerce in the harbor.

In April 2012, the Town requested that the U.S. Army Corps of Engineers (USACE) investigate whether federal participation is warranted to conduct a feasibility study to consider providing navigation improvements to the Cape Charles Town Harbor and Channel.

**DISCUSSION:**

The USACE granted a small navigation project to complete an initial appraisal to determine if there is a federal interest in order to continue to the next step of a feasibility study.

The findings indicate that currently a single user, Bayshore Concrete, would benefit from deepening the channel. At a minimum, two users are required. The initial appraisal can be evaluated at the Town’s request if additional users become operational and need a deeper depth.

The final report is attached for your review and comment prior to the Mayor acknowledging the report and requesting the report to remain open as we are hopeful of additional users which would enable this part of the study to move to the next level.

**RECOMMENDATION:**

Staff requests Council review and authorization for the Mayor to sign the letter to the U.S. Army Corps of Engineers.



US Army Corps  
of Engineers  
Norfolk District

## INITIAL APPRAISAL OF FEDERAL INTEREST

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### CAPE CHARLES CITY HARBOR NAVIGATION IMPROVEMENT STUDY Northampton County, Virginia

June 13, 2013

1. **Project Name:** Cape Charles City Harbor, Northampton County, Virginia, Continuing Authorities Program Section 107 Navigation Project (P2#394067).
2. **Congressional District:** Virginia – 2<sup>nd</sup> (Representative Rigell)
3. **Project Purpose and Description:** Cape Charles is an incorporated town located in Northampton County on the western shore of the Virginia portion of the Delmarva Peninsula approximately 11 miles from the mouth of the Chesapeake Bay. Cape Charles Harbor and entrance channel is an existing authorized Federal Navigation project.

This study investigates whether Federal participation is warranted in a feasibility study to consider providing navigation improvements to the Cape Charles City Harbor and Channel. The existing federally authorized project provides for an entrance channel 18 feet deep and 500 feet wide from the 18-foot contour in the Chesapeake Bay, through Cherrystone Bar and Inlet, to the harbor entrance. The local sponsor, the Town of Cape Charles, submitted a letter requesting that the Corps investigate the feasibility of deepening the Federal entrance channel and harbor to as deep as 35-feet. The existing depth prevents potential commerce that requires larger vessels and heavier loads. The attraction of new industrial/recreational interests in the vicinity of the existing project has recently been enhanced with the permitting and significant investment in the construction of a new boat maintenance and storage facility.

The objective of this initial appraisal of Federal interest is to identify whether there is a least one potential solution to provide navigation improvements that would dredge the Federal Navigation project to a depth as great as 35 feet. Channel depths between the current 18 foot depth and below 35 feet were considered, but there is currently not sufficient data that supports the need for use within this increment at Cape Charles City Harbor.

#### 4. Existing Federal Navigation Project:

The Cape Charles City Harbor, Virginia project consists of a 2.8 miles entrance channel, a commercial harbor area, a harbor of refuge channel and basin, and a channel and basin into Mud Creek (see Figure 1). The project was authorized by the River and Harbor Act of 19 September 1890 and modified by the River and Harbor Acts of 20 June 1938, 2 March 1945, and the Water

Resources Development Act (WRDA) of 1986. The harbor of refuge was approved by the Chief of Engineers under authority of Section 107 of the River and Harbor Act of 14 July 1960. The project includes an 18-foot-deep and 500-foot-wide channel from the 18-foot contour in the

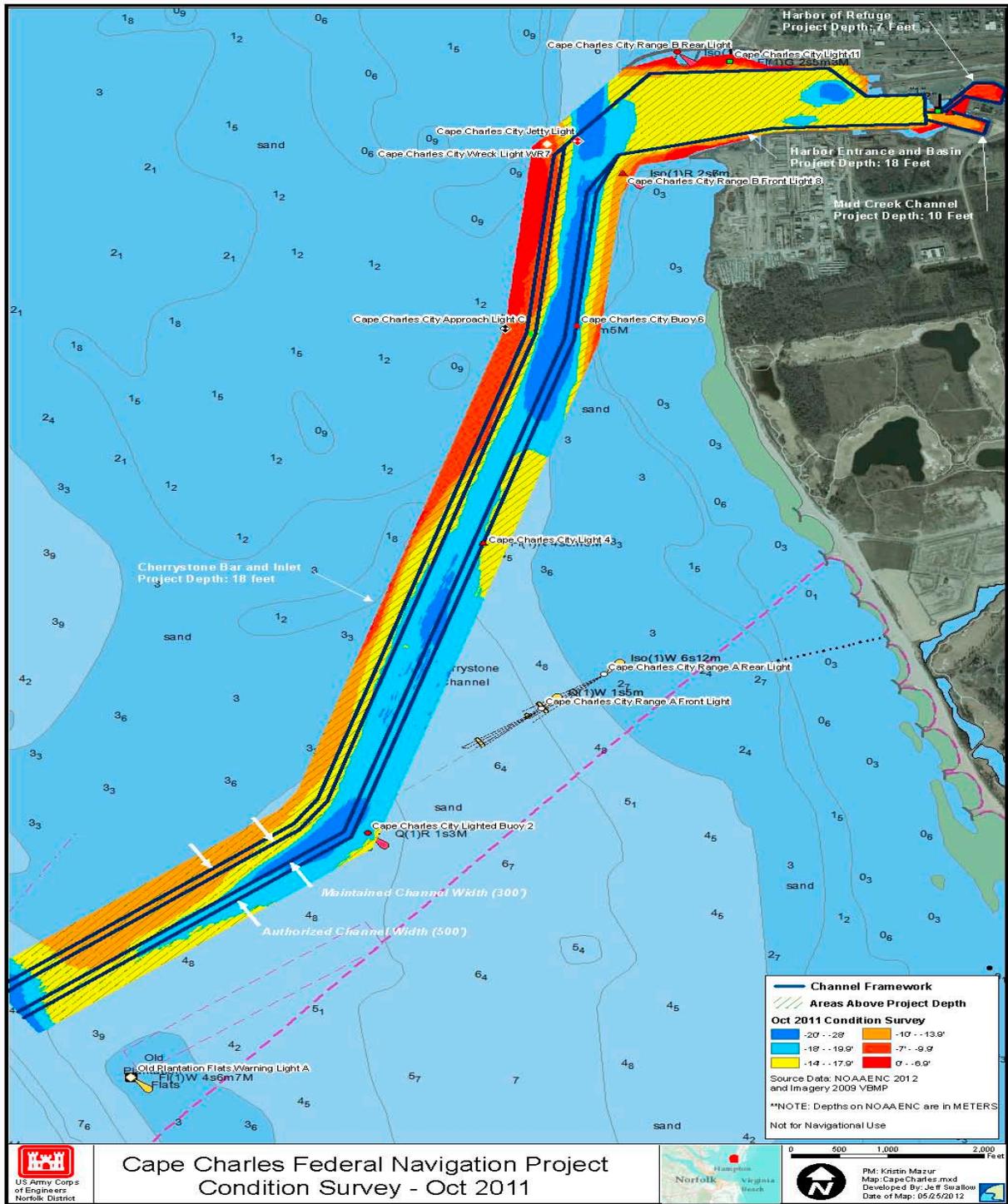


Figure 1. Cape Charles Federal Navigation Project, Condition Survey – Oct 2011

Chesapeake Bay, through Cherrystone Bar and Inlet, to the harbor entrance; a basin in the harbor 18 feet deep, 1,000 feet to 400 feet wide and 3,000 feet long; a channel 10 feet deep and flaring from 100 feet to 180 feet wide and 260 feet long, to a basin 10 feet deep, 180 feet wide and 420 feet long at the head of Mud Creek; a harbor of refuge on the north side of Mud Creek 7 feet deep, 200 to 250 feet wide, and 375 feet long, connected to Mud Creek by an entrance channel 7 feet deep and 60 feet wide. A traffic survey revealed that the maintenance of a 500-foot-wide channel is not justified at this time. A 300-foot-wide channel is being maintained until traffic indicates the need for a change.

The last investigations and analyses of the harbor were accomplished in 1984 and 1996. In 1984 the harbor was investigated to determine the need for and economic feasibility of routine maintenance dredging. This resulted in 480,000 cubic yards of dredged material being removed between October 1987 and January 1988. The material in the outer channel was placed along the public beach at Cape Charles. The remaining material was placed in an upland site adjacent to the harbor. The maintenance dredging frequency for the project is estimated to be 20 years.

The Reconnaissance Report, Comprehensive Water Resources Study, Eastern Shore of Virginia, dated April 1986, was completed in June 1996. The study was authorized by the House Committee on Public Works and Transportation Resolution adopted November 3, 1993. The report recommended that further analysis of the existing Federal project at Cape Charles City Harbor be accomplished to determine the need for a deeper entrance channel and harbor under the Continuing Authorities Program (Section 107).

## **5. Existing Navigation Conditions, Problems and Opportunities**

The existing federally authorized project limits the length and draft of tug boats and barges used to transport raw materials and finished products by a major industry located on the south shore of the harbor. Local interests contend that the 18-foot-deep entrance channel and harbor is restricting existing growth, future development and expansion.

Deepening the existing 18-foot channel and harbor would permit larger tugs and larger and/or more fully loaded barges to traverse the channel. A deeper channel would also further enhance the development potential of the large tract (120 acres) of commercial property located adjacent to the harbor. The study also identified three potential future commercial users: an aerospace defense contractor working at the nearby Wallops Island Flight Facility, a small inland cruise ship company, and a boat maintenance and storage facility in the harbor.

At the present time, there are commercial seafood boats of varying lengths and trawlers with lengths of 60 feet or more which operate regularly out of the harbor, with more than forty recreational and charter boats that are also operated out of the harbor on a regular basis. Sand and gravel barges with lengths of 100 feet and greater make about 200 trips annually to the harbor. Waterborne commerce includes seafood, fuel oil, crude petroleum, sand and gravel, miscellaneous mineral products, fabricated metal products, and iron ore. Thousands of vessel trips are made into and out of the harbor each year.

Existing development adjacent to the harbor includes town-owned docks and boat slips for up to 123 vessels, facilities; construction of breakwaters; some of which may be partially funded by the Virginia Port Authority, a state-owned boat ramp, U.S. Coast Guard Station, a railroad

terminal for carfloat barges and a large concrete products company. Potable water, fuel and electric power connections are available to commercial and recreational boats. And again, a 120-acre commercial development has recently been designated on the Southside of the harbor and one tenant has been identified. A marine terminal/boat maintenance and storage facility is planned for the harbor that will result in much more than \$6 million currently invested for the planning and development of 1,000 feet of maintenance piers, a 100-ton boat lift, port supply center/fuel depot, and a long term boat storage facility; as well as a marina formerly Bay Creek Marina is now Kings Creek Marina.

At the Town's request, alternatives for modifying the existing 18-foot entrance channel and harbor by increments of 3 feet were evaluated, with the analysis terminating at 35 feet. The current (maintained) channel width is 300 feet while the authorized channel width is 500 feet. These depths and widths were evaluated to establish Federal interest under the Section 107 authority. See Table 2-1, Cape Charles Navigation Channel, and Orders of Magnitude Cost Estimates July 2010 which is included in the Engineering Appendix.

## **6. Plan Formulation**

The study involved preliminary design needs and Orders of Magnitude Costs and benefits analysis of providing improvements to the Federal navigation at Cape Charles City Harbor. Costs were estimated using a variety of information sources including recent hydrographic surveys, aerial photographs and associated GIS products, several site visits, and interviews with channel and harbor users as well as people knowledgeable about the project.

Alternative Plans Considered and General "With" Project Condition: The "With" Project Condition would dredge the Federal Navigation project to a depth as great as 35 feet. Channel depths between the current 18 foot depth and below 35 feet were considered; however, currently there is not sufficient data that supports the need for use within these increments.

## **7. Study Findings**

Currently, only one company would benefit from deepening the existing Federal project from 18 to 24 feet. Future users of the channel were also considered e.g. an aerospace defense contractor working at the nearby Wallops Island Flight Facility, an inland cruise ship company, and a boat maintenance and storage facility which is scheduled for construction in the harbor. The boat maintenance and storage facility would be included with the 120 available acres already purchased and would include the land use requirements mentioned above. The company has applied to the Corps for permits for its docks, travel lift, fork lift operations and dredging. Existing channel depths appear to be adequate for other users of the entrance channel and harbor. Thus, the sponsor would be required to pay 50 percent of the annual charges for interest and amortization of the Federal first cost of the improvement and 50 percent of the operations and maintenance costs solely associated with the improvement until multiple use of the improvement actually occurs (89 Policy Digest, p. 12-12). Based on preliminary costs for a 24-foot project the sponsor's 50 percent share could exceed \$245,000 annually.

Implementation costs were developed without the costs of dredged material placement. Dredged material placement is possible in the Wolftrap Alternate Site in the Chesapeake Bay, which is

maintained by the Baltimore District. A preliminary investigation determined that use of this site yields the lowest construction cost alternative. Actual use of this site would require a long-term capacity analysis to determine whether the site could physically contain the additional material from the Cape Charles project. Dredged material placement in alternative ocean disposal sites would substantially increase implementation costs because of increased transport distance. There are potentially suitable upland sites within a reasonable pumping distance, however, the town failed to provide information to support the proposal so the existing upland site was not investigated to determine the capacity for initial dredging. The consensus in the district is that upland placement could be used to accommodate some of the periodic maintenance dredged material. The existing upland site could only be considered as a component of a larger dredged material management plan which would have to be a component of the feasibility study. The feasibility study would also evaluate beach placement of suitable material within the project area, something that has been done in the past. Figure 2-1, Cape Charles Federal Navigation Project, Land Ownership & Disposal Areas can be reviewed in the Appendix 2.

## **8. Recommendations**

Federal Interest in a project depends upon whether it provides benefits to the nation by facilitating commerce. This requires identification of opportunities, constraints, public purpose and access, and the commerce served. The public purpose of a navigation project is to facilitate the movement of vessels and the transportation of passengers and cargo. Public purpose requires that there be multiple users and project beneficiaries, or an expectation of multiple usages in the future. Public Access means that in addition to public purpose, Federal projects must be open to public use for the projects' purposes. For navigation projects, the access required is at least one location with the vessel or cargo service facilities needed to achieve project benefits open to all users on equal terms.

The Project Delivery Team (PDT) reached a consensus based on review of existing studies and commerce data, dredging data, and new data obtained from stakeholders in the project area. This included review of the opportunities, constraints, public purpose and access, and commerce served by the project. There is no reason to continue into the Feasibility Phase at this time. Currently, the benefits of this project would only accrue to a single user, precluding public purpose; therefore, there cannot be a Federal Interest. While other users of the harbor, both present and potential, were identified, only the single user could show any benefit from an increased channel depth beyond the current depth of 18 feet. For all other users, the current depth appears to be sufficient as reflected in their current operations or future plans for development. At this time, it is highly unlikely for the Feasibility Phase to result in new information that will identify additional beneficiaries.

## **9. Views of the Non-Federal Sponsor**

The local sponsor is very interested in improving the channel and harbor to meet the needs of existing and potential users as well as for the future development potential of the large tract of commercial land adjacent to the harbor. They have indicated they understand their responsibility to share in the feasibility study costs in excess of \$100,000. They also understand the potential financial obligation under the single user requirement. The local sponsor is aggressively pursuing additional users of the harbor and channel.

## **10. Views of Federal and State Agencies and Interested Organizations**

### **11. Conclusion:**

On the basis of this initial determination of Federal interest, there is only one company that would benefit from deepening the existing Federal project from 18 to 22 feet. Existing channel depths appear to be adequate for other users of the entrance channel and harbor. Thus, the sponsor would be required to pay 50 percent of the annual charges for interest and amortization of the Federal first cost of the improvement and 50 percent of the operations and maintenance costs solely associated with the improvement until multiple use of the improvement actually occurs (89 Policy Digest, p. 12-12). Based on preliminary costs for a 22-foot project the sponsor's 50 percent share could exceed \$245,000 annually. The local sponsor is very interested in improving the channel and harbor to meet the needs of existing users as well as for the development potential of the 120 acre commercial development parcel, however they indicate that they would be financially unable to meet the single user obligation at this time. The Town would need to partner with another locality; the county, the state, or other organizations in the private sector in order to obtain the necessary annual funding. The Town will notify the Norfolk District once that partnering effort is satisfied and/or a viable second user is identified. This report will serve as the basis for further study should the opportunity arise. There is no reason to continue into the Feasibility Phase at this time.

### **12. Attachments**

- Attachment 1 – Federal Navigation Project Authorizations
- Attachment 2 – Engineering, Design and Cost Estimates
- Attachment 3 – Economic Analysis
- Attachment 4 - Pertinent Correspondence

**ATTACHMENT 1 – FEDERAL NAVIGATION PROJECT AUTHORIZATIONS**  
**CAPE CHARLES CITY HARBOR AND CHANNEL, TOWN OF CAPE CHARLES,**  
**NORTHAMPTON COUNTY, VIRGINIA**

Table 1-1. Federal Navigation Project

<u>Authorization</u>	<u>Work Authorized</u>
River and Harbor Act of 19 September 1890 Harbor, and the Mud Creek Channel and and modified by the River and Harbor Acts of 20 June 1938, 2 March 1945 and the WRDA of 1986	The Cherrystone Bar, Inlet Channel-and Basin
Harbor of Refuge	Approved by the Chief of Engineers under authority of Section 107 of the River and Harbor Act of 14 July 1960

Table 1-2. Federal Navigation Project

Name/Location	Authorization	Description	Completion
Cape Charles City Harbor/ Northampton County, Chesapeake Bay	River and Harbor Act of 1890 and modified by the River and Harbor Acts of 1938, 1945, and 1960 and the Water Resources Development Act of 1986	A channel 18 feet deep at mean low water and 500 feet wide from the 18-foot contour in Chesapeake Bay, through Cherrystone Bar and Inlet, to the harbor entrance. Also included are a basin in the harbor 18 feet deep, 1,000 feet to 400 feet wide and 3,000 feet long; a channel 10 feet deep and flaring from 100 feet to 180 feet wide and 260 feet long, to a basin 10 feet deep, 180 feet wide and 420 feet long at the head of Mud Creek; and, a harbor of refuge on the north side of Mud Creek 7 feet deep, 200 to 250 feet wide, and 375 feet long, connected to Mud Creek by an entrance channel 7 feet deep and 60 feet wide. A traffic survey revealed that the maintenance of a 500-foot wide channel was not justified at this time. A 300-foot wide channel will be maintained until traffic indicates a need for a change.	1980

**ATTACHMENT 2 – ENGINEERING, DESIGN AND COST ESTIMATES**

INITIAL APPRAISAL OF FEDERAL INTEREST  
SECTION 107 CONTINUING AUTHORITY  
NAVIGATION IMPROVEMENT STUDY

**CAPE CHARLES CITY HARBOR**  
**Northampton County, Virginia**

PREPARED BY:  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS  
NORFOLK DISTRICT

## ENGINEERING AND DESIGN CONSIDERATIONS AND ORDER OF MAGNITUDE COST ESTIMATE

This Initial Appraisal Federal Interest Report was developed consistent with Corps of Engineers guidance, including ER 1105-2-100 Planning Guidance Notebook, ER 1110-2-1150 Engineering and Design for Civil Works Projects, ER 1110-2-1457 Hydraulic Design of Small Boat Navigation, and ER 1110-2-1458 Hydraulic Design of Shallow Draft Navigation Projects. The technical guidance assists in the development of alternative plans and the selection of a plan that best addresses local project problems and needs. The following technical criteria were adopted for use in developing the quantity and costs estimate for each of the project alternatives:

1. The recommended plan should be consistent with local, regional, and State goals for navigational development,
2. Dimensions of channels and other alternative improvements should be adequate to accommodate expected future use.
3. Channel improvements considered should be designed to provide maximum safety and ease of navigation.
4. Physical obstructions should be considered in the formulation of alternatives and in the final plan selection.

It is important to note that, based on the project delivery team's (PDT) initial assessment of the study area and survey data, the project did not have the quantity of benefits necessary for a navigation improvement project to be economically justified. Designs for the four alternatives considered in this study were developed using existing information and are based on navigation projects of similar scope.

Recent Feasibility level hydrographic surveys were utilized for determining dredging estimates along the existing channel and in the city harbor. The surveys were used to develop alternative channel depths and widths, and dredged material quantity estimates for the alternative plans under consideration. During the planning & design phase, an acceptable location and means of disposal/placement would need to be determined. Based upon an analysis of the existing and potential user fleet, an evaluation of the wave and current regimes the fleet would be expected to encounter in the channel, and an evaluation of Federal channels similar to and near Cape Charles City Harbor and Channel, the channel width dimensions are recommended as follows:

1. Selection of a design vessel: Based on information received from surveys that were sent out to all commercial users of Cape Charles City Harbor and Channel, the study identified two current commercial users: the large concrete products company, and the railroad's carfloat barge operation. While there are many commercial fishing users that account for tons of harvested seafood in Cape Charles, they all operate with no issue at the current depth of 18 feet. The study also identified three potential future commercial users: an aerospace defense contractor working at the nearby Wallops Island

Flight Facility, a small inland cruise ship company, and a boat maintenance and storage facility in the harbor

2. Channel Design: Current (maintained) channel depth is between 12 and 18 feet. Authorized channel depth is 18 feet. Current (maintained) channel width is 300 feet. Authorized channel width is 500 feet. The study examined various depths for deepening the Federal entrance channel and harbor from 18 feet to a maximum of 35 feet. According to the town, the existing depth prevents potential commerce that requires larger vessels and heavier loads so it appears that the current (maintained) channel width of 300 feet is adequate.

3. Since there was on one (1) readily available, approved, overboard dredged material placement areas within a reasonable haul distance, upland dredged placement would probably recommended for the project. In the past, suitable material has also been used beneficially along the limits of the town beach (1980) and in front of the existing Section 14 project. Material dredged in 1941, 1943, 1967, and 1980 was placed along the NE shoreline adjacent to property owned by a commercial concrete company and the Commonwealth of Virginia, and overboard, due west of the Federal channel (1943) (see Figure 2-1, Cape Charles Federal Navigation Project, Land Ownership & Disposal Areas, below). Although provision of an upland, confined disposal facility will be a cost to construct in support of the project, it will be a local sponsor cost and not a Federal cost.

## COST ESTIMATE CONSIDERATIONS

### IMPLEMENTATION COSTS

Ordinarily, costs associated with dredged material placement and retaining structures would be included in this study. However, since there is only one (1) user for the project and a BCR has not been calculated, time and effort were not expended to develop the Local Sponsor's costs for dredged material placement. If in the future this project were to be initiated again with two (2) or more legitimate users, these local sponsor costs will be fully evaluated.

### MAINTENANCE COSTS

It is estimated that a maintenance dredging cycle would be performed once every eight years, on average. Over a 50-year period the channel would be maintained six times. While not a project cost, periodic project condition surveys would occur every four years between dredging cycles. The maintenance costs include preparation of plans and specifications, costs for obtaining environmental permits, operations management costs, quantity estimate preparation, independent technical review of contract documents, cost estimates, dredging contractor's earnings, contract supervision and inspection, and hydrographic surveying costs for before and after dredging surveys.

### CHANNEL DETAILS ORDER OF MAGNITUDE COST ESTIMATES

For details attributed to examining the benefits of deepening of this project, Table 2-1 describes the order of magnitude cost estimates that were examined.

Table 2-1. Cape Charles Navigation Channel, Orders of Magnitude Cost Estimates July 2010

CHL DPH NOS MLLW NTDE 1983-2001	CHL WDH (FT) (1)	INCL VOL (Cu Yds)	TOT VOL (Cu Yds)	P&D (2) (\$)	MOB & DEMOB (\$)	DREDGING (\$)	DISP/ PLCMT (3)	TOT (\$) (4) (5) (\$)
21FT	300 FT	848,000	848.0	398.0	600.0	5,088.0		6,086.16
24 FT	300 FT	766,000	1,614.0	719.88	600.0	9,684.0		11,003.88
27 FT	300FT	812,000	2,426.0	1,060.92	600.0	14,556.0		16,216.92
30 FT	300 FT	847,000	3,273.0	1,416.66	600.0	19,638.0		21,654.66
33 FT	300 FT	877,000	4,150.0	1,785.0	600.0	24,900.0		27,285.00
21 FT	500 FT	1,326,000	1,326.0	598.92	600.0	7,956.0		9,154.92
24	500 FT	1,073,000	2,399.0	1,049.58	600.0	14,394.0		16,043.58
27	500 FT	1,123,000	3,522.0	1,521.24	600.0	21,132.0		23,253.24
30	500 FT	1,157,000	4,697.0	2,007.18	600.0	28,074.0		30,681.18
33	500 FT	1,185,000	5,864.0	2,504.88	600.0	35,184.0		38,288.88

(1) Current (maintained) channel width is 300 feet. Authorized channel width is 500 feet.

(2) 7% of Construction Cost. Note that additional cost is required for the planning & design activities associated with the disposal/placement of dredged material.

(3) During the planning & design phase, an acceptable location and means of disposal/placement would need to be determined.

(4) Orders of magnitude estimates. These are not plans & specifications levels of estimates.

(5) Does not contain estimates for unforeseen conditions that may be identified during the planning & design phase.

## ESTIMATED DREDGING COSTS

The dredging costs estimated above were derived from similar sized jobs within the Norfolk District with similar equipment being used. Should a feasibility study be warranted and full project implementation costs be developed, the district would investigate the following dredged material placement alternatives be evaluated: 1.) dredged material being placed in the Wolftrap Alternate Site in the Chesapeake Bay; or 2.) dredged material divided between beneficial use and placed on the beaches and a local sponsor provided upland placement site. The Wolftrap Site is maintained by the Baltimore District.

## ESTIMATED MAINTENANCE DREDGING COSTS FOR EACH CHANNEL

The Order of Magnitude Cost Estimates dated July 2010 that were developed are shown in Table 2-1. Maintenance dredging costs estimated were derived from similar sized jobs within the Norfolk District with similar equipment being used.

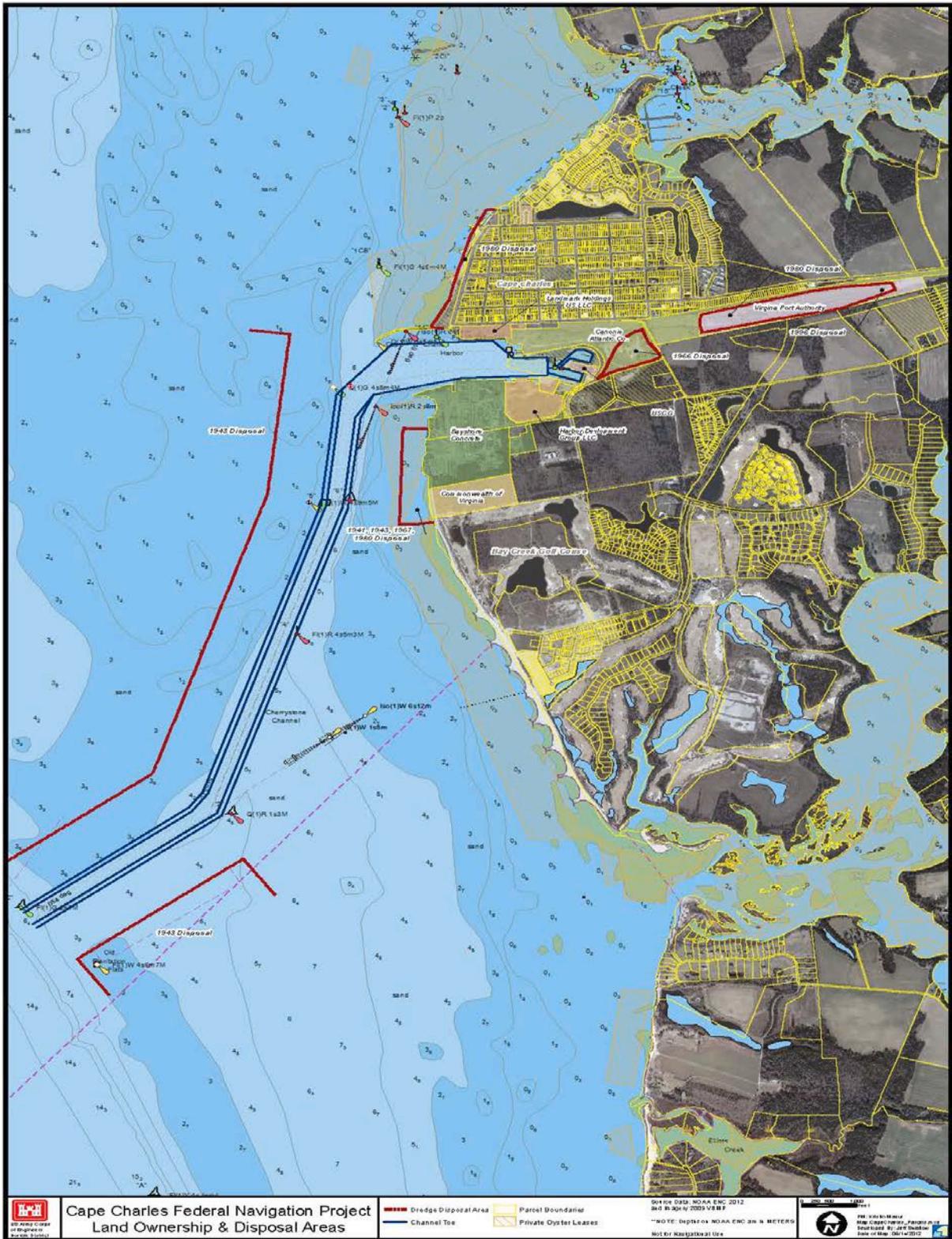


Figure 2-1. Cape Charles Federal Navigation Project, Land Ownership & Disposal Areas

**ATTACHMENT 3 – ECONOMIC ANALYSIS**

INITIAL APPRAISAL OF FEDERAL INTEREST  
SECTION 107 CONTINUING AUTHORITY  
NAVIGATION IMPROVEMENT STUDY

**CAPE CHARLES CITY HARBOR**  
**Northampton County, Virginia**

PREPARED BY:  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS  
NORFOLK DISTRICT

## Introduction

This preliminary economic assessment examines the potential economic benefits of deepening the Cape Charles City Harbor Federal Navigation Project in Northampton County, Virginia. This economic assessment was conducted at a preliminary level of detail using data provided by previous Corps' studies, the Virginia Marine Resources Commission, the Cape Charles Town Manager, Cape Charles Town Planner, Cape Charles Harbormaster, and the harbor's users. A more detailed analysis would be conducted if the proposed project proceeds to the Feasibility Phase of study. This assessment follows Corps guidance for estimating National Economic Development benefits as contained in ER 1105-2-100, April 2000, Appendix E, Section II – Navigation. All benefits are estimated in annual terms.

## Study Area

Cape Charles City Harbor is located adjacent to the Town of Cape Charles on the western shore of Northampton County on the Eastern Shore of Virginia. The town is located 11 miles north of the Chesapeake Bay Bridge-Tunnel, which connects the southern tip of Northampton County with the City of Virginia Beach (Figure 3-1). The Cape Charles City Harbor, Virginia Federal navigation project was authorized by the River and Harbor Act of 19 September 1890 and modified by the River and Harbor Acts of 20 June 1938, 2 March 1945, and the Water Resources Development Act (WRDA) of 1986. The project includes an 18-foot deep and 500-foot wide channel from the 18-foot contour in the Chesapeake Bay, through Cherrystone Bar and Inlet, to the harbor entrance (Figure 3-2). A 1984 USACE traffic survey revealed that the maintenance of a 500-foot wide channel was not justified at the time. A 300-foot wide channel is being maintained until traffic indicates the need for a change.

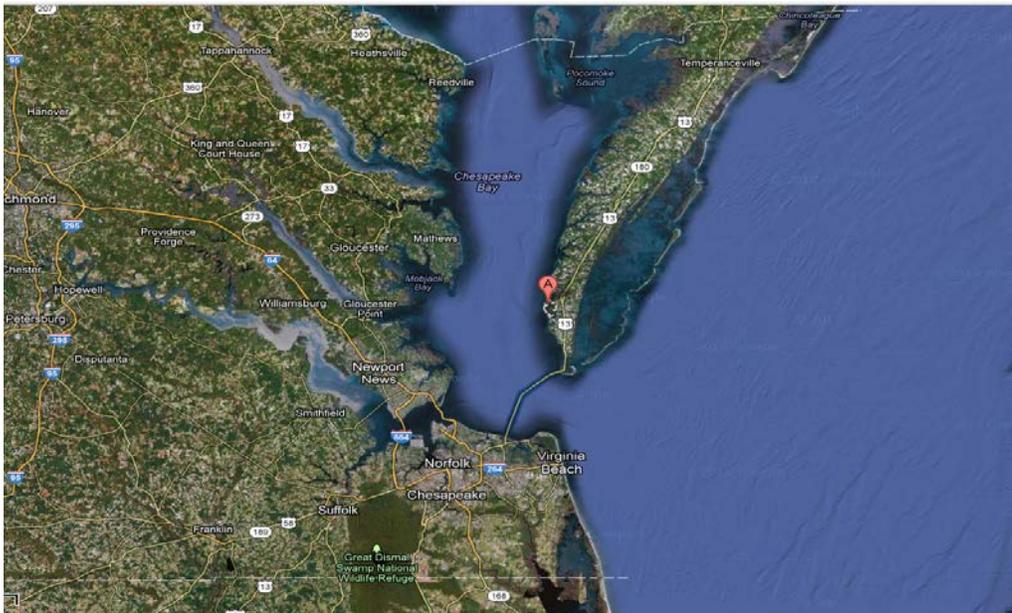


Figure 3-1. Location Map

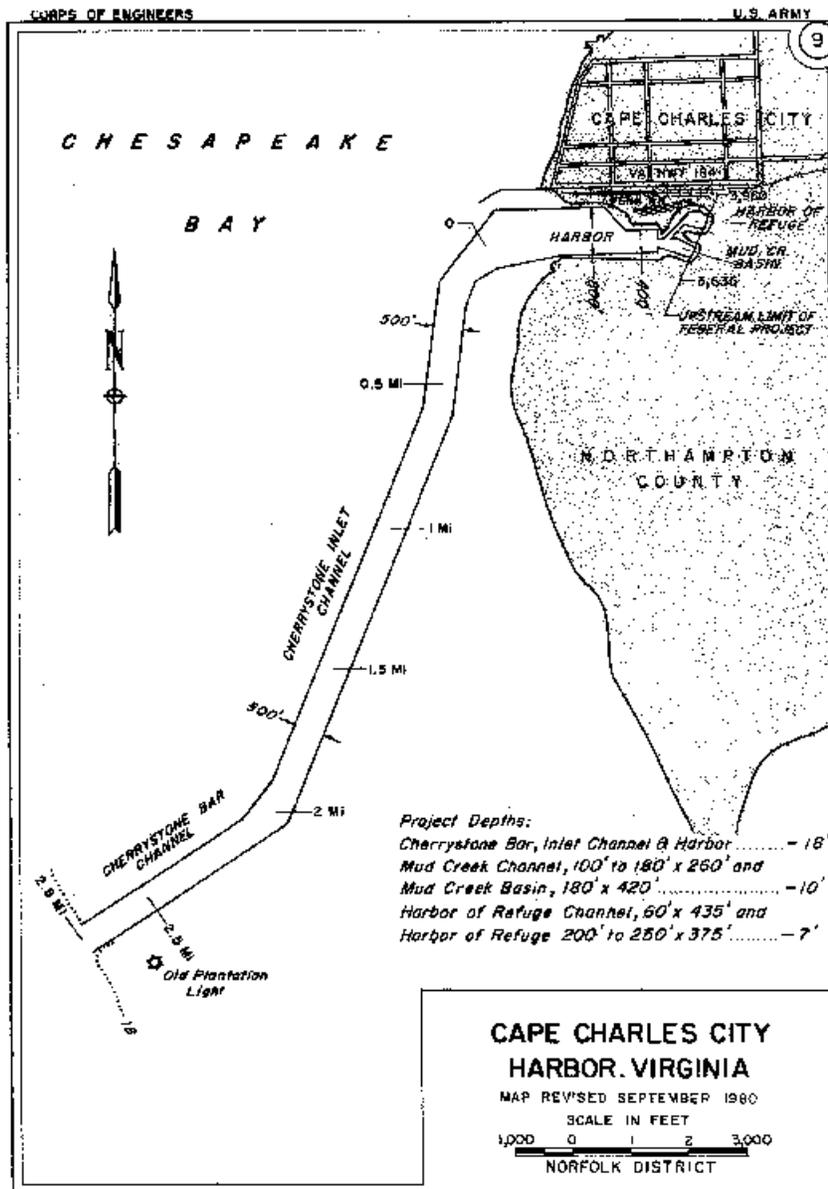


Figure 3-2. Project Map

## Existing Conditions

As of the 2010 Census, Cape Charles had a total population of 1,009, down from 1,512 in 1980 and 1,689 in 1970. More than one-third of the 220 square miles of Northampton County is wooded and there is a considerable amount of lumbering. Significant minerals consist of sand, gravel, and clay. The sand and gravel beds are worked and the resulting products are used in highway construction, ready-mix concrete, and fill purposes. Northampton County is also one of Virginia's leading agricultural regions. Principle sources of income are field crops, especially Irish and sweet potatoes, poultry, and truck vegetables. Industry-wise, the project area is dependent upon income generated by agriculture and seafood. Historically, agriculture has been number one in both dollar value of production and employment. Per capita income in 2000 for Northampton County was estimated by the Bureau of Economic Analysis at \$22,409.

The seafood industry of the project area is one of the oldest in Virginia and has provided substantial landings for fishermen over the last 30 years. The economy of Cape Charles is highly dependent upon the seafood industry for its well being. According to the Virginia Marine Resources Commission, the total value of landings in Northampton County in 2011 was \$22,543,654 based on their general canvas survey. Approximately 1,170 recreational boats are currently registered in Northampton County, according to the Virginia Department of Game and Inland Fisheries.

Vessel tonnage and trips for Cape Charles City Harbor were analyzed for the period 2001-2010 based on Waterborne Commerce statistics. A large variance exists from year to year for several reasons. Laws governing the reporting of annual vessel trips and tonnage of commodities require that users of Federal projects report this information. However, the enforcement of these laws has not been strict and therefore information is frequently not reported or in some cases underreported. Also, times of economic recession cause drops in the amount of goods moved and trips reported. As a result, reported commerce has fluctuated between 788 tons in 2009 to 169,000 tons in 2007. Table 3-1 below, depicts the WBCS results.

Table 3-1: Waterborne Commerce Statistics

	All Traffic Types (Domestic & Foreign)									
	All Traffic Directions									
	CY2010	CY2009	CY2008	CY2007	CY2006	CY2005	CY2004	CY2003	CY2002	CY2001
All Commodities	788	1,275	95,461	169,976	91,532	118,000	3,930	58,000	148,000	156,000
4170 Wood in the Rough	0	0	0	0	600	0			2,000	
4331 Sand & Gravel	0	0	92,725	141,710	81,732	115,000		41,000	139,000	146,000
5220 Cement & Concrete	0	0	0	0	0	1,000				

Table 3-1: Waterborne Commerce Statistics (Con't)

	All Traffic Types (Domestic & Foreign)									
	All Traffic Directions									
	CY2010	CY2009	CY2008	CY2007	CY2006	CY2005	CY2004	CY2003	CY2002	CY2001
5290 Misc. Mineral Prod.	788	1,050	1,886	26,861	8,200	7,000	3,000	17,000	7,000	10,000
5320 I&S Primary Forms	0	0	0	475	0					
5360 I&S Bars & Shapes	0	0	0	0	1,000					
5480 Fab. Metal Products	0	0	0	250	0	750	250			
7110 Machinery (Not Elec)	0	225	850	680	0	680	680			
7400 Manufac. Wood Prod.	0	0	0	0	0	250				

### Preliminary Economic Evaluation

Investigations and analyses of the harbor were accomplished in 1984, 1996, and 1997. In 1997, a Section 107 Reconnaissance level Initial Appraisal was conducted to establish the Federal interest for deepening the 18-foot entrance channel and harbor to 22 feet. According to that report, local interests contended that the 18-foot channel and harbor was restricting existing growth, future development, and expansion. The average annual cost savings for that depth were computed to exceed \$418,000. Equivalent average annual costs were \$270,000, resulting in a benefit-cost ratio for the 22-foot channel and harbor improvement of 1.5. But, the main issue in that report was that “only one company would benefit from deepening the existing Federal project from 18 to 22 feet. Existing channel depths appear to be adequate for other users of the entrance channel and harbor. Thus, the sponsor would be required to pay 50 percent of the annual charges (~\$120,000)...until multiple use of the improvement actually occurs.”<sup>1</sup> As a result of this finding, the local sponsor indicated they would be financially unable to meet the single user obligation, as well as cost-share in the Feasibility phase; so, the project was terminated. They also indicated that if they identified an additional deep-draft user, they would be prepared to ask that a study be re-initiated.

On February 28, 2011, the Town of Cape Charles wrote a letter to the Virginia Port Authority requesting funds to commission Old Dominion University in Norfolk to conduct an economic

<sup>1</sup> Cape Charles, Virginia, Section 107 Letter Report, 30 June 1997.

impact study to estimate the benefits of dredging the harbor to enable the large concrete products company to expand their business; thus stimulating the regional economy. The Virginia Secretary of Transportation asked that the study be done to verify the benefit estimates of \$20 million in payroll, \$7.5 million in additional tax revenues, and 200 new jobs that the additional business would bring. The Virginia Economic Development Partnership also recommended that the study assess the economic impact of the business staying in Virginia as opposed to shifting production to a similar facility in Maryland. Ultimately, the funds were provided and the ODU study was completed in April 2011. The study found that the economic impact associated with dredging the Cape Charles City Harbor, and the production, delivery and installation of the products that dredging would support was significant. The present value (P.L. 2011) of the impact to Virginia was estimated at \$1.9 billion if the dredging was completed by Virginia firms and \$477 million if the dredging was completed outside of Virginia. However, the impacts, or increases in economic activity, estimated in the study were limited to four categories:

- 1) Spending by the new dredging firms and their employees
- 2) The additional spending by the concrete company and its employees
- 3) The jobs created by the dredging, concrete company, and supporting businesses
- 4) The additional tax revenue realized by the Town of Cape Charles and the Commonwealth of Virginia

While these benefits are significant, they are classified as Regional Economic Development (RED) benefits because they involve transfers from one region to another. Corps' policy states that Federal funds are to be invested to achieve the greatest national benefits, or to maximize National Economic Development (NED). Materials, labor, and other direct construction spending would be considered NED costs, vice RED benefits. Examples of NED benefits for this project would be reduced costs for commodity transport. There is no doubt that these increases in economic activity are real and significant. But per policy, this study could not be included in the Corps' valuing of this project's potential output.

The proposed project would deepen the Federal entrance channel and harbor from 18 feet to 35 feet. According to the town, the existing depth prevents potential commerce that requires larger vessels and heavier loads. This study began by looking at the current and potential users of the harbor and channel. The study identified two current commercial users: the large concrete products company, and the railroad's carfloat barge operation. While there are many commercial fishing users that account for tons of harvested seafood in Cape Charles, they all operate with no issue at the current depth of 18 feet. The study also identified three potential future commercial users: an aerospace defense contractor working at the nearby Wallops Island Flight Facility, a small inland cruise ship company, and a boat maintenance and storage facility in the harbor.

### **Projected Benefits**

The benefits attributable to this deepening project could accrue to both commercial and recreational boaters. Benefits to commercial boaters may be classified as transportation savings. Benefits to recreational boaters may be classified as a safe haven for boats from adverse weather conditions; i.e. a harbor of refuge.

The first commercial user is the concrete products company. Their existing tug and barge combination used to import raw materials drafts a maximum of 12 feet. This draft is limited, not by the channel and harbor at Cape Charles, but by the port of origin in the Appomattox River. Therefore, a deeper channel at Cape Charles would not decrease the transportation costs for inbound commodities. Currently, the same tug and barge pairing is used to export finished products. A deeper channel and harbor would allow for larger shipments of finished products to be exported from Cape Charles at a lower frequency, resulting in some transportation savings and NED benefits. If the channel were dredged to 35 feet, they could also potentially be able to increase production of new, larger precast concrete products. These products would require larger tug and barge pairings, which would result in a net increase in transportation costs not only because larger tugs cost more to operate<sup>2</sup>, but they would be pulling new products in addition to their current shipments. While total amounts of concrete commodities would increase in the with-project condition, there's no evidence of reduced transportation costs. Also, the company has no contracts, orders, or agreements currently in place for these larger products. According to the company, obtaining those contracts would be contingent upon having a 35-foot channel and harbor.

The second commercial user is the railroad company's carfloat barge operation. The railroad uses this barge to ship railroad cars over water from Cape Charles to Virginia Beach. They ship various commodities including fertilizers, LP gas, Amtrak equipment, steel, chemicals, stone, cement, and grain. Their barge has a fully loaded draft of 12 feet, so the current depth of the harbor is sufficient for their operation. They need a minimum of 6 railroad cars to initiate a shipment, and the barge can hold a maximum of 25 cars. The barge was taken out of service for critical maintenance and refurbishments from 2009-2011 and many customers haven't returned since, preferring the more expensive, overland route. Therefore, the remaining incoming rail shipments are timed to allow at least 6 cars to arrive by rail on the day of the shipment. Since re-starting operations, the railroad has not re-routed traffic due to a full barge, nor stored cars in their yard while waiting to get enough for a shipment. Using these techniques, there have been approximately 7 shipments in the last 3 months. If a deeper channel existed, there is no evidence that their equipment would change or their shipping frequency would decrease. Based on this information, an increase in channel depth to 35 feet would not provide a transportation cost savings.

Another current category of user is the visiting tall ships that arrived over the summer as part of OpSail 2012. This 10-year event brings tall ships from around the world to visit ports on the east coast. This year, 4 ships called on Cape Charles. The maximum draft of these recreational vessels was 12.5 feet, so no benefit would be derived by those ships with a 35-foot channel. According to the OpSail coordinator in Cape Charles, deeper sailing vessels could have pulled into the harbor, but they preferred to call on Norfolk. They cited many reasons, including lack of pier berthing space, uneasiness with shoaling in the channel, and possibly overwhelming the town with their larger crews. None of these issues could be feasibly remedied with at 35-foot channel. Based on current conditions and discussions with the OpSail coordinator, it is not reasonable to assume that these deeper vessels are considering Cape Charles as a port of call.

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<sup>2</sup> FY 2004 Estimated operating costs for tow/barges (From EGM 05-06, 30Nov 2004)

The first potential future user of the port is the aerospace defense contractor working at the nearby Wallops Island Flight Facility. This contractor provides rocket parts for the Antares II rockets that are being tested there. Currently, the parts are shipped over water from Ukraine in a roll-on/roll-off (RO/RO) ship and offloaded onto a semi-truck in Wilmington, Delaware. They are then driven to Wallops Island, Virginia. Currently, the contractor has no plans in shifting its operations to include Cape Charles. The driving distance from Cape Charles to Wallops Island is shorter than from Wilmington by almost 100 miles. Also, the fully laden draft of the RO/RO ship is 15.84 feet, so the current harbor depth may not be sufficient to allow safe operation. But, based on the conditions in place now, the harbor currently does not have the required landside infrastructure to offload the rocket parts. The roads leading into the town are too curvy for the 195-foot semi-truck trailer and there is no pier that the RO/RO could tie up to or lower its ramp onto to offload the parts. The railroad has spoken with the contractor see if utilizing its carfloat operation to bring the rocket parts first into Norfolk International Terminal and then from Norfolk to Cape Charles would be feasible. However, there has been no testing or studying done. So, there is still no reasonable prospect of this company becoming a future user at this time.

The second potential future user of the harbor is the inland cruise ship company. This company operates ships as far south as Yorktown and Norfolk, Virginia. Benefits from cruise ships can accrue from improved vessel efficiencies, changes in origin or destination ports, and new vessels using an improved harbor. According to the company, Cape Charles has sufficient pier infrastructure to support the type of port visits they would need. Their ships operate at a loaded draft of 7.5 feet, so the current depth is sufficient as well. The additional depth of a 35-foot channel would not alter their decision to make Cape Charles a port of call, thus no benefits could be derived.

The third potential future user of the harbor is a boat maintenance and storage facility scheduled for construction in the harbor. Their plan is to create a Cape Charles Yacht Center. An example of this type of facility would be the Lauderdale Marine Center in Ft. Lauderdale, Florida. It would develop the 120 acres they've already purchased with 1,000 feet of maintenance piers, a 100-ton boat lift, port supply center/fuel depot, and a long-term boat storage facility; as well as a yacht club in partnership with the Bay Creek Golf Clubs and an inn with a restaurant. The company has already spent \$6 million on the planning, purchase and design of the center. The company has applied to the Corps for permits for its docks, travel lift, fork lift operations and dredging. The area for proposed dredging is in the Mud Creek portion of the Federal Navigation Project, which is only 10 feet deep. The permits would dredge a portion of it to 18 feet to match the rest of the project; allowing their customers who require more than 10 feet access to their facility. Also, construction has also begun on portions of the floating docks outlined in their permits. All this leads to a reasonable prospect that this business will become a user of the harbor in the future. That being said, they are moving forward with their plan under the assumption that the harbor will stay at 18 feet deep in order to be ready to receive customers by this spring. Their current plans for the boat lift and storage facility allow for 110-foot boats to be stored on land. Boats that size typically draft less than 18 feet. They could receive much larger boats at their maintenance piers and perform in-water services such as repairs and fueling. However, a search through the existing "megayacht" fleet indicates that only a few of the world's largest yachts would need more than 18 feet. It is highly unlikely that this user would

derive additional benefit from a 35-foot channel, and there is no evidence to suggest otherwise until they begin operations.

Benefits to recreational boaters may be classified as a safe haven for boats from adverse weather conditions; i.e. a harbor of refuge. As previously stated, there are approximately 1,170 recreational boats currently registered in Northampton County. According to the Cape Charles Harbormaster, no damages or delays have been reported as a result of the depth or width of the channel. It is not likely that any incremental increase in depth beyond 18 feet would result in increased recreational enjoyment or eliminate damages or delays.

According to ER 1105-2-100, Appendix E, Section II, Navigation, Federal participation may be recommended when the improvement would initially benefit a single user when reasonable prospect exists for the improvement to later benefit multiple properties with different owners.<sup>3</sup> Based on the data received from the Cape Charles Town Planner, the Harbormaster, and the harbor's users, there could be NED benefits from deepening the channel and harbor to 35 feet. But, those benefits would be isolated to a single user in the same way as in the 1997 study. The difference now is that there is no reasonable prospect that a 35-foot channel would benefit multiple users in the future. Therefore, there is no justification for Federal participation in this project at this time. If another beneficiary of a 35 foot channel can be determined, the issue can be revisited.

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<sup>3</sup> ER 1105-2-100, Appendix E, Section II, Navigation, Section E-8.b.4.b.

**ATTACHMENT 4 – PERTINENT CORRESPONDENCE**

INITIAL APPRAISAL OF FEDERAL INTEREST  
SECTION 107 CONTINUING AUTHORITY  
NAVIGATION IMPROVEMENT STUDY

**CAPE CHARLES CITY HARBOR**  
**Northampton County, Virginia**

PREPARED BY:  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS  
NORFOLK DISTRICT

1. Sponsor Request Letter



**Municipal Corp. of  
Cape Charles**

#50

April 2, 2012

Paul B. Olsen, P.E.  
District Commander  
Norfolk District  
U.S. Army Corps of Engineers  
803 Front Street  
Norfolk, Virginia 23510-1096

Dear Colonel Olsen,

The Town of Cape Charles requests that the Norfolk District Corps of Engineers conduct a feasibility study to determine the need for and feasibility of deepening the Cape Charles Federal Channel and outer Harbor under the authority contained in Section 107 of the 1960 River and Harbor Act, as amended. The desired improvement would consist of deepening the channel to a depth as great as 35 feet.

During the past year businesses in the Harbor have lost significant contracts due to the lack of sufficient depth for moving goods from the Harbor. Over the past few years other proposals have been unsuccessful in bringing new business and jobs to the Harbor as a greater depth was needed for larger vessels and heavier loads.

Thank you in advance for your help in this matter.

Sincerely,

Heather Arons  
Town Manager

Cc: Mayor and Town Council

Municipal Building • 2 Plum Street • Cape Charles, Virginia 23310  
(757) 331-3259 Fax (757) 331-4820



*Municipal Corp. of  
Cape Charles*

July 19, 2013

Colonel Paul B. Olsen  
District Engineer, Norfolk District  
U. S. Army Corps of Engineers  
803 Front Street  
Norfolk, Virginia 23510-1096

Dear Colonel Olsen,

The Town of Cape Charles has reviewed the Initial Appraisal of Federal Interest for the Continuing Authorities Program Section 107 Navigation Improvement Study in Cape Charles City Harbor, Virginia, dated June 13, 2013. Thank you for the opportunity to review and comment. We acknowledge the findings of the report and the recommendation to not proceed to a feasibility study for a navigation project in Cape Charles.

We understand that Federal interest for navigation projects is based on the project having a public purpose; i.e. multiple beneficiaries. We acknowledge your findings of no Federal interest due to a single current and future beneficiary. The Town will notify the Norfolk District if a viable second beneficiary is identified. We understand that this report will serve as the basis for further study should that opportunity arise.

Sincerely,

Dora Sullivan  
Mayor  
Town of Cape Charles

cc: Lawrence H. Ives, Continuing Authorities Program Manager  
Katie Nunez, Northampton County

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Harbor District Density		<b>AGENDA DATE:</b> July 18, 2013
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Schedule a Joint Public Hearing with Planning Commission re: Zoning Ordinance Modifications to the Harbor District		<b>ITEM NUMBER:</b> 6D
	<b>ATTACHMENTS:</b> Draft amended Harbor District Ordinance		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Rob Testerman	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

As Town Council is aware, the Planning Commission has worked on the methodology for quantifying the density in the Harbor District. No such measurement currently exists. During the past years, projects have been brought forward to Planning and Town Council for relatively large developments in the Harbor District. Each of these Conditional Use Permits required a year in the negotiations and the majority of time was spent on the density of each project.

The Planning Commission has reviewed the ordinance and worked with the Harbor Area Conceptual Master Plan to provide a method for measuring the amount of development to be allowed on a given piece of property (density). The Planning Commission recommends the use of the Floor Area Ratio (FAR), a proven planning methodology, to measure the total amount of development on a parcel not just the residential units.

The Planning Commission revisited the Harbor District again at its June 9, 2013 meeting. After discussion, the Commission felt the definition of the “Mainstreet Mixed Use Area” was lacking. Staff has revised the definition in Section 3.9(B) to make the defined area more specific.

Adopting the amendments to this zoning district would:

1. Set a FAR for development in the Mainstreet Mixed Use Area at 1.25, all other areas of the Harbor District will have a FAR of 1.5 to 1.75.
2. Require all blocks in the Mainstreet Mixed Use Area to equal the block length on the north side of Mason Avenue, and retain existing viewsheds to the harbor at these blocks.
3. Require that no building shall have the same continuous elevation for a distance of more than 80 linear feet.

At the July 9, 2013 meeting, the Planning Commission voted unanimously to schedule a Joint Public Hearing, pending a favorable legal review of the draft ordinance amendments.

**RECOMMENDATION:**

Schedule a Joint Public Hearing with the Planning Commission regarding the proposed Zoning Ordinance modifications regarding the Harbor District, pending a favorable legal review.

**Town of Cape Charles**

**ARTICLE III**

**District Regulations**

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

- A. Statement of Intent. The intent of this zoning district is to encourage a vibrant working waterfront area that is both a strong economic benefit to the Town with compatible new industry and employment uses, and a strong public and recreational value, with public gathering places and access to the water, a place for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles' working maritime and rail heritage and its strong historic traditions. Any new development shall provide and encourage public access to the water's edge as well as emphasize the pedestrian environment throughout the harbor. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal means of transportation and connect to the other existing and future links to Cape Charles and environs. This zoning district is also intended to implement the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines as an overall guide to the future development and redevelopment of the harbor area.
- B. The area of the Harbor District along the south side of Mason Avenue, starting at the western edge of the Harbor District, and projecting eastward to the eastern edge of the Harbor District, and southward to the railroad tracks, is defined as the "Mainstreet Mixed-Use". The Mainstreet Mixed-Use area shall use the Floor Area Ratio (FAR) to measure the density of permitted and conditional development. Parking space other than ground level is counted as developed space in the FAR calculation. The FAR for Mainstreet Mixed Use shall be calculated at 1.25. The balance of the zone shall be calculated at 1.50-1.75.
- C. Permitted Uses. The following uses are permitted by right:
1. Accessory uses customarily associated and clearly incidental and subordinate to a principal use.
  2. Food service related uses of the following types:
    - a. Bakeries, confectionaries, delicatessens, and catering services
    - b. Cafes and coffee shops
    - c. Delicatessens
    - d. Eating and drinking establishments
    - e. Ice cream parlors
    - f. Restaurants
  3. Marine related uses of the following types:
    - a. Bait and tackle shops
    - b. Boat rentals
    - c. Marinas, docks and wharves if contiguous to harbor
    - d. Sail and canvas making and repair

- e. Ship stores and chandleries
4. Office and institutional uses of the following types:
    - a. Business studios
    - b. Civic and government facilities
    - c. Educational facilities
    - d. Financial institutions
    - e. Medical clinics
    - f. Medical, dental and other laboratories
    - g. Offices
    - h. Office supply stores
    - i. Real estate sales and rentals
  5. Recreational, cultural, and entertainment uses of the following types:
    - a. Art galleries and art studios
    - b. Athletic clubs
    - c. Conference centers
    - d. Health and fitness facilities
    - e. Libraries and galleries
    - f. Museums and cultural centers
    - g. Outdoor recreational uses
    - h. Parks
  6. Retail goods establishments of the following types with 2,500 square feet or less of gross floor area:
    - a. Antique shops
    - b. Bookstores, new and used
    - c. Camera shops
    - d. Candy stores
    - e. Clothing stores
    - f. Dry goods stores
    - g. Florists, gift shops, card shops, and stationery shops
    - h. Grocery stores
    - i. Music stores
    - j. Newsstands
    - k. Tobacco stores
    - l. Upholstering shops and fabric stores
    - m. Video stores
    - n. Watch and jewelry stores
  7. Retail service establishments of the following types with 2,500 square feet or less of gross floor area:
    - a. Beauty and barbershops
    - b. Bicycle, moped, and street legal golf cart sales and rentals
    - c. Blueprinting shops
    - d. Dressmaking, tailoring, millinery, dry cleaning
  8. Public Utility Facility

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

- a. All dwelling units shall have direct access to the street level. Means of access may be shared with other dwelling units, but not commercial uses. Access through a commercial establishment on the first level is not permitted.
  - b. Dwelling units shall occupy no more than 50 percent of the first floor of any building.
  - c. The first floor of all building facades adjacent to a public street shall have a commercial appearance and shall not have a residential appearance.
7. Other miscellaneous uses of the following types:
- a. Bed and breakfasts and tourist homes, provided the following requirements are met:
    - (1.) The owner and family must occupy the residence. The owner and his/her appointed agent is responsible for supervising guests.
    - (2.) The single-family dwelling appearance must be maintained.
    - (3.) Parking should be considered on a case-by-case basis as part of the conditional use application, ensuring adherence to Section 4.8.E.2 (Table of Parking Standards) using both on and off street parking areas.
    - (4.) A sign no larger than four square feet shall be permitted.
    - (5.) The number of room accommodations shall be subject to recommendation by the Planning Commission and approved by the Town Council.
    - (6.) The dwelling must meet all of the requirements of Section 3.9 C. 6.
      - b. Child care and child care education centers
      - c. Hotels and motels
      - d. Laundromats
      - e. Liquor and package stores
      - f. Off-site parking
8. Any other use which is compatible in nature with the foregoing permitted and conditional uses and which is determined to be compatible with the intent of the District.
- E. Lot and Height Requirements. Within the Harbor District, the following standards shall apply:
- 1. Minimum lot requirements
    - lot area ..... 11,200 square feet
    - lot frontage ..... 80 feet
    - lot depth ..... 140 feet
    - block length.....all blocks in the Mainstreet Mixed Use Area shall be equal to the blocks on the north side of Mason Avenue. Existing Viewsheds to the harbor shall be maintained.
  - 2. Height

- a. Measurement criteria. For the purpose of the Harbor District, height means the vertical distance measured from the crown of the nearest street to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. When the crown of the nearest street has an elevation greater than three feet above the adjacent ground elevation of the building, the adjacent ground elevation shall be used in place of the crown of the nearest street when measuring height. Note: Mechanical equipment, chimneys, air conditioning units, elevator penthouses, church spires and steeples, water towers, and similar appurtenances are exempted from height restrictions. However, these exclusive items may not exceed the height limit by more than fifteen feet.
  - b. Maximum permitted height. No building or structure shall exceed 40 feet in height in the Mainstreet Mixed Use area of the zone. No building shall have the same continuous elevation for a distance of more than 80 linear feet. ~~unless a conditional use permit is obtained.~~ Building heights greater than 40 feet and equal to or less than 55 feet may also be permitted in other parts of the zone, subject to securing a conditional use permit as provided for in this ordinance. When reviewing a conditional use permit application for the height of a building in the Harbor District, the following criteria shall be met:
    - (1.) On each block, the average height of all buildings greater than 40 feet and equal to or less than 55 feet in height shall not exceed 45 feet. For the purpose of this section, a block is defined as the property fronting on one side of a right-of-way or waterway, and lying between two intersecting rights-of-way or otherwise limited by a waterway or other physical barrier of such nature as to interrupt the continuity of development.
    - (2.) The application shall adhere to policies established in the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines, the Comprehensive Plan, and other officially adopted plans of the Town.
3. Setback Regulations.
- a. Mason Avenue setback requirement. No building or structure shall be located within 8 feet of the Mason Avenue VDOT right-of-way.
  - b. Waterfront setback requirement. No building or structure shall be located within 30 feet of the Cape Charles Harbor or within 30 feet of a Resource Protection Area not part of an Intensely Developed Area (IDA). This requirement shall not preclude any other applicable regulations, including but not limited to those associated Chesapeake Bay Preservation Areas. The following shall be exempt from the waterfront setback requirement when permitted by all other applicable regulations:

- (1.) Water-dependent facilities as defined by Zoning Ordinance Section 7.3.
  - (2.) Walkways, promenades, decks, gazebos, permitted signs, and similar structures intended to accommodate or provide amenities for pedestrians.
- F. Required open space. Open space shall be provided equivalent to 25 percent of lot area. For the purpose of this section, the term open space shall be construed to consist of open space amenities and spacing between buildings. Open space amenities include plazas, esplanades, landscaped areas, walkways, public recreational facilities, and the like designed and maintained for use by pedestrians and open to the public. Such open space amenities shall not be open to vehicular uses except for public safety purposes, and shall be directly accessible from street level. Where feasible, open space shall be designed to serve as part of a coordinated pedestrian circulation system.
- G. Utilities. All utilities shall be installed underground.
- H. Harbor Development Certificate required. No zoning clearance shall be issued for location, construction, or enlargement of any building or structure within the Harbor District until a Harbor Development Certificate has been issued. Submission of a Harbor Development Certificate Application and approval by the Town Council shall be required to obtain a Harbor Development Certificate.
  1. Content of Harbor Development Certificate Application. The Harbor Development Certificate Application shall consist of the General Application and the Detailed Application.
    - a. General Application. The General Application shall include the following items:
      - (1.) An application on forms provided by the Zoning Administrator.
      - (2.) A fee established by the Town Council.
      - (3.) A letter of application stating in general terms the proposed use of the property, the effect of the changes on the surrounding area, and the reason for the request.
      - (4.) A plot plan in accordance with the Site Plan Ordinance.
    - b. Detailed Application. The contents of the Detailed Application may be delineated on the plot plan required for the General Application, or provided in separate maps, elevations, or written document as appropriate. The Detailed Application shall indicate the following:
      - (1.) Location, amount, character and continuity of open space.
      - (2.) A delineation of those general areas that have scenic assets or natural features deserving protection and preservation, including elevations demonstrating protection of views from existing streets, and a statement of how such will be accomplished.

- (3.) Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets.
- (4.) Separation of pedestrian and vehicular traffic.
- (5.) Landscape plans delineating dimensions and distances and the location, type, size, and description of all existing and proposed plant materials.
- (6.) Location and dimensions of on-site signage.
- (7.) Conceptual renderings of building exteriors.
- (8.) Such other matters as are appropriate to determinations in the specific case. Other information may be requested by the Zoning Administrator, the Harbor Area Review Board, or Town Council.

2. Review procedure.

- a. Pre-application meeting. Prior to application submission, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a pre-application meeting. The purpose of the meeting shall be to discuss the general goals of the project and application procedures.
- b. General Application. Following the pre-application meeting, the applicant shall submit a General Application. The contents of the General Application are detailed in Section 3.9 G. 1. a.
- c. Post-application meeting. Within 30 days of receipt of the complete General Application, the Zoning Administrator and the Harbor Area Review Board shall meet in a post-application meeting. The purpose of the meeting shall be to discuss the content of the General Application and to formulate recommendations for the applicant.
- d. First review meeting. Within 30 days of the post application meeting, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a first review meeting. The purpose of the meeting shall be to provide the applicant with the Harbor Area Review Board's recommendations and to provide notice to proceed with the Detailed Application.
- e. Town Council summary. Following the first review meeting, the Harbor Area Review Board will present the Town Council with the General Application and a general description of discussion held at the first review meeting. The Town Council summary will be provided at a Town Council regular session or a Town Council work session for informational purposes.
- f. Detailed Application. Following the first review meeting, the applicant shall submit a Detailed Application. The contents of the Detailed Application are provided in Section 3.9 G. 1. b.

- g. Zoning Administrator action. Following the Zoning Administrator's receipt of the Detailed Application and his determination that it is complete pursuant to Section 3.9 G. 1. b, the Zoning Administrator shall prepare a thorough review and analysis of the Harbor Development Certificate Application and a written staff report. The Zoning Administrator's written report shall be forwarded to the Harbor Area Review Board within 45 days of receipt of the Detailed Application.
  - h. Second review meeting. After receipt of the Detailed Application, the applicant shall meet with the Zoning Administrator and the Harbor Area Review Board in a second review meeting. The purpose of the meeting shall be to review the Harbor Development Certificate Application, consisting of the General Application and the Detailed Application, and provide the applicant with any necessary recommendations. Follow up meetings may be scheduled to further review the application or to review modifications to the application.
  - i. Harbor Area Review Board action. After the second review meeting, the Harbor Area Review Board shall forward its recommendation to approve, deny, or approve subject to modification, to the Town Council along with written findings of fact supporting its recommendation.
  - j. Town Council action. After receipt of the Harbor Area Review Board's recommendations and findings, the Town Council shall decide to approve, deny, or approve subject to modification.
  - k. Concurrent review permitted. Other development applications, including application for any necessary Certificate of Appropriateness, may be submitted concurrently with an application for a Harbor Development Certificate.
3. Criteria for review. In reviewing the Harbor Development Certificate Application, the Zoning Administrator, the Harbor Area Review Board, and the Town Council shall consider the following criteria:
- a. Use characteristics of the proposed development.
  - b. Preservation of historic structures; preservation of significant features of existing buildings when such buildings are to be renovated; relation to nearby historic structures or districts including a need for height limits.
  - c. Location and adequacy of off-street parking and loading provisions, including the desirability of bicycle parking.
  - d. Vehicular circulation within the development and its relation to other existing and proposed transportation facilities.
  - e. Inclusion of alleys to enhance vehicular transportation within the development.
  - f. Provision of concealed commercial loading and unloading areas adjacent to alleys to prevent loading, unloading, and trash collection along public rights of way.

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

I. Exemption.

Railroad activities in this district are subject to federal preemption to the extent that the activities are an integral part of the railroad's interstate operations. 49 U.S.C. 10501 (b). Therefore, "state and local permitting or pre-clearance requirements [such as building permits, zoning clearances, and site plan requirements] which, by their nature, interfere with interstate commerce by giving the [Town of Cape Charles] the ability to delay or deny the [railroad's] right to construct facilities or conduct operations are preempted." *Borough of Riverdale v. New York Susquehanna & Western Railway Corporation*, Surface Transportation Board, Docket No. FD 33466 0, September 9, 1999.

However, environmental and other public health and safety issues and "activities and facilities not integrally related to the provision of rail service are not subject to [Surface Transportation Board] jurisdiction or subject to federal preemption."

Id. Also, “interstate railroads ... are not exempt from certain local fire, health, safety and construction regulations and inspections.” Id.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> FEMA Preliminary Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS)		<b>AGENDA DATE:</b> July 18, 2013
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Review FIRMs and FIS		<b>ITEM NUMBER:</b> 7A
	<b>ATTACHMENTS:</b> FIRMs pertaining to Cape Charles		<b>FOR COUNCIL:</b> Action ( ) Information (X)
	<b>STAFF CONTACT (s):</b> Rob Testerman	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

### **BACKGROUND:**

On July 2, staff received the latest Preliminary FIRM (Flood Insurance Rate Map) from FEMA. FEMA has requested that the Preliminary copies be circulated among elected officials, staff, and other individuals or organizations in the community so that they will have time to review them thoroughly. FEMA will be contacting the Town in the near future to schedule a formal community coordination meeting.

As you can see in the attached FIRMs, there is a drastic change regarding flood zones in Cape Charles. In the current FIRM from 2008, a majority of the historic portion of Cape Charles is located in the AE Zone, and the X Zone reaches even farther west. The Preliminary FIRM for 2013 shows the AE zone ending at the beach, and X Zone pushing west as far as Plum Street. Additional changes in flood zones are shown to the north and south, in the Bay Creek areas of Town. This review is for non-technical corrections.

After the community coordination meeting (Consultation Coordinator Officer, CCO, meeting) a 90-day review appeal period will be initiated for communities to appeal changes to the FIRM.

Digital copies of the FIRM and Flood Insurance Study (FIS) can be viewed and reviewed at the following website: <https://www.rampp-team.com/va.htm>.

### **RECOMMENDATION:**

Review the preliminary FIRM and FIS. The review period provides community officials and citizens an opportunity to identify changes or corrections to non-technical information, such as corporate limits, road names, stream names, etc. All comments and changes received during the review period (July 1-August 1) will be incorporated, as appropriate, before the FIRM and FIS report become effective. Any comments can be sent to Rob Testerman, and I can compile them to submit to FEMA.

**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0 North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was Virginia State Plane South zone. The horizontal datum was NAD 83/HARN, GR80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services  
NOAA NNGS12  
National Geodetic Survey  
SSMCC-3 #9202  
1315 East-West Highway  
Silver Spring, Maryland 20910-3282  
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided by the Commonwealth of Virginia through the Virginia Base Mapping Program (VBMP). The orthophotos were flown in 2009 at scales of 1:100 and 1:200.

Based on updated topographic information, this map reflects more detailed and up-to-date stream channel configurations and floodplain delineations than those shown on the previous FIRM for this jurisdiction. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contain authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for unimproved streams may differ from what is shown on previous maps.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or deannexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

The AE Zone category has been divided by a Limit of Moderate Wave Action (LMWA). The LMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LMWA (or between the shoreline and the LMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

For information on available products associated with this FIRM visit the Map Service Center (MSC) website at <http://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

If you have questions about this map, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange (FMIX) at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/infp>.

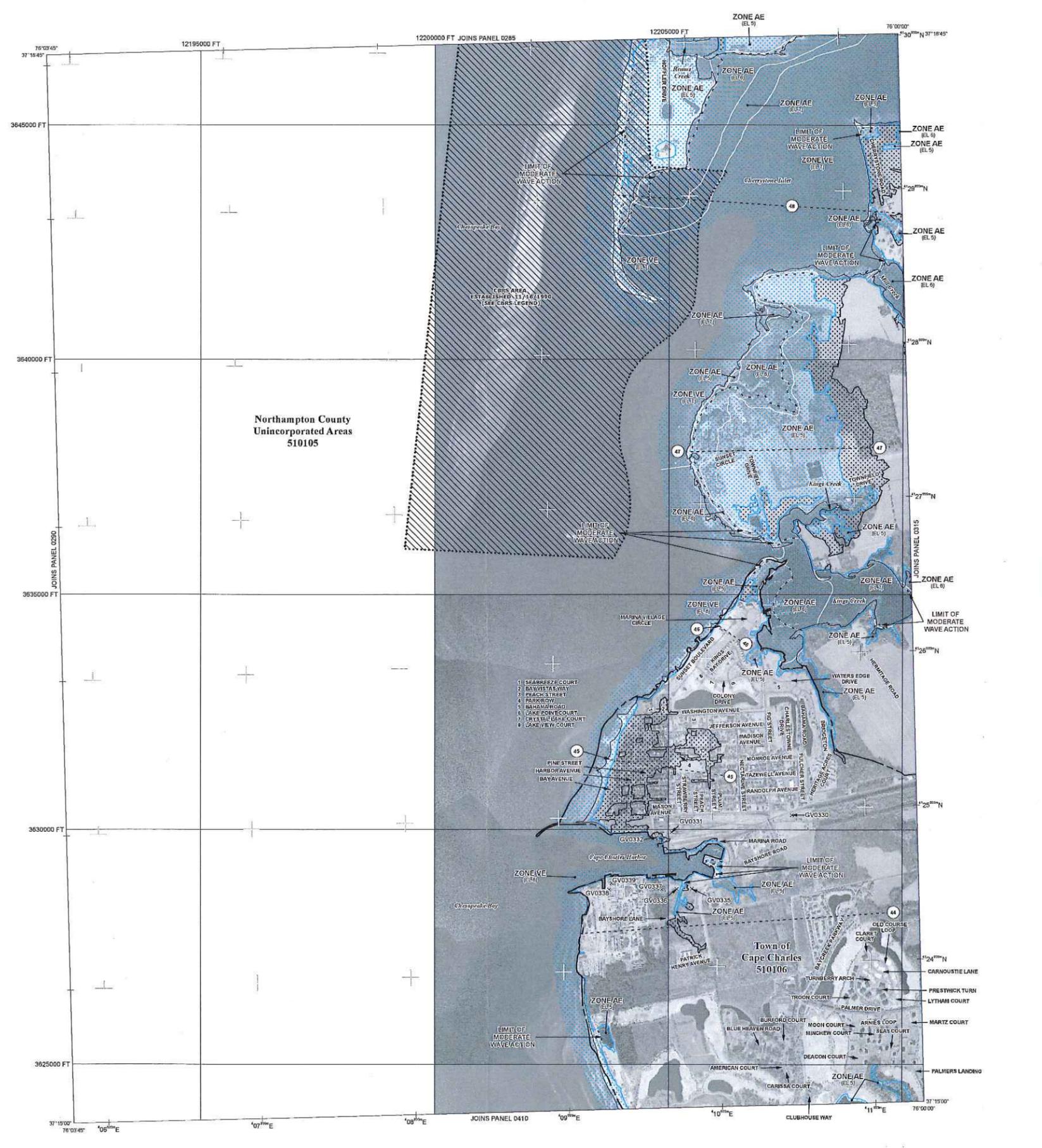
**COASTAL BARRIER RESOURCES SYSTEM (CBRS) LEGEND**

**10-01-1993 CBRS Area**  
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER OCTOBER 1, 1993, IN DESIGNATED CBRS AREAS.

**11-16-1990 CBRS Area**  
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1990, IN DESIGNATED CBRS AREAS.

**11-16-1991 Otherwise Protected Area (OPA)**  
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1991, IN DESIGNATED OPAs WITHIN THE CBRS.

Boundaries of the John H. Chafee Coastal Barrier Resources System (CBRS) shown on this FIRM were transferred from the official CBRS source map(s) for this area and are depicted on this FIRM for informational purposes only. The official CBRS maps are enacted by Congress via the Coastal Barrier Resources Act, as amended, and maintained by the U.S. Fish and Wildlife Service (FWS). The official CBRS maps used to determine whether or not an area is located within the CBRS are available for download at <http://www.fws.gov>. For an official determination of whether or not an area is located within the CBRS, or for any questions regarding the CBRS, please contact the FWS field office for this area at (804) 693-6694.



**LEGEND**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual flood (100-year flood) also known as the base flood, is the flood that has a 1% chance of being equal or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, AR, A99, V, and VE. The base flood elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A**  
No Base Flood Elevations determined.

**ZONE AE**  
Base Flood Elevations determined.

**ZONE AH**  
Flood depths of 1 to 3 feet (usually areas of piling); Base Flood Elevations determined.

**ZONE AO**  
Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

**ZONE AR**  
Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE A99**  
Areas to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V**  
Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE**  
Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.

**OTHER FLOOD AREAS**

**ZONE X**  
Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

**ZONE D**  
Areas determined to be outside the 0.2% annual chance floodplain.

**AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE.**

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary  
0.2% annual chance floodplain boundary  
Floodway boundary  
Zone D boundary  
CBRS and OPA boundary  
Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.  
Limit of Moderate Wave Action  
Base Flood Elevation line and water elevation in feet\* (EL 987)  
Base Flood Elevation value where uniform within zone; elevation in feet\*

\* Referenced to the North American Vertical Datum of 1988

○ Cross section line  
○ Transect line  
○ Culvert, Flume, Penstock or Aqueduct  
○ Road or Railroad Bridge  
○ Floodway  
○ Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere  
○ 1000-meter Universal Transverse Mercator grid values, zone 18S  
○ 5000-foot grid values; Virginia State Plane coordinate system, South zone (EPSG:6306 4902), Lambert Conformal Conic projection  
○ Bench mark (see explanation in Notes to Users section of this FIRM panel)  
○ M1.5  
○ River Mile

MAP REPOSITORY  
Refer to listing of Map Repositories on Map Index.

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP  
August 28, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6629.

MAP SCALE 1" = 1000'  
0 500 1000 2000 FEET  
0 500 1000 METERS

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0295F**

**FIRM**  
FLOOD INSURANCE RATE MAP  
NORTHAMPTON COUNTY,  
VIRGINIA  
AND INCORPORATED AREAS

**PANEL 295 OF 610**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

COMMUNITY	NUMBER	PANEL	DATE
CAPE CHARLES TOWN OF	51010	0295	F
NORTHAMPTON COUNTY	510105	0295	F

**PRELIMINARY**  
**JULY 1, 2013**

NOTE:  
THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENACTING LEGISLATION.

Notes to Users: The Map Number shown above should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
51131C0295F

**MAP REVISED**

Federal Emergency Management Agency

**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 01° North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was Virginia State Plane South zone. The horizontal datum was NAD 83/HARN, GR80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services  
NOAA NNGS12  
National Geodetic Survey  
SSM-C3 #5202  
1315 East-West Highway  
Silver Spring, Maryland 20910-3282  
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

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Based on updated topographic information, this map reflects more detailed and up-to-date stream channel configurations and floodplain delineations than those shown on the previous FIRM for this jurisdiction. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for unreviewed streams may differ from what is shown on previous maps.

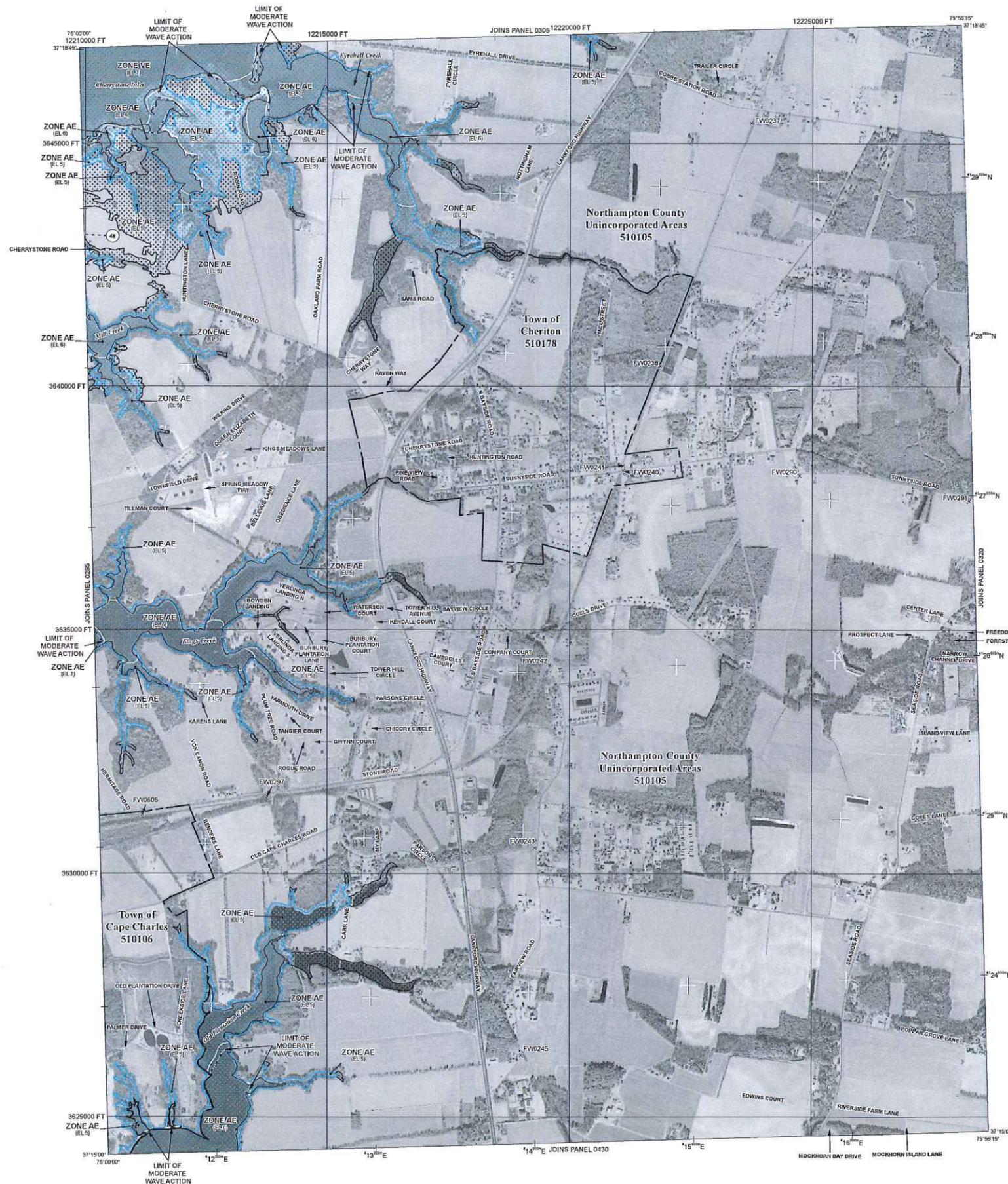
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The AE Zone category has been divided by a Limit of Moderate Wave Action (LMWA). The LMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LMWA (or between the shoreline and the LMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

For information on available products associated with this FIRM visit the Map Service Center (MSC) website at <http://pulsar.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

If you have questions about this map, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange (FMIX) at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/infp>.



**LEGEND**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual flood (100-year flood) also known as the base flood, is the flood that has a 1% chance of being equal or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, A0, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A**  
No Base Flood Elevations determined.

**ZONE AE**  
Base Flood Elevations determined.

**ZONE AH**  
Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevation determined.

**ZONE AO**  
Flood depths of 1 to 3 feet (usually short flow on sloping terrain); average depths determined. For areas of alternate fan flooding, velocities also determined.

**ZONE AR**  
Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently deteriorated. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE A99**  
Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V**  
Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE**  
Coastal flood zone with velocity hazard (wave action); Base Flood Elevation determined.

**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be contained without substantial increases in flood heights.

**OTHER FLOOD AREAS**

**ZONE X**  
Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

**ZONE D**  
Areas determined to be outside the 0.2% annual chance floodplain.

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**  
**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary  
0.2% annual chance floodplain boundary  
Floodway boundary  
Zone D boundary  
CBRS and OPA boundary  
Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.  
Limit of Moderate Wave Action  
Base Flood Elevation line and value; elevation in feet (EL 987)  
Base Flood Elevation value where uniform within zone; elevation in feet

\* Referenced to the North American Vertical Datum of 1988

(A) Cross section line  
(B) Traversed line  
Divert, Flume, Passlock or Aqueduct  
Road or Railroad Bridge  
Footbridge  
Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere  
1000-meter Universal Transverse Mercator grid values, zone 19  
5000-foot grid values; Virginia State Plane coordinate system, South zone (FIPSZONE 4502), Lambert Conformal Conic projection  
Bench mark (see explanation in Notes to Users section of this FIRM panel)  
M1.5  
River Mile

MAP REPOSITORY  
Refer to listing of Map Repositories on Map Index.  
EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP  
August 28, 2008  
EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.  
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-953-6625.

MAP SCALE 1" = 1000'  
500 0 1000 2000 FEET  
300 0 300 600 METERS

**NATIONAL FLOOD INSURANCE PROGRAM**

PANEL 0315F

**FIRM**  
FLOOD INSURANCE RATE MAP  
NORTHAMPTON COUNTY, VIRGINIA  
AND INCORPORATED AREAS  
PANEL 315 OF 610  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

COMMUNITY	NUMBER	PANEL	REVISION
CAPE CHARLES TOWN OF	510106	0315	F
CHESTER TOWN OF	510178	0315	F
NORTHAMPTON COUNTY	510105	0315	F

**PRELIMINARY**  
JULY 1, 2013

Notes to Users: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER  
51131C0315F  
MAP REVISED

Federal Emergency Management Agency

**NOTES TO USERS**

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Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The projection used in the preparation of this map was Virginia State Plane South zone. The horizontal datum was NAD 83/HARN, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services  
NOAA, NINGS12  
National Geodetic Survey  
SSMC-3, #3202  
1315 East-West Highway  
Silver Spring, Maryland 20910-3282  
(301) 713-3242

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided by the Commonwealth of Virginia through the Virginia Base Mapping Program (VBMP). The orthophotos were flown in 2009 at scales of 1:100 and 1:200.

Based on updated topographic information, this map reflects more detailed and up-to-date stream channel configurations and floodplain delineations than those shown on the previous FIRM for this jurisdiction. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for unreviewed streams may differ from what is shown on previous maps.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or deannexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels, community addresses, and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels in which each community is located.

The AE Zone category has been divided by a Limit of Moderate Wave Action (LMWA). The LMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LMWA (or between the shoreline and the LMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

For information on available products associated with this FIRM visit the Map Service Center (MSC) website at <http://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

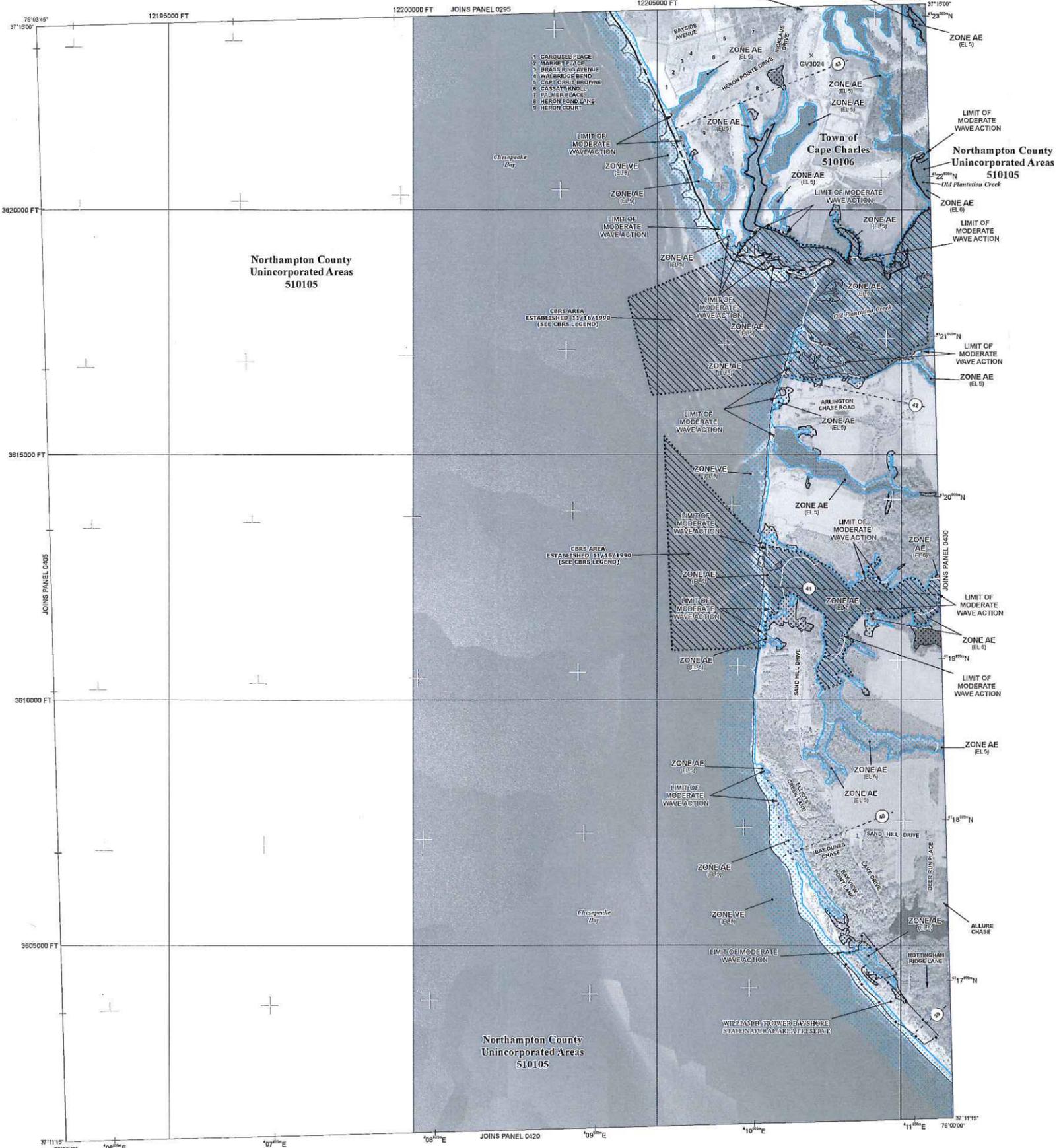
If you have questions about this map, how to order products or the National Flood Insurance Program in general, please call the FEMA Map Information eXchange (FMI-X) at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/fip>.

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) LEGEND**

- 10-01-1993 CBRS Area**  
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER OCTOBER 1, 1993, IN DESIGNATED CBRS AREAS.
- 11-16-1990 CBRS Area**  
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1990, IN DESIGNATED CBRS AREAS.
- 11-16-1991 Otherwise Protected Area (OPA)**  
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1991, IN DESIGNATED OPAs WITHIN THE CBRS.

Boundaries of the John H. Chafee Coastal Barrier Resources System (CBRS) shown on this FIRM were transferred from the official CBRS source map(s) for this area and are depicted on this FIRM for informational purposes only. The official CBRS maps are enacted by Congress via the Coastal Barrier Resources Act, as amended, and maintained by the U.S. Fish and Wildlife Service (FWS). The official CBRS maps used to determine whether or not an area is located within the CBRS are available for download at <http://www.fws.gov>. For an official determination of whether or not an area is located within the CBRS, or for any questions regarding the CBRS, please contact the FWS field office for this area at (804) 693-6694.

**Northampton County  
Unincorporated Areas  
510105**



**LEGEND**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual flood (100-year flood) also known as the base flood, is the flood that has a 1% chance of being equalled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, AR, AV, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A**  
No Base Flood Elevations determined.

**ZONE AE**  
Base Flood Elevations determined.

**ZONE AH**  
Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

**ZONE AO**  
Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of altitudinal flooding, velocities also determined.

**ZONE AR**  
Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decanted. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE AR9**  
Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE AV**  
Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE**  
Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.

**OTHER FLOOD AREAS**

**ZONE X**  
Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

**ZONE D**  
Areas determined to be outside the 0.2% annual chance floodplains.

**Areas in which flood hazards are undetermined, but possible.**

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevation, flood depths or flood velocities.
- Limit of Moderate Wave Action
- Base Flood Elevation line and value; elevation in feet\* (EL 987)
- Base Flood Elevation value where uniform within zone; elevation in feet\*

\* Referenced to the North American Vertical Datum of 1988

- Cross section line
- Traversed line
- Culvert, Flume, Penstock or Aqueduct
- Road or Railroad Bridge
- Footbridge

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), WGS84 Hemisphere

- 87°07'49", 32°22'30"
- 76°11'N
- 3000-meter Universal Transverse Mercator grid values, zone 19
- 5000-foot grid values; Virginia State Plane coordinate system, South zone (FIPS/ZONE 4502), Lambert Conformal Conic projection
- DMS10 x
- Road mark (see explanation in Notes to Users section of this FIRM panel)
- River file
- M1.5

**MAP REPOSITORY**  
Refer to listing of Map Repositories on Map Index

**EFFECTIVE DATE OF COUNTY-WIDE FLOOD INSURANCE RATE MAP**  
August 28, 2009

**EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL**

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6673.

**MAP SCALE 1" = 1000'**

500 0 1000 2000 FEET  
300 0 300 600 METERS

**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0410F**

**FIRM**  
FLOOD INSURANCE RATE MAP

**NORTHAMPTON COUNTY, VIRGINIA AND INCORPORATED AREAS**

**PANEL 410 OF 610**  
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

COMMUNITY	NUMBER	PANEL	SUFFIX
CAPE CHARLES, TOWN OF	510105	0410	F
NORTHAMPTON COUNTY	510105	0410	F

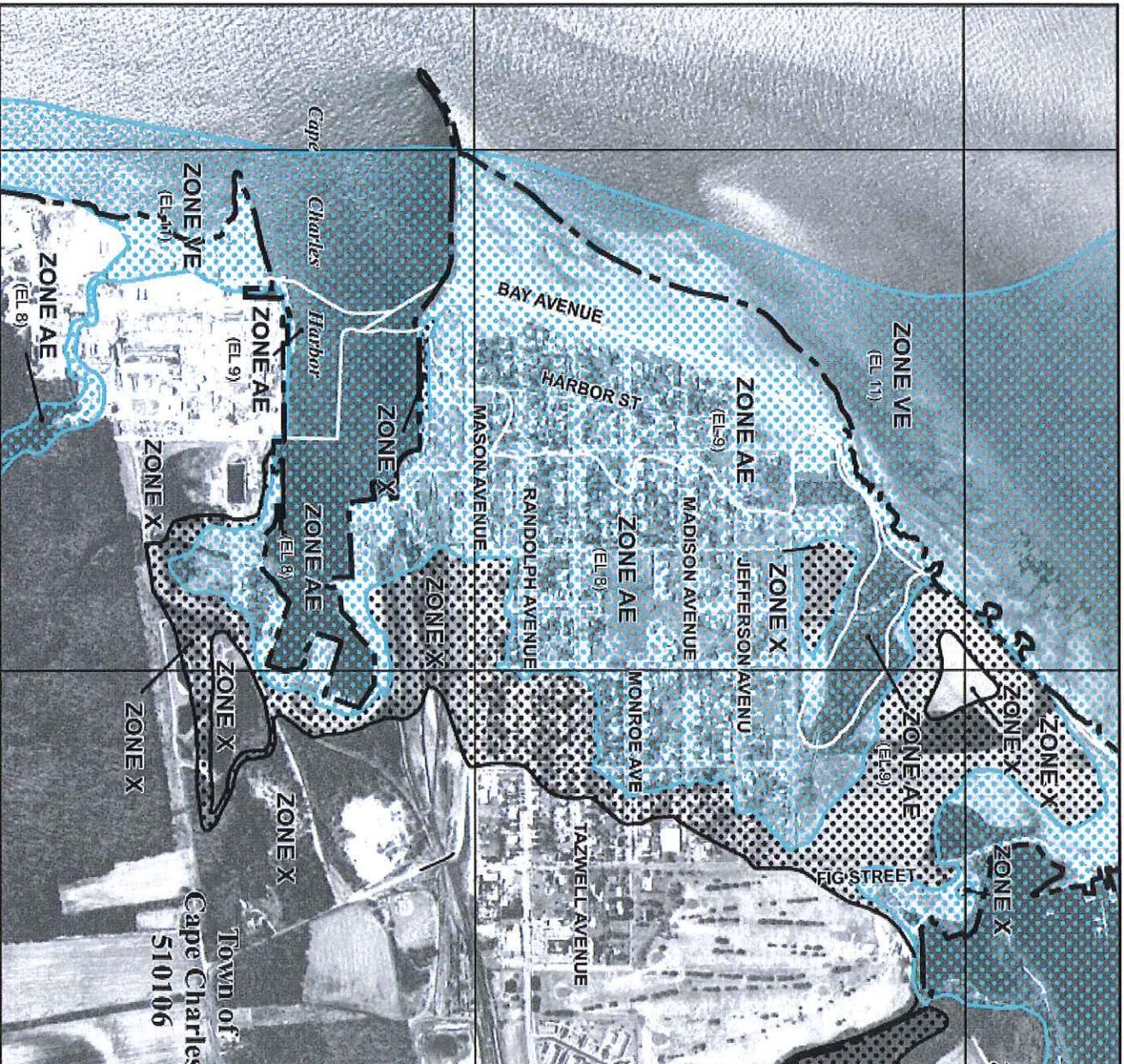
**PRELIMINARY**  
**JULY 1, 2013**

NOTE - THIS MAP INCLUDES REVISIONS OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND SUBSEQUENT ENACTING LEGISLATION.  
Refer to User's Manual for more information on how to use this map. The Community Number shown above should be used on insurance applications for the subject community.

**MAP NUMBER**  
51131C0410F

**MAP REVISED**

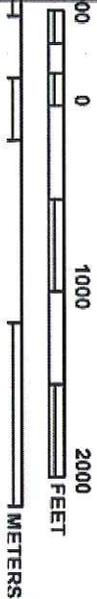
**Federal Emergency Management Agency**



Town of  
Cape Charles  
510106



MAP SCALE 1" = 1000'



**NEIP**

PANEL 0295E

**FIRM**  
FLOOD INSURANCE RATE MAP  
NORTHAMPTON COUNTY,  
VIRGINIA  
AND INCORPORATED AREAS  
PANEL 295 OF 610

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
NORTHAMPTON COUNTY UNINCORPORATED AREAS	510105	0295	E
CAPE CHARLES TOWN OF	510106	0295	E

NOTE:  
THIS MAP INCLUDES REWORKS OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982. ANXMR SUBSEQUENT ENVIRONMENTAL REVISIONS.

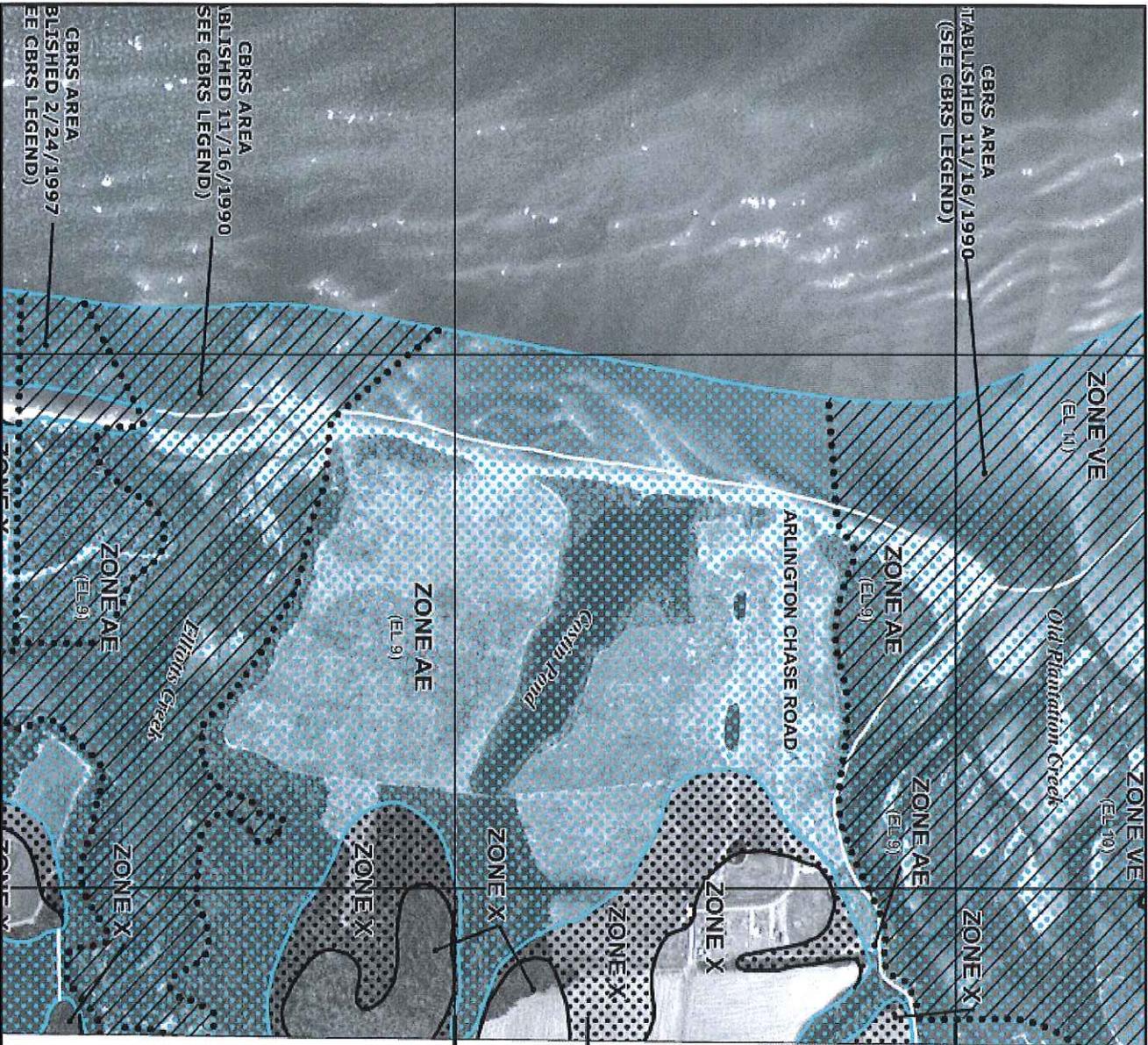
Notice to User: The Map Number shown below should be used when selecting map orders. The Community Number shown above should be used on insurance applications for the subject community.



Federal Emergency Management Agency

MAP NUMBER  
51131C0295E  
EFFECTIVE DATE  
AUGUST 28, 2008

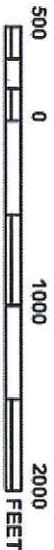
This is an official copy of a portion of the above referenced flood map. It was extracted using F-WIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



JOINS PANEL 0450



MAP SCALE 1" = 1000'



<b>NATIONAL FLOOD INSURANCE PROGRAM</b>	
<b>NFIP</b>	PANEL 0410E
<b>FIRM</b> FLOOD INSURANCE RATE MAP NORTHAMPTON COUNTY, VIRGINIA AND INCORPORATED AREAS <b>PANEL 410 OF 610</b> (SEE MAP INDEX FOR FIRM PANEL LAYOUT)	
CONTAINS	NUMBER PANEL SURFEX
COMMUNITY	
NORTHAMPTON COUNTY	51045 0410 E
UNINCORPORATED AREAS	51045 0410 E
CARE CHARLES, TOWN OF	0410 E
<small>NOTE: THIS MAP INCLUDES BOUNDARIES OF THE CONSTANT BARRIER RESOURCES ACT OF 1992 AND/OR SUBSEQUENT ENABLING LEGISLATION.</small> <small>Map to Use: The Map Number shown below should be used when making map orders. The Community Number shown should be used on insurance applications for the subject community.</small>	
 Federal Emergency Management Agency	
<b>MAP NUMBER</b> 51131C0410E <b>EFFECTIVE DATE</b> AUGUST 28, 2008	

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT Cr-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product check the FEMA Flood Insurance Program Home maps check the FEMA Flood Map Store at [www.fema.gov](http://www.fema.gov)

 <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> Code 42.3 – Adoption of State Law		<b>AGENDA DATE:</b> July 18, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Adopt Ordinance 20130718 To Adopt Amendments to the Code of Virginia §46.2 and Title 16.1, Chapter 11, Article 9 (§18.2-278 Et Seq.) and Title 18.2, Chapter 7, Article 2 (§18.2-266 Et Seq.), If Any, For Incorporation into the Cape Charles Town Code Chapter 42-Motor Vehicles and Traffic		<b>ITEM NUMBER:</b>  7B
	<b>ATTACHMENTS:</b> Ordinance 20130718		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Charles Brown, Police Chief	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

Each year a new ordinance must be passed accepting any and all amendments to the provisions and requirements set by Code of Virginia in matters of regulation of motor vehicles and traffic in the Town of Cape Charles and any penalties for traffic violations.

**DISCUSSION:**

From time to time, the Code of Virginia is amended to either delete or add new safety tactics to protect those traveling the highways, streets and roads. Changes to penalties and violations are also made. In order to have the authority to enforce these new laws, an amendment to the Town Code must be made that adopts any changes.

**RECOMMENDATION:**

Staff requests adoption of proposed Ordinance 20130718 To Adopt Amendments to the Code of Virginia §46.2 and Title 16.1, Chapter 11, Article 9 (§18.2-278 Et Seq.) and Title 18.2, Chapter 7, Article 2 (§18.2-266 Et Seq.), If Any, For Incorporation into the Cape Charles Town Code Chapter 42-Motor Vehicles and Traffic by roll call vote.

**ORDINANCE NO: 20130718**

**AN ORDINANCE TO ADOPT  
AMENDMENTS TO THE CODE OF VIRGINIA §46.2 AND  
TITLE 16.1, CHAPTER 11, ARTICLE 9 (§18.2-278 ET SEQ.) AND TITLE 18.2,  
CHAPTER 7, ARTICLE 2 (§ 18.2-266 ET SEQ.), IF ANY, FOR INCORPORATION  
INTO THE CAPE CHARLES TOWN CODE  
CHAPTER 42-MOTOR VEHICLES AND TRAFFIC**

**WHEREAS**, it is necessary to follow the guide set by the Code of Virginia to protect the safety and welfare of residents and guests of the Town of Cape Charles;

**WHEREAS**, from time to time, the Code of Virginia is amended to protect those traveling the highways, streets and roads of the Commonwealth;

**WHEREAS**, in order to have the authority to enforce these new laws, the Town Council of the Town of Cape Charles must adopt any and all amendments made by the Commonwealth of Virginia; therefore

**BE IT ORDAINED:** That pursuant to the authority of the Code of Virginia, 1950, as amended, § 46.2-1313, all of the provisions and requirements of the laws of the State contained in Code of Virginia, Title 46.2 and Code of Virginia, Article 9 (§ 18.2-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 into ordinances as in force and effect on the date of the adoption of this Code, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutadis mutandis*, and made a part of this chapter as fully as though set forth at length herein. It shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision or requirement which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under the Code of Virginia.

\*\*\*\*\*

Adopted by the Town Council of Cape Charles on July 18, 2013.

\_\_\_\_\_  
Mayor Dora Sullivan

ATTEST:

\_\_\_\_\_  
Town Clerk

 <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> Reappointment of Library Board Members		<b>AGENDA DATE:</b> July 18, 2013
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Reappointment of Library Board members		<b>ITEM NUMBER:</b> 7C
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Heather Arcos, Town Manager	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The Library Board meets monthly and consists of seven members each serving four-year terms.

**DISCUSSION:**

Jackie Chatmon and Dianne Davis serve on the Library Board and their terms expire August 8, 2013. Both Ms. Chatmon and Ms. Davis have expressed their interest in continuing their service on the Library Board for another term.

**RECOMMENDATION:**

Staff recommends Council reappoint Mss. Jackie Chatmon and Dianne Davis to the Library Board for another four-year term.