

# TOWN COUNCIL

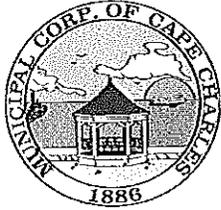
## Regular Meeting

April 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. Recognition of Visitors / Presentations
  - A. Citizen Recognitions
    - i. Jenni Potts
    - ii. Bayshore Concrete
  - B. Capecharlesbythebay.com Website Presentation – Greg Kohler
4. Public Comments (3 minutes per speaker)
5. Consent Agenda
  - A. Approval of Agenda Format
  - B. Approval of Minutes
6. Reports
  - \*A. Treasurer's Report
  - B. Planning Commission and Boards
  - C. Other Reports
7. Old Business  
No Old Business
8. New Business
  - \*A. Town Code Modification – Procurement Section – set Public Hearing
  - \*B. Northampton County Solid Waste Management Plan Update-set Public Hearing
  - \*C. Award Beach Replenishment Contract
  - \*D. Fill Vacancies on Town Boards
  - \*E. National Safe Boating Week Proclamation
  - \*F. National Police Week
9. Mayor & Council Comments
10. Announcements
  - April 25, 2013 – Town Council Budget Work Session, 6PM
  - April 29, 2013 – Meeting with Board of Supervisors re: Hospital
  - May 2, 2013 – Town Council Budget Work Session, 6PM
  - May 4, 2013 – Crabby Blues Festival
  - May 9, 2013 – Town Council Budget Work Session, 6PM
  - May 16, 2013 – Town Council Regular Meeting, 6PM
11. Adjourn at 8:00 P.M.



**DRAFT**  
**TOWN COUNCIL**  
**Public Hearing**  
**St. Charles Parish Hall**  
**March 21, 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 Sullivan and Wendell, and Councilwoman Natali. Councilman Bennett arrived at 6:04 p.m. and Councilman Godwin was not in attendance. Also in attendance were Town Manager Heather Arcos and Town Clerk Libby Hume. There were 19 members of the public in attendance.

Mayor Sullivan announced that the evening's Public Hearing was to hear public comment regarding the dissolution of the Joint Industrial Development Authority of Cape Charles-Northampton County which was created to serve as the financing vehicle for the Northampton-Accomack Memorial Hospital and subsequent medical facility construction needs. All bond obligations issued through this IDA had been fully paid.

**PUBLIC COMMENTS:**

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

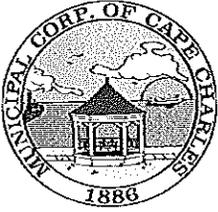
**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adjourn the Town Council Public Hearing. The motion was approved by unanimous consent.**

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Mayor Sullivan

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Town Clerk



**DRAFT**  
**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**March 21, 2013**

**Immediately Following Public Hearing**

At 6:05 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, Sullivan and Wendell, and Councilwoman Natali. Councilman Godwin was not in attendance. Also in attendance were Town Manager Heather Arcos, Manager Bob Panek, Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as the Department Heads and approximately 25 members of the public.

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

**RECOGNITION OF VISITORS / PRESENTATIONS**

*Hugh Sharkey - Spay the Shore Presentation*

Mr. Sharkey addressed the Council regarding Spay the Shore which was a non-profit organization of volunteers dedicated to providing alternative to euthanizing abandoned, stray and feral cats and kittens. Their van was brought to Cape Charles every other month to offer low cost spaying/neutering for both dogs and cats. Mr. Sharkey went on to detail a proven solution to trap feral cats, neuter them and administer a rabies shot, and return them to their environment (TNR). The tips of their ears were removed to keep track of which cats had been neutered. Over time, approximately 6-10 years, the feral cat population would be diminished. Mr. Sharkey stated that for TNR to be successful, it required the support of the community and local government. Mr. Sharkey thanked the Council for the opportunity to speak and distributed brochures regarding the Spay the Shore organization.

*Marion Naar - Cape Charles Historical Society*

Ms. Naar began by thanking the Council for the \$5K appropriation provided to the Historical Society in FY2013 which was used toward completion of the repairs to the museum ceiling and installing a new roof. Ms. Naar added that the Town helped them with the mulch for the landscaping and also allowed her to use the Town's copier/printer when needed. Many of the Council members were also members of the Historical Society. The Historical Society was requesting designation of another \$5K in FY 2014 towards their current operations and projects which included the following: i) Painting the exterior and refurbishing the interior of the caboose; ii) Looking for a home for the County Store Collection which was purchased a number of years ago for \$75K, with the Town providing \$25K; iii) The hiring of a professional director of the Historical Society who could manage operations of the museum, cataloging of archives and development of the Society to better serve the Town and community. This position could start as a part-time position with a salary of approximately \$15K, with the Historical Society contributing about \$3K from their operating funds.

*Carol Evans - Eastern Shore of Virginia Tourism Commission*

Ms. Evans introduced Mr. David Shulte who was also in attendance and continued to state that she was the commissioner for Northampton County. Ms. Evans thanked the Council for their past support and added that the Eastern Shore of Virginia Tourism Commission (ESVTC) was requesting another \$5K again this year for the Welcome Center sponsorship. A survey was done of 120K travel parties and approximately 38%, which equated to 45,600, visited Cape Charles. The Cape Charles businesses also stated that the exposure at the Welcome Center helped their businesses. Ms. Evans

also thanked Council for the 1% designation of the Transient Occupancy Tax for the ESVTC. There had been numerous articles about Cape Charles in the national media outlets. Ms. Evans expressed her delight in the new Cape Charles Tourism website and added that the ESVTC website was the most comprehensive site for events on the Eastern Shore.

Councilwoman Natali asked about the amounts contributed by other localities. Mr. Shulte stated that Onancock gave \$2,750, Accomack County gave \$86,853, Northampton County gave \$114K and Cape Charles gave \$11,300 in the last fiscal year. Councilman Wendell asked about the Town of Chincoteague. Mr. Shulte stated that Chincoteague did not contribute directly, but did so via the transient occupancy tax amount paid by Accomack County.

#### *Joan Prescott - ESVA Festivals*

Ms. Prescott began by thanking the Council for the \$5K seed money and generous in-kind support for the 2012 OpSail Virginia celebration and the more far-reaching tall ships initiative. Ms. Prescott also thanked Council for their continued support of the Eastern Shore Birding and Wildlife Festival which would be marking its 21<sup>st</sup> year in October 2013. Both events were managed under the umbrella of ESVA Festivals. Ms. Prescott stated that she was aware of the challenges facing Council but believed that an investment in the ESVA Festivals was one that would provide the Town with major economic return through the impact of tourism spending and added that the Virginia Tourism Corporation research demonstrated that Northampton County had the highest statewide increase of tourism revenue for 2010. Ms. Prescott continued to state that ESVA Festivals was beginning the process of seeking a location for a "store-front" presence in the Town and for the provision of a full-time executive director. As part of their growth, the ESVA Festivals would work toward a self-sustaining operation, however; at this time, they must obtain funding to market their two current events. Ms. Prescott requested funding assistance in the amount of \$10K in support of ESVA Festival's Tall Ships at Cape Charles and the Eastern Shore Birding and Wildlife Festival and added that Northampton County had already pledged \$45K in support for the Tall Ships Festival. To date, three ships had confirmed their attendance from June 14 - 16: the Sultana, the Alliance and the Virginia. The Virginia was considering a longer stay in Cape Charles but that was still under negotiation.

#### *George Proto - Cape Charles Business Association*

Mr. Proto began by stating that he was elected President of the Cape Charles Business Association (CCBA) about one week ago and added that the CCBA was requesting \$2,500 in funding assistance, which was the same as last year's request, to be used towards the following projects: i) Sponsorship of internet classes to familiarize business owners with little or no experience in this area with e-business tools; ii) Sponsorship of social network marketing classes; iii) Workshops for start-up businesses on the basics of running a business - sales tax applications, hiring, dealing with credit cards, etc.; iv) Prizes for store window decorations for various events such as the Blessing of the Fleet, Crabby Blues, July 4<sup>th</sup> Celebration, Tall Ships, Pirates & Wenches Ball, Sea Glass, etc.; v) Advertising to promote local businesses during various events; vi) Sponsorship for the Fall Festival; and vii) Sponsorship of the Art Show. Mr. Proto stated that these events would be reviewed and prioritized in terms of effectiveness in drawing business into Cape Charles and the implementation cost to maximize the effectiveness of the fund spent. Mr. Proto concluded by thanking Council for the Town's support in the past and for the opportunity to seek further support to grow the business community to the mutual benefit of the Town and its businesses.

Vice Mayor Bannon wished Mr. Proto luck as President of the CCBA and for the future of the CCBA. Mayor Sullivan expressed her excitement to see the CCBA grow.

#### *Spencer Parker - Cape Charles Volunteer Fire Company*

Mr. Parker thanked the Council for their support over the last years, that it was greatly appreciated by all the members and added that anything that the Town could designate for the Cape Charles Volunteer Fire Company (CCVFC) would again be greatly appreciated. Mr. Parker informed Council of their recent acquisition of the brush truck from the Greenbackville Fire Company. The bathroom

renovations should be completed this week. The CCVFC had been collecting donations and sending fire fighters to help the fire companies in Accomack County.

*Clelia Sheppard – Arts Enter*

Ms. Sheppard began by thanking the Council for their past contributions to the Local Government Challenge Grant. The past several years, the Town had given \$5K per year and this year's request was also for \$5K and was critical for their operating budget. It was very difficult and expensive to sustain a large, historic building and a new roof was needed. Ms. Sheppard stated that their programs and entertainment season was progressing well and a very full summer schedule was planned. They were in the process of organizing a two-week Summer Harbor Festival beginning with the Clam Slam and through August 18<sup>th</sup>. Ms. Sheppard concluded by expressing her gratitude again for the Town and its contributions to the Arts Enter.

**PUBLIC COMMENTS:**

*Mary Ann Roehm, Arts Enter Cape Charles*  
Please see attached.

There were no other 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 February 21, 2013 Regular Meeting, the February 21, 2013 Executive Session, the February 28, 2013 Budget Retreat, and the March 7, 2013 Work Session.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to approve the minutes from the February 21, 2013 Regular Meeting, the February 21, 2013 Executive Session, the February 28, 2013 Budget Retreat, and the March 7, 2013 Work Session as presented. The motion was approved by unanimous consent.**

**DEPARTMENT REPORTS:**

**A. Treasurer's Report:**

Treasurer Kim Coates reviewed the Treasurer's report dated February 28, 2013 which showed \$231,787 in the Bank of America account, \$666,141 in the Shore Bank account, \$68,437 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,184 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$1,406,549. The reduction in the Shore Bank account was due to debt service payments which were made in January and February. The report also showed Total Cash Held in Reserve at \$356,029. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$221,111 more was collected in FY 2013 as of February 28<sup>th</sup> with increases noted for license, meals tax, transient occupancy, personal property taxes and real estate taxes. It was noted that the personal property totals were still being researched and adjustments would be made moving amounts collected for previous years' taxes to the appropriate category. The Business License Tax amounts were lower than FY 2012 since the FY 2013 taxes were not due until April 15<sup>th</sup>. Kim Coates also reviewed the revenues vs. expenditures and the capital improvement projects. A report showing the total value, total budgeted tax revenue, total of bills mailed, total of collections and total outstanding for real estate and personal property taxes as of February 28, 2013 was reviewed. Kim Coates noted that \$32,948 had been

processed via credit cards since the credit card swipers were installed on November 20, 2012. The report detailing the dollars spent to date on the new library building was reviewed.

Heather Arcos added that Northampton County Commissioner of Revenue Anne Sayers informed her that the updated tax book could be picked up next week. Ms. Sayers stated that the property values had decreased approximately 25%.

Kim Coates continued to review the legal fees spent year-to-date which were as follows: i) Acquisition of the Bank of America building - \$14,256.08; ii) Central Park Bathroom Facility Appeal - \$2,770. Heather Arcos stated that the VML Public Officials Liability Insurance was covering the cost of this lawsuit; iii) General Matters - \$11,742; iv) Old School Cape Charles, LLC (OSCC) lawsuits - \$76,386. This figure also included amounts spent in May and June 2012. Heather Arcos added that the VML Public Officials Liability Insurance was also covering the cost of the second lawsuit from OSCC and at the last update, the VML had accrued approximately \$25K in legal expenses for this case; v) Sale of the School building - \$16,264; vi) South Port Investors - \$16,509; and vii) Wastewater Plant Construction - \$3,620 for a total of \$141,545.

Kim Coates also stated that renewal notices were mailed to all golf cart decal owners from 2012. This year, decals had been provided to the two inspection stations in Cape Charles in an effort to streamline and simplify the decal process for golf cart owners. She was in the process of printing the delinquent real estate and personal property tax bills which should be mailed within the next week.

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

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

Town Planner Tom Bonadeo reported the following: i) South Port Investors submitted a revised application for Harbor Area Review. The Harbor Area Review Board met on March 19<sup>th</sup> to review the application and had recommended approval of the application as submitted. An updated staff report was provided to Council and would be reviewed later this evening as Item 8G of New Business; and ii) A Wetlands Board Meeting would be scheduled in April as two new applications were expected. One application would be for additional work in the Bay Vista area. The second application would be from Bay Creek South for work by the Nicklaus Golf Course.

**C. *Other Departmental Reports:***

Town Manager Heather Arcos reported the following: i) The Blessing of the Fleet would be held on April 5<sup>th</sup> and a draft version of the program was provided to the Council. Since the printing of these programs, the Town was notified that the Torch Run originally scheduled for April 6<sup>th</sup> had been cancelled; ii) Three photographs of trees on Mason Avenue, by Bad Girlz, Bay Creek Communications and the old hotel were reviewed. These trees would be removed because they were not the correct trees to plant in these areas and had grown too large for their particular location and were causing damage to the sidewalks. Several of the trees were rotted and had reached the end of their life cycle. New, more appropriate trees would be planted as replacements; iii) Staff was very busy working on the budget. The next budget meeting was scheduled for April 4<sup>th</sup>; iv) The new shelving for the Library would be installed the second or third week of April. If everything went as planned, the Library could be opening on May 1<sup>st</sup>. Tom Bonadeo added that the shelving was being shipped on April 15<sup>th</sup> and would be installed the following week. The move was expected to be sometime the week of April 22<sup>nd</sup> and the Town was looking for volunteers to assist with the move. Heather Arcos asked Public Works Director Dave Fauber to give an update on the fishing pier and sidewalk project.

Dave Fauber stated that the fishing pier was expected to be reopened this weekend. The old portion of the pier was completed but some work still needed to be done to the new portion. The VDOT sidewalk project was moving along. The work on Washington Avenue was mostly

done. One crew was now working on Mason Avenue and another crew was finishing up on Tazewell Avenue. The crews would work on the respective streets and meet on Randolph Avenue.

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

#### **OLD BUSINESS**

- A. *Dissolution of Joint Industrial Development Authority of Cape Charles-Northampton County:*  
Heather Arcos stated that the Joint Industrial Development Authority (IDA) of Cape Charles-Northampton County was created by resolution on June 5, 1972 by Northampton County and the Town of Cape Charles to administer Industrial Revenue Bond financing made to Shore Memorial Hospital and Heritage Hall until the bond was retired. The IDA was to be dissolved upon retirement of its debt. County Administrator Katie Nunez reviewed the entire outstanding bond obligations and could not locate any outstanding bond obligations. In February 2013, the IDA adopted a resolution to dissolve the body. The Northampton County Board of Supervisors held a public hearing on March 13<sup>th</sup> and adopted an ordinance to dissolve the IDA. A public hearing was held earlier this evening to hear comments regarding the dissolution of the IDA and no comments were heard or submitted in writing prior to the hearing.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adopt Ordinance 20130321 to Repeal Ordinance 321 To Create the Joint Industrial Development Authority of Cape Charles-Northampton County, Virginia, Pursuant to the Industrial Development and Revenue Bond Act Constituting Chapter 33 of Title 15.1 of the Code of Virginia of 1950, As Amended. Mayor Sullivan moved for adoption of Ordinance 20130321 as noticed and forewent reading the Ordinance.**

Councilman Wendell objected to voting on an issue on the same night as the public hearing regarding the issue stating that it discounted the public input. Councilman Sullivan stated that there were no comments this evening. Town Clerk Libby Hume stated that Council could postpone the vote on an item to a future meeting if they felt that more time was needed for further research or discussion on the issue. Mayor Sullivan stated that this issue could be discussed later in the meeting during the Council comment period.

**Ordinance 20130321 was adopted by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

- B. *Police Car - USDA Rural Development Financing:*  
Heather Arcos stated that at the February 21, 2013 meeting, the Town Council authorized the application requesting \$11,745 for a US Department of Agriculture - Rural Development (USDA RD) loan to purchase a new 2013 Dodge Charger to replace the 2008 Ford Crown Victoria which was deemed a total loss after an accident on December 25, 2012. The cost of the 2013 Dodge Charger was \$23,145. The insurance proceeds of \$11,400 would be applied towards the purchase price to reduce the balance to finance to \$11,745 at 3.125% for three years with annual payments of \$4,162.20. Staff received notification from Ms. Peggy Jordan, Area Specialist with USDA RD, that the Town had received approval to proceed with the loan application. Resolution 20130321 was required to be adopted by the Town Council stating its agreement to abide by the covenants and to execute the forms required by the USDA RD.

There was some discussion regarding the necessity for each police officer to have their own vehicle. Police Chief Charles Brown explained that the mileage and hours put on the vehicles were an issue. The more hours on a vehicle, the higher the cost for maintenance and repairs. Currently, the Town was on a five-year rotation for police vehicles. If vehicles were shared by two officers, the hours and mileage would double, causing the vehicles to have to be replaced that much sooner. Also, the Town entered into a Mutual Aid Agreement with the Northampton

County Sheriff's Office to assist them with calls, if needed. If the officers were not able to take the vehicles home, it would hinder their response time for these calls.

**Motion made by Councilman Bennett, seconded by Councilwoman Natali, to authorize the Town Manager to execute all applicable forms required by the US Department of Agriculture – Rural Development in order to purchase a replacement police vehicle as discussed. Mayor Sullivan moved for adoption of Resolution 20130321 of the Governing Body of the Town of Cape Charles to Purchase a Police Vehicle and Equipment as noticed and forewent reading of the resolution. The motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

**NEW BUSINESS:**

**A. *Grounds Maintenance Service Contract:***

Public Works Director Dave Fauber stated that in February 2011, the Grounds Maintenance Service contract had been awarded to Eastern Landscape Management, Inc. (ESLM) for one year with three one-year extensions. This would be the second of three extensions. Some changes were made to the base list of areas to be mowed reducing the overall service area. With those changes ESLM's base bid for mowing services decreased to \$21,018 and the maintenance for Central Park was \$16,870 which included mowing, fertilization, aeration, herbicide spraying, mulching, pruning and irrigation. String trimming of the hump would be done as needed. The work on the hump was not part of this contract but was included in the budget. Dave Fauber explained that the Public Works staff maintained the area along Route 13, the flower beds on Mason Avenue along with other areas in Town.

Councilman Wendell asked whether anything was being done regarding the mosquito deterrent in the standing water in Central Park. Tom Bonadeo stated that the Town had a contract with Bay Creek for mosquito spraying and Town staff also added pellets to the drainage ponds in the park.

**Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to approve the one-year extension of the Grounds Maintenance Service Contract, including the maintenance of Central Park, with Eastern Shore Landscape Management, Inc. as discussed. The motion was approved by unanimous vote.**

**B. *Water Softener Media Contract Award:***

Dave Fauber stated that the useful life of ionic exchange media was from 10 to 20 years or less depending upon the use. The media in the Town's water treatment plant was 20 years old and in need of replacement. \$50K was budgeted for replacement. The Town advertised for bids for the replacement of the water softener ionic exchange media and one bid was received from M. L. Ball Company, Inc. for \$24,750, which was subject to change depending on the amount of gravel needed to complete the work.

**Motion made by Councilman Bennett, seconded by Councilman Sullivan, to award the contract for the replacement of the water softener media to M.L. Ball Company, Inc. as discussed. The motion was approved by unanimous consent.**

**C. *Cape Charles Memorial Library Exterior Painting and Repairs:***

Dave Fauber stated that the current Cape Charles Memorial Library building was last painted in 2006 and \$15K was included in this year's budget for library painting and repairs. An invitation for bids was advertised and two bids were received. The bid was received from Bill Widgeon with a bid of \$5,500. The building appears to be in good shape but some siding needed to be replaced. The Town would supply the materials.

Councilwoman Natali stated that an advisory committee was looking into future use of the building. If the Town were to keep the building for public use, the building would have to be

modified for ADA accessibility. Councilwoman Natali asked whether the work on the ADA ramp be done prior to the painting of the building. Dave Fauber stated that the addition of an ADA ramp should not affect the painting of the exterior of the building and that it would be preferable to paint the building prior to constructing the ramp.

**Motion made by Councilwoman Natali, seconded by Councilman Bennett, to award the contract for the exterior painting and repairs of the Cape Charles Memorial Library to Mr. Bill Widgeon as discussed. The motion was approved by unanimous consent.**

**D. *Contract for Demolition of Wastewater Treatment Plant:***

Dave Fauber stated another change order was submitted for the demolition of the wastewater treatment plant (WWTP). The moisture content in the sediment was too high to be graded on site and in order to progress with site preparation the sediment was moved off site to an area just west of the new WWTP. Change Order #3 incorporated the hauling associated with this change of scope and had been invoiced in the amount of \$17,250. Dave Fauber went on to state that Change Order #4 was also being requested for grading the site west of the new WWTP which contained stock piled, rejected materials from the excavation of the new WWTP, top soil from Central Park used as a cap over the rejected material, other over excavation materials created during plant construction and the sediment brought from the old WWTP site. The dollar amount of Change Order #4 was \$35K and the work would take approximately three to four weeks. The total cost of the project was approximately \$131K, including Change Orders #3 and #4. Heather Arcos added that the Town had budgeted \$288K for closure of the plant. There was much discussion regarding Change Order #4, the cost estimate, size of the area and work being done. Dave Fauber explained he was requesting authorization for the Town Manager to sign Change Order #4 once received and payment was included as part of the grant.

**Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to authorize Change Order #3 in the amount of \$17,250 for the Brittingham contract for the additional work on the demolition of the wastewater treatment plant and to obtain a written quote for Change Order #4 with the inclusion of the description of how the work would be handled.**

There was some further discussion regarding the work and the seeding process. It was determined that the Town needed to move forward with the possibility of hydro seeding the area to ensure that the Town did not have further costs at a later date. It was also determined that once the requested information was received regarding Change Order #4, a special meeting would be scheduled to review and vote on the change order.

**Councilman Bennett amended his motion, seconded by Vice Mayor Bannon, to authorize Change Order #3 in the amount of \$17,250 for the Brittingham contract for the additional work on the demolition of the wastewater treatment plant and to obtain a written quote for Change Order #4 with the inclusion of the description of how the work would be handled along with engineering documentation. The motion was approved by unanimous vote.**

**E. *FY2013/2014 Virginia Commission for the Arts Local Government Challenge Grant:***

Heather Arcos stated that the Town of Cape Charles had participated in the Virginia Commission for the Arts Local Government Challenge Grant since 1997 and the grant matched local government funds, dollar for dollar, up to \$5K. The Town had allocated \$5K as the local match for the last two years. The grant deadline was April 1, 2013. The application was drafted by the Arts Enter and signed by Town staff. The Town must confirm in writing to the Commission the Council's decision to appropriate the matching funds by July 1, 2013. The local match of \$5K was included in the draft FY 2013/2014 budget and the amount would be reviewed by Council at a future budget work session. The amount could be changed during the budget process.

Mayor Sullivan asked whether this \$5K was what Ms. Clelia Sheppard requested earlier in the meeting. Heather Arcos stated that it was the same request.

**Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to authorize the submission of the Local Government Challenge Grant application by the April 1, 2013 deadline as discussed. The motion was approved by unanimous vote.**

**F. *Saint Charles Catholic Request for handicap Parking Spaces:***

Mayor Sullivan stated that a letter was received from the Saint Charles Catholic Church requesting additional handicap parking spaces near the entrance of the church citing their ever-growing elderly population for the need for additional spaces. Currently, Saint Charles had one handicap space directly in front of the building. Handicap parking designation came under the purview of VDOT but a resolution needed to be adopted by the Town Council expressing the Town's support of the project in order for VDOT to consider the request. There was some discussion regarding the number and usage of the spaces. Vice Mayor Bannon, also the president of the Saint Charles Pastoral Council, stated that four additional spaces would suffice and signage would be placed for usage during church services only.

**Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to adopt Resolution 20130321A in Support of the Request from Saint Charles Catholic Church for up to Four Additional Handicap Parking Spaces for use during church services only. Mayor Sullivan moved for adoption of Resolution 20130321A as noticed and forewent reading of the resolution. The motion was approved by unanimous roll call vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, yes.**

**G. *Harbor Area Review Board – South Port Project:***

Tom Bonadeo stated that the Harbor Area Review Board met on March 19<sup>th</sup> to review the application from South Port Investors for development of Phase 1 of the Cape Charles Yacht Center on Parcels 12 and 17 and considered the criteria as listed in the Cape Charles Zoning Ordinance and voted to recommend approval of the application to the Town Council. Council had already approved a Conditional Use Permit for the uses of boatel, marine engine repair, security fence and a dwelling over the storage building. There was much discussion regarding the boatel being an open structure with racks vs. an enclosed building such as several boatels located in Virginia Beach and Norfolk. It was noted that the Coast Guard could have some security concerns if the boatel was enclosed since a building would block off their view of the Harbor area.

**Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to approve the application and issuance of the Harbor Development Certificate to South Port Investors, LLC. as recommended by the Harbor Area Review Board. The motion was approved by majority vote with Councilman Bennett opposed.**

**H. *Request from Concerned Citizens for Cape Charles & Old School Cape Charles Partnership:***

Mayor Sullivan stated that on March 14, 2013, a request was received from the Concerned Citizens for Cape Charles (CCCC) and Old School Cape Charles (OSCC) Partnership regarding the proposed use of the current Cape Charles Memorial Library building on Tazewell Avenue as a base for community social, recreational and educational programs and projects with special emphasis on youth and seniors and that the existing computers and equipment and other items not needed by the new facility remain in the building. The future of the current library building was being reviewed by the Community Needs Advisory Committee and Councilmen Bennett and Wendell served on the Committee. The proposal would be forwarded to the Committee for their review and their recommendations would be presented to Council for review when received.

Mayor Sullivan asked Councilman Bennett how the Committee meetings were progressing. Councilman Bennett stated that the Committee invited Ms. Lenora Mitchell, a member of the CCCC Board, to join the meeting. This proposal, like the recommendation from the Library Board and Friends of the Cape Charles Memorial Library, would be taken under advisement.

Vice Mayor Bannon noted that the existing computers at the current library belonged to the Eastern Shore Public Library, not the Town.

#### **MAYOR AND COUNCIL COMMENTS**

Mayor Sullivan suggested discussion regarding Councilman Wendell's earlier comment regarding the holding of a public hearing and the vote on the same night and asked for the opinions of the other Council members.

Vice Mayor Bannon stated that he agreed with the Town Clerk's suggestion regarding if public comments proved that the issue was controversial or if Council felt that more time was needed for research, then the vote on the issue could be tabled to another meeting.

Councilman Bennett stated that in his experience, no comments were heard for over 50% of the Town's public hearings. If there were no comments, there was no reason to delay the vote another month. For issues where people came to speak, Council needed to consider the comments received and possibly postpone the vote to the next meeting.

Councilman Wendell argued that when a public hearing was held and a resolution had already been drafted, the decision was already made. It would better serve the public if the public hearing was held in one month and the vote held at the next meeting.

Councilman Sullivan stated that he did not agree with Councilman Wendell but also did not disagree completely with him. If public comments were heard at the public hearing, the vote on the particular issue could be tabled to the following meeting so further discussion could be held.

Councilwoman Natali agreed that the current procedure should be kept in place. If there were no public comments heard or the comments heard were in agreement, the issue could be voted upon. Council also had the ability to table any issue to another meeting if so desired by the majority.

Councilman Wendell brought up the issue with the sale of the former school building on June 14, 2012 when the public hearing was held followed by a vote to sell the school at the meeting immediately following the public hearing. Councilman Sullivan stated that this issue was in the past and was "water under the bridge" and suggested closing the session this evening.

Councilman Wendell stated that he had a question regarding an item from the February meeting when he was not in attendance and continued to ask why the amendment to the Echelon contract was called the "First" amendment and whether this was open to additional amendments. Heather Arcos explained that it was a legal procedure and the Town did not expect any additional amendments to the contract. Councilman Wendell asked why the issue was not taken to Council. Heather Arcos stated that the resolution approving the sale authorized the Mayor and Town Manager to take action in this capacity. Mayor Sullivan added that it was a legal decision. Councilman Wendell asked how many people were involved in the discussion to amend the contract. Heather Arcos stated that legal counsel advised the Town to amend the contract in this matter as the intent of the Town, Town Council or the purchaser in regards to the clause that was removed was not how it was understood by the citizens. Since all parties agreed regarding the intent, legal counsel advised removal of the clause.

#### **ANNOUNCEMENTS**

- April 4, 2013 – State of the Country, State and County Breakfast

- April 4, 2013 – Town Council Budget Work Session, 3PM
- April 5, 2013 – 6<sup>th</sup> Annual Blessing of the Fleet, 5:30 PM
- April 11, 2013 – Town Council Budget Work Session, 6PM
- April 18, 2013 – Town Council Regular Meeting, 6PM
- April 25, 2013 – Town Council Budget Work Session, 6PM
- May 4, 2013 – Crabby Blues Festival

**Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to adjourn the Town Council Regular Meeting. The motion was approved by unanimous consent.**

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Mayor Sullivan

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Town Clerk

DRAFT

**Town Council Regular Meeting  
March 21, 2013  
Comments Provided in Writing**

*Mary Ann Roehm, Arts Enter*

I'd like to take this public opportunity to reiterate some of the exciting grants that have been awarded in Cape Charles this past year. Arts Enter has embraced important partnerships that have enabled some major initiatives.

This has been a very busy year. Not only has Arts Enter been providing entertainment and education in the arts, maintaining the Palace Theatre and managing the Stage Door Art Gallery, we were the lead applicant for a National Endowment for the Arts grant called Our Town. Our grant partners are the Town of Cape Charles, Citizens for Central Park and the Cape Charles Business Association. The Our Town grant supports projects that help transform communities into lively, beautiful and sustainable places with arts at the core. This has opened up a whole new opportunity for Cape Charles to explore ways to engage the businesses and organizations to work together to promote Cape Charles as a great place to live and a popular place to visit. This is a two-year grant. From this we hope to launch an annual festival, an arts walk and continued partnerships in the years to come.

Inspired by the success of receiving the NEA grant, Arts Enter applied for and received a \$5,000 marketing grant through the Virginia Commission for the Arts and the Virginia Tourism Corporation to help financially support the CapeCharlesbythebay.com tourism website. Following that success, the Bed and Breakfast Association applied for and received a \$10,000 marketing grant from the Virginia Tourism Corporation. This \$15,000 and financial contributions from local businesses and organizations provided the seed money for a multi-tiered marketing strategy for Cape Charles. The website portion is almost complete and is expected that the new Cape Charles tourism website will be up by mid-April.

It is an honor and a privilege to be working side by side with the Town of Cape Charles as we all share the vision of our town flourishing.

Thank you for your support.



**DRAFT  
TOWN COUNCIL**

**Work Session**  
Town Hall  
April 4, 2013  
3:00 p.m.

At approximately 3:00 p.m., Vice Mayor Chris Bannon, having established a quorum, called to order the Work Session of Town Council. In addition to Vice Mayor Bannon, present were Councilmen Sullivan and Wendell and Councilwoman Natali. Councilman Godwin arrived at 3:04 p.m. Mayor Sullivan and Councilman Bennett were not in attendance. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Treasurer Kim Coates, Public Works/Public Utilities Director Dave Fauber, Librarian Ann Rutledge and Town Clerk Libby Hume. There was one member of the public in attendance.

Vice Mayor Bannon announced the business for the evening would be to review the proposed departmental operating budgets and capital for FY 2013-2014. The budgets to be reviewed were Public Works, Police Department, Library, Town Clerk and Town Manager.

Town Manager Heather Arcos stated that there were no changes from the March 7<sup>th</sup> meeting and that the proposed budget would be reviewed by department after a brief review of the FY 2013/2014 General Fund Projections based on the 2013 reassessment. The reassessments had not yet been finalized by the County and the Town would receive any corrections as they were made by the Commission of Revenue. Heather Arcos added that she had received comments from Mayor Sullivan and Councilman Bennett which would be reviewed during the discussion on the appropriate departmental budget.

Treasurer Kim Coates stated that the property assessments in the Town went down approximately 35%. The proposed FY 2013/2014 budget, not including changes in personnel, was \$3,169,118. With the reassessment, the projected revenue based on the current tax rate of .1828% would be \$2,445,476 which left a deficit of \$723,642. The equalization tax rate would have to be .2674% but there would still be a minimum deficit of \$394,433. A tax rate of .3687% would be needed to make up the difference for the proposed budget, not including personnel changes.

Heather Arcos added that the Town would be evaluating refinancing options through Davenport & Company for the existing debt service to lower the amount of debt service paid annually. The Town was awaiting the final audit before moving forward. Northampton County recently contracted with Davenport & Company and had saved substantial amounts.

Heather Arcos stated that new detailed budget sheets were printed for the Public Works and Town Manager departments. The Public Works budget was corrected to show both the \$1M expense and \$800K grant revenue for the Cape Charles Trail project. The former budget printout only showed the \$200K expense to the Town. The Town Manager budget was updated removing the library acquisition which was transferred to show the debt service.

Councilman Wendell asked about the amount of the Cost of Living Allowance (COLA) provided to staff over the last two years which amounted to 1% per year per employee. Heather Arcos stated that she had allocated a 3% COLA, which was the amount being proposed for state and county workers. For each percent of COLA, the cost to the Town was \$8,990.

Heather Arcos went on to review the departmental budgets as follows:

Public Works Department: i) 4 full-time salaries and wages were reported the same as FY13. Personnel merit increases were not included. One-third of the wages of the Director of Public

Works; ii) Overtime was increased by \$1K for emergency situations, otherwise must be approved by Town Manager; iii) The Repair and Maintenance line was increased to include additional electrical service outlets in the park. The Town received a \$700 contribution from the Northampton Anglers' Club designated for electrical work in the park. The budget line includes maintenance for Alleys, Municipal building, Central Park, Skateboard Park, Playground, Public Restrooms, Gazebos, and any public space and/or buildings; iv) An IFB was out to bid for Beach Sand Replenishment this year. Dave Fauber stated that a pre-bid meeting was held earlier today and two bidders attended. In FY12, the sand replenishment was funded by FEMA but this year would be at the Town's expense. The line item also included survey of the beach and materials for winterizing the beach; v) \$50K was allocated for Grounds Maintenance and included amounts under the grounds maintenance contract and costs of work performed by the Town staff; vi) Councilwoman Natali asked why the Landfill Disposal amount was so much below budget for the current year. Dave Fauber stated that the Town had an arrangement to take in a minimal amount of sediment from the County jail and in turn, the Town could dispose of brush up to 10-15 tons at no charge. The Public Works crew had also been chipping tree limbs, etc. into mulch vs. taking it to the landfill. The mulch was provided to interested residents at no cost; vii) Councilwoman Natali commented on the cost of cell phones for the department (\$1,050) compared to the cost in the Police Department budget (\$3K). Dave Fauber stated that the cost depended on the number of phones on the plan. The majority of the costs were incurred by the main phone and an additional fee was paid for each additional phone on the plan. The Public Works plan included a cell phone for Dave Fauber and the Public Works Foreman; viii) The Janitorial Supplies line was increased slightly to \$2K. The crew cleaned all the Town's buildings and facilities and provided cleaning and paper supplies for all facilities. Heather Arcos stated that she and Dave Fauber were looking into the costs for possibly contracting out this service; ix) \$33,500 was allocated for Repair/Maintenance to the Beach to include the cost of sand replenishment. As explained earlier, in FY12, the sand replenishment was funded by FEMA but this year would be at the Town's expense. Councilman Wendell asked if there might ever be an opportunity to dredge the harbor to put sand back on the beach. Dave Fauber stated that it was a permitting issue and added that he had heard that the process could be streamlined to enable localities to do the dredging. Heather Arcos added that a maintenance dredge of the harbor was being discussed by the Army Corps of Engineers and there was a possibility for sand placement on the Town's beach or at Bay Creek. The last maintenance dredging was done in the 1980s; x) \$50K was allocated for Library Painting & Repairs for the exterior painting of the current library building and to make the building handicap accessible for future public use. Dave Fauber stated that cost could possibly be reduced to \$40K if furniture were deleted. Councilwoman Natali stated that ADA access was necessary if the Town was planning to use the building for any public use. The consensus was to leave in the \$50K for now, but consider a \$10K cut if needed; xi) \$18K was allocated for Public Works Yard/Building Repair & Maintenance to add a concrete slab, gravel, interior lighting and plantings. There were several other items that were needed but not included in the budget such as electrical, HVAC, telephone service, construction of an office and a time clock. There was some discussion regarding the necessities and Dave Fauber stated that the gravel and concrete slab were necessary to keep; xii) \$15K was allocated for construction of a new official sized basketball half court as discussed at the Town Council Budget Retreat. Several possible locations were discussed as well as the possibility of constructing two half-courts; xiii) \$12K was allocated for a new Gator to replace one that was over six years old which was starting to cost the Town in repairs and down time. The existing Gator could possibly be used on occasion for general use and during special events. There was some discussion regarding changes to the Town's procurement policy that would enable the Town to purchase items at reduced pricing by utilizing negotiated contract pricing from the state and other localities; xiv) \$10K was allocated for the Sidewalk Repair Program to provide safe sidewalk access from Heritage Acres. The existing paver sidewalk along the Bay Creek property and the danger it posed to individuals using wheelchairs was discussed; xv) \$10K was allocated for Alley & Parking Projects to create a public parking lot and alley access utilizing the two Town-owned lots behind the new library building. There was much discussion regarding this item and several Council members noted that

the amount seemed low for the work to be done. There was a general consensus to do what was necessary to move the fence to allow accessibility to the alley but postponing the gravel work to the parking lot until next year; xvi) \$50K was allocated for Storm Water Management for closed circuit TV recording of approximately 15K lineal feet of storm drains; xvii) \$1M was allocated for the Cape Charles Multi-Use Trail Phase 2 Design. \$800K would be reimbursed from grant funding making a net expense to the Town of \$200K. Heather Arcos summarized the discussion for the Public Works budget and the two areas being considered for reduction were the public parking behind the new library building and \$10K from the current library painting and repairs.

Library: i) 1 full-time and 1 part-time salaries and wages were reported the same as FY13. Personnel merit increases were not included; ii) Although not included in the budget numbers, a request and justification for an additional part-time employee for up to 20 hours per week was included in the handout. Council reviewed the justification provided by Librarian Ann Rutledge. There was much discussion regarding the added position. Councilman Wendell stated that he preferred to wait on this position to see how things changed at the new library. Heather Arcos stated that Mayor Sullivan and Councilman Bennett had similar comments; iii) \$2K was allocated for IT Support for the 20 computers in the computer lab. Councilman Sullivan asked how much the Eastern Shore Public Library (ESPL) budgeted for computer maintenance. Ann Rutledge would contact the ESPL regarding this information. Councilwoman Natali asked how much the Town paid for internet service for the library. Heather Arcos stated that the internet service was provided by the ESPL at no expense to the Town; iv) \$8K was included for Electric and was based on the increase in building size, the additional 20 computers and previous bills from the Bank of America; v) The Telecommunications line was increased to add a phone line for a dedicated fax line. The service would be through Bay Creek Communications as a test for a possible upgrade of the Town's phone system next year; vi) \$2,500 was included to lease a coin-operated copier/printer. There was much discussion regarding the need and cost of the lease and whether the cost could be recovered by the number of copies and prints paid for by customers. Ann Rutledge stated that the library had taken in about \$50 in copy fees. Councilman Sullivan stated that he would contact the representative from Delmarva Equipment to find out the capability of the new copier/printer. Ann Rutledge would contact the ESPL to find out how they handled printing by customers; vii) The Office Supplies line was increased to \$2,500 to purchase carts, stools, marker boards, blinds, etc. There was approximately another \$9K in furniture and other items that were not included in the requested budget. The Friends of the Cape Charles Memorial Library had raised funds to purchase furniture for the teen and children's areas. Also, in the fall of 2012, the Town applied for a USDA equipment grant for \$25K and was still awaiting notification of a possible award; and viii) The Books & Subscriptions line was increased by \$5K to \$20K.

Councilman Wendell asked about use of the money from the Library CD for any of these expenses. Heather Arcos stated that the money was being used and the balances were reported monthly as part of the Treasurer's Report at the regular meetings. Ann Rutledge added that the new library shelving was being purchased using a portion of the money.

Heather Arcos summarized the discussion for the Library budget and the areas to be revisited were the lease of the coin-operated copier/printer, office supplies/furniture and the additional part-time employee. Ann Rutledge stated that if anything in her budget needed to be cut, she would prefer to cut her book budget and keep the funding for an additional part time position.

Councilman Wendell asked about a timeframe and cost estimate for an elevator for access to the second and third floors. Bob Panek stated that he believed that the Town Planner had received a quote for approximately \$25K to add an elevator to the rear of the building. Heather Arcos stated that it would be approximately \$17K for lead paint abatement and painting for the third floor.

Police Department: i) 5 full-time salaries and wages were reported the same as FY 13. Personnel merit increases were not included. Councilman Wendell asked if there was any formula to help determine the proper number of police officers for a Town our size and asked if the number of officers could be decreased. Councilman Sullivan stated that there were fewer officers 10 years ago and there were times with no police coverage. Even with the 5 full-time officers, the Town did not have 24-hour coverage. Heather Arcos stated that the Town currently had 3 officers and coverage periods were typically 12PM – 12AM through the week and from 12PM – 2AM on weekends. Bob Panek added that there were 168 hours in a week and with 4 officers working 40 hours per week totaled 160 hours. If vacations, sick time and court time were added, the coverage amount was less. Councilman Sullivan stated that the Town of Exmore had about 8 officers and was able to provide 24-hour coverage; ii) \$1,500 was included for Information System Services for support for new computers for the officers and Dapro Systems Software; iii) Advertising was increased due to hiring a new Police Chief; iv) \$20,356 was allocated for Equipment to cover the annual debt service for the police cars. The next replacement vehicle was scheduled for FY 2014/2015; v) Travel and Lodging expenses were increased due to the possible expenses of sending a candidate to the Police Academy based on this years' experience with applicants applying for a job in department. Currently, there was one vacancy in the department; vi) \$4,175 was allocated for Computer Purchases to replace 4 laptops and the IBR reporting desktop. The current laptops were 7-8 years old and the IBR desktop was about 7 years old; vii) \$1,500 was allocated for Communication Equipment for the replacement of medical radios for compatibility with the County's radios due to the recent upgrades to their system; viii) \$4K was allocated for Vehicle & Powered Equipment Supplies. Heather Arcos stated that this line could probably be reduced; ix) \$1,250 was requested for Police Dog Supplies/Expenses for a new police dog. There was some discussion and the general consensus was to cut the police dog at this time; x) \$700 was included for Other Operating Supplies. This item will be reviewed to see if any portion could be cut; and xi) \$11,980 was included for Byrne Grant Expenses for the purchase of 4 in-car cameras. A Byrne Grant application was made for the purchase of the in-car cameras but the Town is still awaiting a response regarding the grant award. Heather Arcos summarized the discussion for the Police Department budget and the areas to be revisited or cut were the police dog, Vehicle & Powered Equipment Supplies and Other Operating Supplies.

Heather Arcos asked Council if they wanted to continue with the Town Clerk and Town Manager budgets. The general consensus was to postpone review of the Town Clerk and Town Manager budgets to the next meeting.

Heather Arcos stated that the numbers in the reviewed budgets would be updated for review at the March 25<sup>th</sup> budget work session. The Public Utilities and Rate Review would be reviewed in an upcoming meeting and another meeting would be spent to review the Harbor Fund budget.

**Motion made by Councilwoman Natali, seconded by Councilman Wendell to adjourn the Town Council Work Session. The motion was approved by unanimous consent.**

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Vice Mayor Bannon

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Town Clerk



**DRAFT  
TOWN COUNCIL**

**Work Session  
Town Hall  
April 11, 2013  
6:00 p.m.**

At approximately 6:00 p.m., Vice Mayor Chris Bannon, having established a quorum, called to order the Work Session of Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Sullivan and Wendell and Councilwoman Natali. Mayor Sullivan and Councilman Godwin were not in attendance. Also present were Town Manager Heather Arcos, Treasurer Kim Coates and Town Clerk Libby Hume. There were three members of the public in attendance.

Vice Mayor Bannon announced the business for the evening would be to review the proposed departmental operating budgets and capital for FY 2013-2014. The budgets to be reviewed were Town Clerk and Town Manager. Revisions made during previous meetings and the projected revenue would also be reviewed.

Town Manager Heather Arcos informed Council that April 25<sup>th</sup> was the deadline to finalize the tax rate in order to have ample time to advertise. A separate public hearing had to be held for tax rate changes. Heather Arcos added that the General Fund budget would be finalized on April 25<sup>th</sup>, the Public Utilities budget and rate review and the Harbor Fund reviews would be done at separate meetings.

Heather Arcos went on to review the departmental budgets as follows:

Town Clerk: i) 1 full-time and 1 part-time salaries and wages. A request was made to upgrade the part-time position to a full-time position. Town Clerk Libby Hume stated that a breakdown of the various duties performed by the Town Clerk's Office was included in a previous Council agenda packet and the office was extremely busy with a huge variety of responsibilities. Ms. Hume went on to state that Assistant Town Clerk Amanda Hurley had been with the Town for almost one year and was already an invaluable asset to the Town and added that Ms. Hurley acted as the administrative assistant for all departments and the Town Manager and was continually working on a number of special projects. Ms. Hurley had covered for the Town Clerk at a Planning Commission and a Town Council Work Session and regularly attended the Historic District Review Board meetings. Ms. Hurley would be attending next week's Town Council Regular Meeting to allow the Clerk to attend an out-of-town training session. Heather Arcos added that for the last two years, Council was agreeable to upgrade this position to full-time but the former Assistant Town Clerk Linda Carola had preferred to remain as part-time so the position was not upgraded; ii) The IT Consulting & Website Assistance line included \$5K for a new, updated website; iii) The Advertising line was increased due to additional advertising needs and more details being included in the ads; iv) The Equipment line included permanent speakers at the current library building which could be used for a new meeting facility, four new microphones and a new sound mixer board. Libby Hume stated that the current mixer board could not accommodate the needed number of microphones for all of Council, the Town Manager and public speaker. It was in need of replacement due to wear and tear from being transported from meetings and several of the controls were non-operational. Two of the current microphones were non-operational and another one needed to be replaced; v) Lodging & Meals was increased to include attendance at the VML Annual Conference in Arlington and lodging for the ODU Clerk's Institute. Libby Hume explained that in previous years, she had been able to stay with relatives during the ODU Institute in Virginia Beach, but this June, her family would be moving out of the area so she would have to stay at the hotel during the institute; vi) Mileage, Gas, Tolls was increased for travel to Arlington for the VML Conference; vii) Books & Subscriptions was

increased for an anticipated MuniCode Annual Fee increase; and viii) Education was increased by \$100 for an anticipated increase in ODU fees for the Clerk's Institute.

Heather Arcos stated that a closed session would be held after this meeting to review the individual personnel requests including merit increases for certain employees.

Councilman Wendell noted that in looking at the projected revenue from last week's meeting, \$184K needed to be trimmed from the projected budget to meet equalization. Heather Arcos stated that \$200K would be rolled over into debt service and Kim Coates added that the deficit figure had been decreased since the last meeting. Heather Arcos noted that the proposed 3% cost of living increase was reduced to 1% across the board and went on to state that the projected revenue vs. expenses would be reviewed later this evening after the Town Clerk and Town Manager budgets.

Town Manager: i) 1 full-time and 1 part-time salaries and wages. The part-time position was budgeted at two days per week; ii) The Personnel Lapse Allowance was included again this year to offset vacancies in the various departments in the General Fund. The Town had experienced vacancies in the Public Works and Police Department this year; iii) Retirement-Direct was deleted since the last former covered employee, Mary Crockett, passed away this year; iv) The Management Consulting line included \$30K for the Comprehensive Plan Review/Update, \$10K for a professional wage compensation study and \$18K for the Mason Avenue Streetscape Master Plan. After much debate regarding these items, a consensus was reached to keep the Comprehensive Plan Update since it was required by the State. The majority of Council agreed that a wage compensation study was needed but could be deferred for another year if needed. There was further discussion regarding the Mason Avenue Streetscape Master Plan and even though it would be good to have a Master Plan, it was agreed that this project could be postponed; v) The IT Consulting line was reduced since the network upgrade should be completed this year. Heather Arcos stated that even though the Town's current phone system was outdated, the system was operational, so the proposed phone system upgrade was removed from next year's budget. Staff would continue to evaluate the cost savings. A new phone service, provided by Bay Creek Communications, was being tested in the new library building. Even with the addition of a phone line for a dedicated fax line, the monthly cost would be about the same as what was currently paid to Verizon; vi) The Legal line was increased due to the amounts spent over the last several years. There was much discussion regarding legal fees for the lawsuits brought against the Town this year. Councilman Bennett asked what determined whether legal representation would be provided by the Town attorney or VML. Heather Arcos stated that the Town's Public Officials' Liability Insurance policy was taken out effective July 1, 2012 and the second lawsuit from Old School Cape Charles was filed after the effective date so was covered under the policy. The lawsuit from Mr. Don Riley was also being covered by VML. After further discussion, the consensus was to drop the allocated amount for legal expenses to \$60K which was the same amount budgeted over the last several years; vii) \$200 was included under Repairs & Maintenance to cover possible repairs to the old Canon copier which was owned by the Town but did not warrant a yearly maintenance contract due to its age; viii) \$500 was included under Maintenance Service Contracts for the ADT security system in the current library building; ix) \$8,275 was included under Printing & Binding for the design and production of a map for visitors. The design quote was for \$7,500 and the cost of 2,500 copies was \$775. There was much discussion regarding the cost of the design. This item would be revisited at the next meeting; ix) \$1K was included under Advertising for employment ads, but only \$140 had been used so far this year. This item may be cut if needed since advertising lines were included in the other departmental budgets; x) \$6K was included under Town Signage on Highway for VDOT signage on Route 13 advertising the public beach. Heather Arcos stated that the VDOT standards had changed and the Town could not place signage on existing signs advertising other businesses in Town nor add to the existing Historic Cape Charles sign. The cost of a new sign would be \$6K. There was much discussion regarding this item and the consensus was to delete this item;

xi) \$845 was included under Employment/Volunteer Testing/Validation for random drug testing for employees. In the past, the Town required drug testing for new hires and if employees were involved in an accident, but last year Council decided to restart the random drug testing of employees. This was not being done on a monthly basis; xii) \$2K was budgeted for electricity for the current library building; xiii) \$2K was budgeted for heating the current library building; xiv) \$4,800 was budgeted under Broadband Service. The Town had an agreement with the Eastern Shore of Virginia Broadband Authority for six months of broadband service at no cost. That six month period had expired and the Town was waiting for an invoice for the remaining months. There was some discussion regarding the possibility of other providers for broadband service in the future but Councilman Sullivan stated that \$400 was a bargain for the current service received by the Town; xv) \$9,860 was budgeted for Telecommunications which included phone service for the municipal building, the current library building, and cell phone usage. There was some discussion regarding VoIP service and its minimal cost for the service. With the change, there would be upfront costs for equipment upgrades but overall would save the Town money in the long run. Heather Arcos reiterated that she had originally included funding for the phone upgrade but with everything else going on, opted to defer the upgrade until next year; xvi) The General Liability line was increased adding coverage for the new library building; xvii) \$3,500 was again included for rental of the monthly Council meeting space and the 7 lots at Fig Street and Randolph Avenue leased from Bay Creek. The lease amount for the lots was the amount of the Northampton County real estate taxes. It was noted that this amount could decrease with the recent reassessment; xviii) The Mileage, Gas, Tolls, Lodging & Meals and Convention & Education lines were all increased to include funding for the Town Manager to attend the Professional Development Classes through the Virginia Local Government Managers' Association; xix) The Dues & Associations remained unchanged at \$2K; xx) \$6K was included for the Town's basic office supplies. There was some discussion regarding this item and Councilwoman Natali suggested that the Town purchase a full version of Adobe Software to enable the packets to be assembled in a searchable PDF format for emailing and the Council and Board members could print their own packets; xxi) \$775 was budgeted to purchase a new desktop computer for the Edmunds server. Edmunds was the Town's accounting software; xxii) The \$150 budgeted under Books & Subscriptions was cut since it had not been spent in the last three years; xxiii) \$150 under Other Supplies was cut since it had not been spent in the last two years; xxiv) \$2K budgeted for real estate tax refunds was deleted since it was a refund of monies collected during the year; xxv) \$718 was budgeted for the annual fishing pier license; xxvi) \$500 budgeted for personal property tax refunds was deleted since it was also a refund of monies collected during the year; and xxvii) The Refund Decal line was also cut since it was a refund of monies paid.

The Town Council reviewed the Contributions to Other Entities regarding the budgeted amounts for 2011, 2012 and 2013 along with the requested amounts for 2014. After a preliminary review, the following amounts were left in the proposed budget: i) \$5K Local Government Challenge match for Arts Enter; ii) \$18,600 for the Cape Charles Volunteer Fire Company; iii) \$2,500 for the Cape Charles Business Association; iv) \$10K for the July 4<sup>th</sup> Fireworks; v) \$1,500 for the Cape Charles Historical Society; vi) \$375 for the Beach Lease; vii) \$5K for the Eastern Shore of Virginia Tourism Commission (ESVTC). There was much discussion regarding the amounts paid by other localities, Northampton and Accomack Counties and 1% of the Town's Transient Occupancy Tax which was allocated to the ESVTC by ordinance and a possible change to the ordinance in the future; viii) \$150 for Cape Charles Rosenwald School Restoration; ix) \$1,500 for the Eastern Shore of Virginia Birding & Wildlife Festival; x) \$500 for Shore Soccer League; xi) \$100 for Star Transit; xii) \$2,500 for Tall Ships at Cape Charles; xiii) \$12,500 for NEA Our Town Grant; xiv) \$12,500 for the Cape Charles Tourism Website. There was much discussion regarding this item and it was agreed to wait until after the website demonstration, which was scheduled for the regular meeting, before making a decision regarding this request; and xv) \$500 for the Cape Charles Community Band.

Under Debt Service, the amount budgeted for Principal was \$57,942 which was for the 2006 breakwaters; and \$51,483 was budgeted for Interest for the 2006 breakwaters, and Central Park.

Council briefly reviewed the following reports provided by Treasurer Kim Coates; i) General Fund Expense Summary by Department which showed additional cuts that were made prior to this meeting. This report showed a deficit of \$276,977. Kim Coates stated that the figure would be reduced with the potential cuts made this evening; ii) FY2014 General Fund Projections Based on 2013 Reassessment which showed a tax equalization rate of .2674% in order to maintain General Fund revenue at the current year's amount, and an estimated tax rate of .3385 to make up the \$276,977 deficit. Kim Coates added that this estimated tax rate would be reduced based on the additional cuts made this evening; iii) FY2014 Revenue vs. Budget Projections; iv) 2013 vs. 2012 Assessment Comparison which showed a number of lots in the Historic District and Bay Creek and compared the effect of the new assessments, the amounts owed under the Town's current tax rate, equalized rate and additional rate to make up the proposed budget deficit. The report also showed the same breakdowns for a number of houses in the Historic District and Bay Creek; v) Another report was reviewed which showed a sampling of properties around Town with the same tax rates as the previous report but adding the Northampton County proposed tax rate increase; vi) FY2014 Debt Service; and vii) Options to Balance General Fund.

The general consensus was to recess the meeting to Monday, April 15<sup>th</sup>, so Council could study the various reports in more detail. The information would be revisited at the reconvened meeting.

Councilwoman Natali stated that she would be out of town and not able to attend the April 25<sup>th</sup> meeting.

Heather Arcos stated that the budgets would be adjusted per discussion this evening and would be reviewed again on April 15<sup>th</sup>. The contributions to other entities would also be revisited as well as the proposed revenue.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali to recess the Town Council Work Session until April 15, 2013 at 6:00 p.m.. The motion was approved by unanimous consent.**

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Vice Mayor Bannon

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Town Clerk

# Planning Commission Report for Town Council

**From:** Tom Bonadeo  
**To:** Town Council  
**Date:** April 18, 2013  
**Subject:** Report for Planning Department

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## Planning Commission Meeting – April 2

1. The Planning Commission held its regular meeting on April 2.
  - a. The Commission reviewed the Density changes for the Harbor District Zone. They reviewed the 5 parts of the ordinance that would require changes.
    - i. Define the areas around the Harbor in accordance with the Harbor Area Master Plan.
    - ii. Modify the height requirements in these areas and remove the height averaging.
    - iii. Define parking at ground level only. Other parking levels are part of the development square footage.
    - iv. Define the Floor Area Ratios.
    - v. New development along Mason Avenue must have blocks equal to the north side of Mason.
  - b. The Commission reviewed a CUP application for 712 Randolph Avenue to allow an (1) apartment over the commercial space. The applicant's representative described the modification to the existing space and the commissioners asked questions and discussed the application. They set a public hearing for May 7, 2013, the next Planning Commission meeting.
2. The new Planning Commissioners (4) attended the Certified Planning Commissioner Course March 25 and 26. The second session will be held on June 10 and 11. All were enthusiastic about the class.
3. The Planner is working on:
  - a. The zoning issues for new construction projects.
  - b. New building permits for zoning clearance.
  - c. Harbor and Channel maintenance dredging project with the Army Corps of Engineers.
  - d. VDOT and the County on the 6 year plan project.
  - e. Advertising for the Wireless Broadband Service Provider.
4. The Planner and Town Manager attended a meeting with the Corps of Engineers in Chincoteague on March 22. This meeting covered the Corps projects that have current funding. A maintenance dredge of the Cape Charles Federal Channel is still on the list with an allocation of \$1.5M. The Planner met with the Corps April 10 to review the Spoils Site here in Cape Charles. Some of the spoils will go into the site and some may be used to nourish our beaches. This process is included in the environmental permit process.
5. The Planner has reviewed the first draft of plans for the area around Aqua and the Shops buildings. The wetlands consultant helped to identify the area available for construction and that area that is in the RPA and the constraints of constructing a deck on the property. This would greatly enhance the wedding capability.
6. The Planner has met with VDOT representatives to work through the modification of the road project in the County's 6 Year Plan. This road is mostly inside the limits of

the Town. This road could provide access from Route 184 to Bay Creek, Bayshore Concrete and Cape Charles Yacht Center. This project would likely contain multiple funding sources in addition to the 6 Year Plan funds.

**Historic District Review Board Meeting – March 19**

1. The Board is scheduled to hold its regular meeting but has no applications at this time. The Clerk has received multiple applications for replacement Board members as four have resigned.

**Wetlands Board Meeting – No meeting held**

1. The Wetlands Board received an application from Bay Creek to install 600 feet of revetment to protect the fifth hole of the golf course that was damaged by Hurricane Sandy. This hearing has been scheduled for April 22 at 3 PM...

**Code Enforcement**  
Month of March FY 2013

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

Permits this month: 31	
Permits this year: 167	Total permits last year: 218
Total construction this month: \$525,940	
Total construction this year: \$5,302,344	Total construction last fiscal year: \$4,654,387
Permit fees this month: \$32,953.60	
Total permit fees this fiscal year: \$115,916.58	Total permit fees last fiscal year: \$37,034.16
Bay Creek Water/Sewer Tap fees: \$0	
The Colony/Sewer Water Tap fees: \$0	
Marina Village/Marina Village East Sewer/Water Tap fees: \$0	
Bayside Village Sewer/Water Tap fees: \$43,966	
Old-Town Water/Sewer Tap fees: \$24,740	
Total Tap fees this year: \$68,706	Total Tap fees last fiscal year: \$0
Fire Dept. levy this month: \$658.00	
Total Fire Dept. levies this year: \$3,865.99	Total Fire Dept. levies last fiscal year: \$3,195.93
State levy this month: \$131.60	
Total state levies this year: \$773.18	Total state levies last fiscal year: \$638.20
Miscellaneous Revenue: \$	

**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: \$0	
Rental Inspection Fees Collected this Fiscal Year: \$1,900	
Grass cutting enforcement: 0	
Grass cutting: 0	
Enforcement fees charged this month: \$0	
Enforcement fees charged this year: \$6,550	Fees charged last fiscal year: \$11,859.56
Enforcement fees collected: \$0	
Enforcement fees collected this year: \$1,129.36	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 March FY13

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

Total Cases: 59

Received this month: 0

Closed: 59

Unresolved: 0

**Other items of note:**

1. Completed 37 inspections
2. Conducted 0 zoning clearances
3. Completed 1 courtesy residential inspections
4. Conducted 0 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 Commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 1 Commercial plan reviews.
8. Completed 0 Residential plan reviews.
9. Issued 0 Public Utilities Shallow Well permits.
10. Continued gaining compliance with all the short term and long term rental properties in the Historic District.
11. Continued working to gain compliance for the Treasurer's office regarding business licenses. No contractor may apply for a permit before a business license is obtained. Even though forms are sent out every year to existing applicant's people forget or just ignore them until they come into town to work.
12. Construction is picking up in all areas of town.. New homes in Bay Creek along with the Beach Club are underway. In the commercial district a structure is getting a facelift along with adding two stories to the building. In the harbor district plans are under review for Southport.

04/09/13

# Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PB130025	Building	03/04/2013	11 Kings Court	Adding Screen Porch on 2nd Floor Deck	\$168.00	\$15,000
083A3-0100-32	PB130026	Building	03/04/2013	653 Tazewell Avenue	Adding to existing accessory building	\$56.00	\$1,300
	PB130027	Building	03/05/2013	2198 Stone Road	Demolish Portion of Building Due to Failing	\$84.00	\$2,500
	PM130008	Mechanical	03/07/2013	615 Strawberry Street	1 New Air to Air Heat Pump	\$67.20	\$4,500
	PP130007	Plumbing	03/08/2013	207 Mason Avenue C	New Plumbing for 3rd Story Apartment	\$100.80	\$4,000
	PP130006	Plumbing	03/08/2013	207 Mason Avenue B	New Plumbing for 2nd Story Apartment	\$112.00	\$5,000
	PP130005	Plumbing	03/08/2013	207 Mason Avenue A	New Plumbing for Yogurt Bar	\$156.80	\$9,000
	PM130009	Mechanical	03/08/2013	207 Mason Avenue A	New Air-to-Air Heat Pump for Yogurt Bar	\$84.00	\$2,000
	PE130015	Electrical	03/08/2013	207 Mason Avenue C	New Electrical for 3rd Floor Apartment	\$112.00	\$5,000
	PE130014	Electrical	03/08/2013	207 Mason Avenue B	New Electrical for 2nd Story Apartment	\$112.00	\$5,000
	PE130013	Electrical	03/08/2013	207 Mason Avenue A	New Service for Yogurt Bar	\$134.40	\$7,000
	PE130012	Electrical	03/08/2013	207 Mason Avenue A	Electrical for Common Area	\$84.00	\$1,500
	PE130011	Electrical	03/08/2013	207 Mason Avenue A	40 Amp Temp Pole	\$84.00	\$500
	PB130021	Building	03/08/2013	207 Mason Avenue C	Addition to add 3rd Story Apartment	\$13,306.00	\$60,000
	PB130020	Building	03/08/2013	207 Mason Avenue B	Addition for 2nd Story Apartment	\$13,194.00	\$50,000
	PB130019	Building	03/08/2013	207 Mason Avenue A	Alteration to Yogurt Bar	\$708.00	\$20,000
	PE130016	Electrical	03/12/2013	615 Strawberry Street	Residential Alteration	\$56.00	\$2,000
	PP130009	Plumbing	03/13/2013	1 Beach Club Way	New Plumbing for Phase 1	\$968.80	\$69,000
	PE130017	Electrical	03/13/2013	1 Beach Club Way	New 800 amp 3 Phase Service	\$2,548.00	\$220,000
	PM130010	Mechanical	03/14/2013	511 Harbor Avenue	New Gas Boiler	\$72.80	\$5,500
083A3-0100-37	PB130030	Building	03/14/2013	501 Tazewell Avenue	Residential Alteration	\$56.00	\$1,840
	PB130031	Building	03/19/2013	216 Monroe Avenue	Tear off/rooftop front porch	\$67.20	\$4,500
	PB130029	Building	03/19/2013	602 Tazewell Avenue	Rear Addition Footer/Foundation Repair	\$84.00	\$7,500
	PB130028	Building	03/19/2013	218 Monroe Avenue	Bathroom Renovation	\$70.00	\$5,000
	PT130001	UST/ AST	03/20/2013	511 Harbor Avenue	320 Gallon UST	\$56.00	\$300
	PE130018	Electrical	03/20/2013	510 Plum Street	New Electrical for Residence	\$56.00	\$2,000
	PB130033	Building	03/20/2013	510 Plum Street	Alteration to Finish Out Structure	\$98.00	\$10,000
	PB130032	Building	03/20/2013	500 Marina Village Cir	Altering Existing Offices	\$89.60	\$3,000
	PF130002	Fire Suppressio	03/28/2013	1 Beach Club Way	6" Underground Fire Main	\$84.00	\$2,000
	PF130003	Fire Suppressio	03/29/2013	1 Beach Club Way	6" Underground Fire Main	\$0.00	\$0
	PE130019	Electrical	03/29/2013	710 Randolph Avenue	New Subfed Panel for Offices	\$0.00	\$1,000

04/09/13

# Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
<b>Total Permits: 31</b>						\$32,953.60	\$525,940

PerDateIssued Range from 03/01/2013 to 03/31/2013

## Revenue Totals by Items/Type

From: 03/01/2013 to: 03/31/2013

<b>Sewer Tap Insp</b>		
Building	2	\$100.00
<b>Inspection totals</b>	<b>2</b>	<b>\$100.00</b>
<b>Water Tap Insp</b>		
Building	2	\$100.00
<b>Inspection totals</b>	<b>2</b>	<b>\$100.00</b>
<b>Fire Dept Fee</b>		
Building	12	\$221.50
Electrical	8	\$284.50
Fire Suppression	3	\$7.50
Mechanical	3	\$20.00
Plumbing	4	\$119.50
UST/ AST	1	\$5.00
<b>Miscellaneous totals</b>	<b>31</b>	<b>\$658.00</b>
<b>Res. Sewer Connection</b>		
Building	2	\$1,750.00
<b>Miscellaneous totals</b>	<b>2</b>	<b>\$1,750.00</b>
<b>Res. Sewer Facility</b>		
Building	2	\$13,200.00
<b>Miscellaneous totals</b>	<b>2</b>	<b>\$13,200.00</b>
<b>Res. Water Connection</b>		
Building	2	\$1,750.00
<b>Miscellaneous totals</b>	<b>2</b>	<b>\$1,750.00</b>
<b>Res. Water Facility</b>		
Building	2	\$8,000.00
<b>Miscellaneous totals</b>	<b>2</b>	<b>\$8,000.00</b>
<b>Sewer Plan Rev</b>		
Building	2	\$100.00
<b>Plan Review totals</b>	<b>2</b>	<b>\$100.00</b>
<b>Water Plan Rev</b>		

Building	2	\$100.00
<b>Plan Review totals</b>	<b>2</b>	<b>\$100.00</b>

**STATE TAX.**

Building	12	\$44.30
Electrical	8	\$56.90
Fire Suppresion	3	\$1.50
Mechanical	3	\$4.00
Plumbing	4	\$23.90
UST/ AST	1	\$1.00
<b>State Tax totals</b>	<b>31</b>	<b>\$131.60</b>

**Com \$0 - \$2.5K**

Building	1	\$75.00
Electrical	2	\$150.00
<b>Valuation totals</b>	<b>3</b>	<b>\$225.00</b>

**com \$10k +**

Plumbing	1	\$865.00
<b>Valuation totals</b>	<b>1</b>	<b>\$865.00</b>

**com \$2.5 -10k**

Building	1	\$80.00
<b>Valuation totals</b>	<b>1</b>	<b>\$80.00</b>

**Com Bldg Plan Review Fee**

Building	1	\$250.00
<b>Valuation totals</b>	<b>1</b>	<b>\$250.00</b>

**comm > \$10k**

Building	3	\$1,525.00
Electrical	1	\$2,275.00
<b>Valuation totals</b>	<b>4</b>	<b>\$3,800.00</b>

**Commercial Site Plan Review**

Building	1	\$150.00
<b>Valuation totals</b>	<b>1</b>	<b>\$150.00</b>

**Valuation Com 2.5K >**

Plumbing	3	\$330.00
<b>Valuation totals</b>	<b>3</b>	<b>\$330.00</b>

**Valuation Com \$0-\$2.5K**

Fire Suppression	3	\$75.00
Mechanical	1	\$75.00
<b>Valuation totals</b>	<b>4</b>	<b>\$150.00</b>

**Valuation Com \$2.5K >**

Electrical	3	\$320.00
<b>Valuation totals</b>	<b>3</b>	<b>\$320.00</b>

**Valuation Res \$0-\$2.5K**

Building	2	\$100.00
Electrical	2	\$100.00
UST/ AST	1	\$50.00
<b>Valuation totals</b>	<b>5</b>	<b>\$250.00</b>

**Valuation Res \$2.5K - 10K**

Building	4	\$285.00
Mechanical	2	\$125.00
<b>Valuation totals</b>	<b>6</b>	<b>\$410.00</b>

**Valuation Res > \$10K**

Building	1	\$150.00
<b>Valuation totals</b>	<b>1</b>	<b>\$150.00</b>

<b>Grand Totals</b>	<b>111</b>	<b>\$32,869.60</b>
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MONTHLY INSPECTION TOTALS

Grand Total

37

InsDateCompleted Range from  
03/01/2013 to 03/31/2013



## Town Harbor Town Council Report March, 2013

April 1, 2013

### General maintenance:

1. **Western Dock Area:** We added eight cubic yards of shells to fill in the pot holes in this area. We are currently in the process of getting a dragger so that we can tow behind the gator to keep the parking area smooth. We also began cementing pilings in around the perimeter of the parking area and we will later hang the large rope on. Public works bush hogged all the tall grass around this area and ESLM will begin to mow. ESLM also came and sprayed the weeds in the parking area. We will begin weeding and adding mulch to the flower beds.
2. **Floating Docks:** We still need to install 3 floats, 2 cleats, Repair the Gangway and wire harness.
3. **Bath House:** We replaced two wax seals in the female restroom and touched up the paint in both. We will begin weeding and adding mulch to the flower beds.
4. **Boat Ramps:** We began repairing the flower beds in this area, then we will weed and mulch. We will also continue to repaint parking stripes as weather permits. We have been doing this on a bi-annual basis as per contract with VDGIF.
5. **Harbor Masters Office:** We have replaced some rotten wood and will continue as weather permits, we hope to have completed by April 30<sup>th</sup>.
6. **Fuel System:** We will be replacing fuel filters next month and will begin painting the fuel tank as weather permits, we hope to have completed by Mid-May.
7. **Pump Out Station:** Is back in service and no problems
8. **Work Shed:** We have currently been reorganizing this area on bad weather days, to give us more room for storage, this is about 90% complete as we have been working more outside since the weather has been better. We also power washed and began painting the building which is 90% complete.
9. **Water:** We repaired the leak on A-Dock and two other leaks on B-Dock. Three Freeze hydrants on CG-Dock still needs to be replaced.
10. **Electric:** We had a plug get scorched on B-Dock, this will be replaced ASAP. All other electric is functioning properly.
11. **Boardwalk:** All is fine at the western Boardwalk the Eastern Boardwalk needs some boards re-screwed and re-leveled.
12. **Lighting:** There are a few bulbs that are out and will be replaced soon.



## Town Harbor Town Council Report March, 2013

### Scheduled Inspections and maintenance:

1. Daily dock inspections: Nothing major just re-screwing a few boards.
2. Weekly fuel system inspections: No visible leaks or problems
3. Monthly fire pedestal inspections: No Visible Problems
4. Monthly lighting inspections: Few Lights are out
5. Monthly electrical pedestal inspections: No Visible Problems
6. Scheduled fuel filter changing: April.

### Capital Projects:

1. **Wave Attenuator:** Staff will meet with Stakeholders to discuss the possibility of this type of protection and how it will affect them.
2. **Waterman's Memorial:** Mr. Lewis is currently redesigning the layout to accommodate the area that it will be located. It's possible that a sign and donation box will be placed at the area until any type of construction would begin. Some construction may begin as early as this fall.
3. **Dredging:** A study will be done on the possibility of dredging.

### Other Items:

1. Follow us on Face Book (**Cape Charles Town Harbor**)
2. We are now open 8am to 5pm daily.

### Events at the Harbor:

1. The 6<sup>th</sup> Annual Blessing of the Fleet will be held on April 5<sup>th</sup>, 2013 at 5:30pm.
2. The Annual lower Chesapeake Bay Black Drum Classic will be May 17<sup>th</sup> – 19<sup>th</sup>. Contact Renee at the Chamber for more information 678-0010.
3. The 2<sup>nd</sup> Annual Tall Ships at Cape Charles will be June 8<sup>th</sup> – 10<sup>th</sup>.
4. Clam Slam 2013 & 3<sup>rd</sup> Annual Boat Docking contest will be August 3<sup>rd</sup>, and 4<sup>th</sup>, 2013.



# Town Harbor Town Council Report March, 2013

## Business:

Average docking per day/night by category:

<u>Rentals</u>	<u>Mar.13</u>	<u>Mar. 12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Nightly:	0.5	0.4	3.2	2.2
2. Weekly:	2.6	13.9	3.9	5.1
3. Month/Quart:	2.0	4.7	8.0	2.1
4. Seasonal:	2.0	0.0	9.2	7.0
5. Annual:	39.8	67.0	38.4	46.6
<b>Total Rentals,</b>	<b>46.9</b>	<b>86.0</b>	<b>62.7</b>	<b>63.0</b>

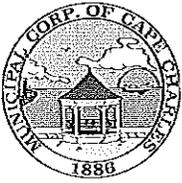
## Harbor Pounds:

	<u>Mar. 13</u>	<u>Mar.12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Crabs:	45	398,520	355,725	700,830
2. Fish:	0	0	215,108	216,102
3. Conchs:	20,930	24,830	21,710	56,485
4. Horse Shoes:	0	0	117,520	5,296
5. Aggregate:	0	0	0	0
6. Clams	0	0	0	0
7. Oysters	1,100	0	1,100	0
8. Conch Pots	68,340	0	68,340	66,000
9. Crab Pots	26,700	0	26,700	20,000
10. Nets	0	0	0	0
11. Bait	200.0	0	200.0	0
12. Lg. Trap Piles	0	0	165,000	0
13. Sm. Trap Piles	0	0	0	0
<b>Total Pounds:</b>	<b>117,315</b>	<b>423,350</b>	<b>971,403</b>	<b>1,064,713</b>

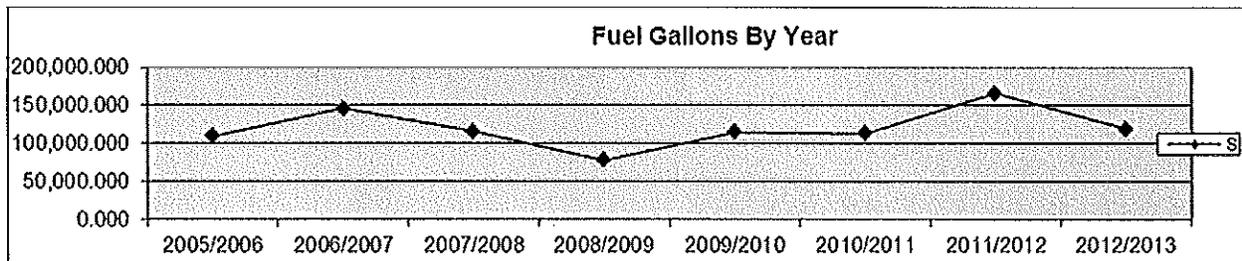
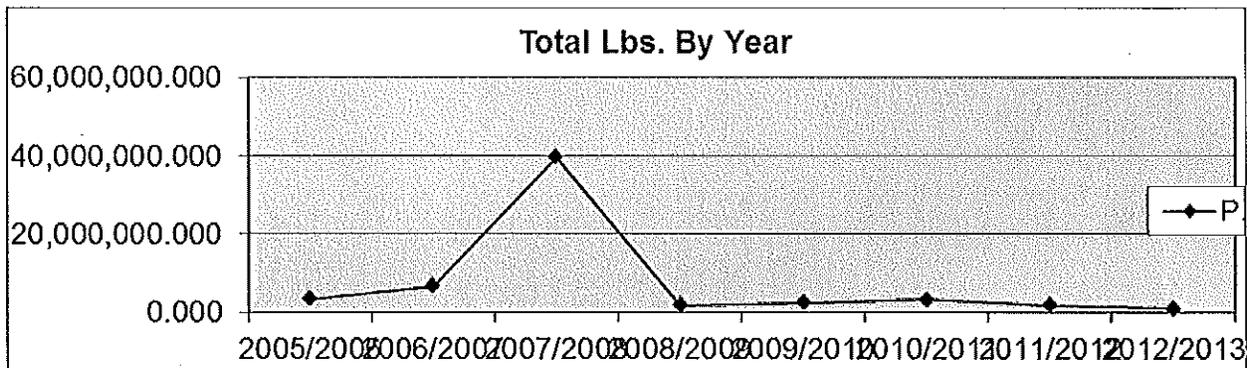
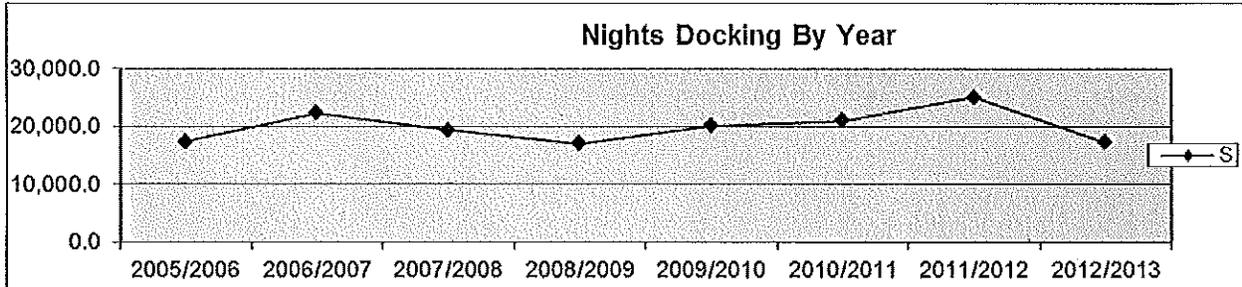
<u>Fuel Gallons:</u>	<u>Mar. 13</u>	<u>Mar. 12</u>	<u>Ytd12/13</u>	<u>Ytd11/12</u>
1. Diesel	4,298	10,851	40,221	43,038
2. Regular	1,365	2,110	22,807	20,866
3. Non-Ethanol	290	895	20,091	19,662
4. Transport	0	2,800	36,349	30,911
<b>Total Fuel</b>	<b>5,953</b>	<b>16,656</b>	<b>119,468</b>	<b>114,477</b>

<u>Waiting List:</u>	<u>2/28</u>	<u>Registered</u>	<u>Removed</u>	<u>3/31</u>
1. 60ft Slips:	2	0	0	2
2. 50ft Slips:	2	0	0	2
3. 45ft Slips:	13	0	0	13
4. 36ft Slips:	5	0	0	5
5. 30ft Slips:	20	0	0	20
6. 24ft Slips:	20	0	0	20
7. 20ft Slips:	11	0	0	11
<b>Total</b>	<b>73</b>	<b>0</b>	<b>0</b>	<b>73</b>

William Smith Dize Jr.  
Harbor Master



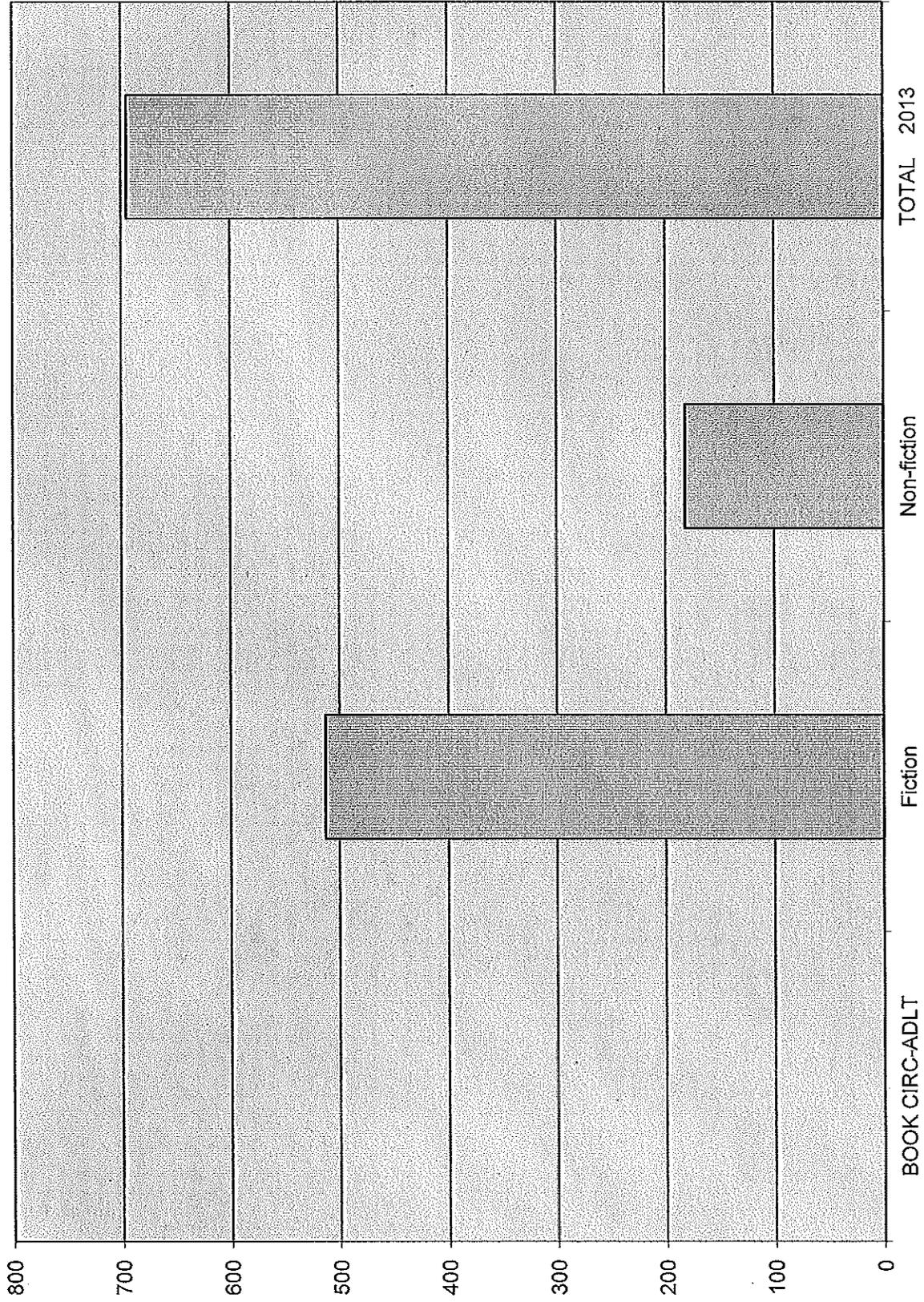
# Town Harbor Town Council Report March, 2013



**Cape Charles Memorial Library**  
**March 2013**

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of **50** children and caregivers attended this month. A total of **42** children attended the **Arts and Crafts** programs held on Wednesday at 4:00
2. The new circulation system is a big improvement over the old system but we are still working out a few issues. Starting May 1 you **must** bring your library card with you to check out books and you need a library card or ID to use the computers.
3. The displays for this month were books celebrating spring and Women's Health.
4. This month we have been preparing the Library for the big move. Our entire collection has once again been weeded (removing any outdated, unused, or shabby materials). We are discarding all VHS tapes and books on cassette, but our shelves are packed with new DVD'S and books on CD. Many thanks to the Friends of the Library for their continuing donation of DVD's.
5. The Library will again be participating in **World Book Night on April 23**. World Book Night is a non-profit organization dedicated to spreading the love of reading and community-based literacy outreach. Sharon Silvey will be handing out 20 free books to nonreaders throughout the area that have been provided by this organization.
6. **The date is set! We will be moving to the new building on May 3-May 5**. If you would like to help in any way please contact the library at 331-1300. We need movers, helpers, and packers; there is a job for everyone. The new shelves will be arriving soon and will then to be installed. Also during the next month some repairs will be needed on the walls. If you would like to help Putty, Sand and Paint – please give us a call.







TOWN OF  
CAPE CHARLES

<b>AGENDA TITLE:</b> Cape Charles Police Department		<b>AGENDA DATE</b> APRIL 18, 2013
<b>SUBJECT/PROPOSAL/REQUEST:</b> MARCH 2013 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: 21

Calls for Service Outside of Cape Charles: 04

10-13 Calls

(A) By Dispatch: 23

(B) By Phone via Officer/Trooper: 01

(C) In Person 01

Felony Arrests: 02

Misdemeanor Arrests: 00

DUI Arrests: 00

Traffic Summons Issued: 07

Traffic Warnings Issued: 00

Parking Tickets Issued: 03

Assisted Northampton County Sheriff's Office: 05

Assisted Virginia State Police: 00

Assisted Other Local Police: 00

Assisted Other Federal Agencies 01

Assisted Fire & Rescue: 04

Assisted VDOT: 00

Hours of Training Received & What Type? 16 HRS RADAR CERTIFICATION

# PUBLIC WORKS

## March 2013

### Dump Fees

- Oyster Landfill: 6 Trips, 2.41 Tons @ cost of \$173.88

### Staff Report

- Willie Lyons has accepted position, and will start April 1st
- Mike Mullner has completed his CPR training

### Completed Projects

- Helped utilities department with monthly water meter reads
- Trimmed Town shrubs, hedges & pompous grasses
- Beach bathrooms opened for season and interior paint completed
- Wooden beach access damaged structure has been repaired
- Water plant new control panels installed
- Moved all files out of storage rental to new Library

### In Progress

- Cleaning of streets and drains
- Playground upgrades, repairs and stain of all wood areas
- Fishing Pier electrical repairs
- Beach bathroom light's and hand dryer, Items due in April
- Central Park water fountain pump repair
- Weed spraying equipment set up
- The contract for the repair & painting of the Library exterior was awarded by Council in March. Work should begin soon.

### Upcoming Projects

- Repaint Bay Ave cement benches
- Beach Replenishment
- Beach clean & prep for 2013 season
- Build and install beach garbage containers

### Man Hours per Project/Task

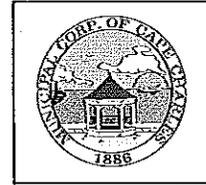
Vehicle Maint.	Equipment Maint.	Building Maint.	Public Debris Areas	Street Cleaning	Beach Maint.	Public Sanitation	Public Facilities Cleaning	Administration Training	Playground Repairs
24	26	83	73	n/a	13	26	83	40	11

### Capital Projects

- Central Park Restrooms
  - Contractor started footer, job on hold
- Multi-Use Trail Budgeted \$96k
  - Awaiting approval from VDOT on 30% design review

# Public Utilities

## Monthly Report March 2013



### Production Summary

- Miss Utility Tickets: 14
- Emergency Call Outs After Hours and Weekends:
  - Number of times called out: 7
  - Total Man Hours: 26
- Sludge: 8 Tons
- Water: Total Production: 2,986,600 gallons
  - High: 230,800 on 3/13/2013
  - Low: 57,400 on 3/26/2013

Average	Raw Water	Finished Water
Hardness	380.8	133.2
Iron	7.38	.012
Manganese	.485	.012

All Data in PPM

- Waste Water: Average Flow 169k Gallons/Day
  - Maximum 231k Gallons/Day
  - Total for Month 5.25 Million Gallons

### Personnel

- Thomas Stratton has retired.
- Dan Dabinett has passed his Class 3 test and is certified by the State as a Class III Waste Water Operator.

### Completed Projects

- The new control panels for filters and softener have been installed and are operating.

### New WWTP

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

### In Progress

- The final grading of the polishing pond has been completed. Seeding will be done when site conditions are dry enough to move forward.
- We have received final approval from DEQ for the Keck Wells Aquifer Test. The tentative date set for the test is May 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>.
- An RFP has gone out for the Utilities Asset Management Program.

## Public Utilities

### Upcoming Projects

- A new mulch formula for the vacuum pump stations will be installed. A blend of pine chunks and peat moss.
- 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.

### Capital Projects

- Waste Water
  - New Vehicle Budgeted \$20k  
No action taken.
  - Utility Trailer Budgeted \$2.5k Waste Water  
\$2.5k Water
    - Purchased used for \$2,000
  - Asset Management Software \$15k Waste Water  
\$15k Water
    - Advertised RFP.
- Water
  - Utility Trailer (See comment above)
  - Keck Well Connection Budgeted \$325k
    - PER submitted to VDH, waiting for comments.
    - Proceeding with TO No.6 for construction and Bidding Phase. GHD has proposed a budget of \$60k for these services. We are exploring other options, possibly design build.
  - Water Filter Master Control Panel Budgeted \$120k
    - Installed
    - Final testing underway.
  - Softener Media Replacement Budgeted \$50k
    - Media and gravel under drain, installed, has been priced at \$24k.
    - Council has approved contract with M.L. Ball for installation.
  - Stainless Steel Walkway Budgeted \$10k
    - Completed.
    - Contract Price \$9,950.
  - Stainless Storage Racks Budgeted \$10k
    - No action will be taken

## Recreation Department April 2013 Council Report

### Committee/Organization Updates

1. New Roots Youth Garden – The Spring gardening session will begin on April 11 and meet every Thursday from 4:00 p.m. to 5:00 p.m. The session will last for six weeks ending on May 16. The Blessing of the Worms will take place April 28, 2013 at 1:00 p.m.
2. Northampton County Chamber of Commerce – The Black Drum Tournament will begin May 17. The Chamber is working with the Town Harbor and Bailey's Bait and Tackle to make this event a success.
3. Eastern Shore Birding and Wildlife Festival – Plans are still underway for the 2013 Event.
4. Clam Slam – Committee members continue to work on sponsorships and other event details.
5. The Citizens Needs Advisory Committee – The committee is finalizing a survey that will be distributed to the community. Once the date is retrieved a report will be presented to council. The committee hopes to wrap things up by the end of April.
6. Jen and Tom met with CZM to work on signage at the beginning of the fishing pier. CZM has grant monies to assist in the purchase. They hope to consolidate many of the signs that are currently at that location into one area.

### Programs

1. Arts and crafts continue every Wednesday afternoon. There were a total of 20 participants the month of March who painted ceramics, decorated posters, put together caterpillars and painted sun catchers.
2. The Easter Bunny hopped into Cape Charles on March 30. Jen joined forces with Cape Charles Baptist and Trinity Methodist Church. The kids made crafts, had pictures taken with the Easter Bunny and had an egg hunt. Over 2,000 eggs (possibly closer to 3,000) were found within three minutes!

### Upcoming Events

1. April 3, 10, 17, 24 – Arts and Crafts at 4:00 p.m.
2. April 11 – May 16 – New Roots Spring Garden Session
3. April 19-21 London Suites at the Palace Theatre.
4. April 20 – Rain Barrel Workshop 2:00 – 4:00 p.m.
5. April 27 – Historic Society Shrimp Boil
6. April 28 – Blessing of the Worms

### Just a few reminders from the Community Events/Recreation Department

1. If you plan to have an event in Cape Charles please contact Jen Lewis at [reccoordinator@capecharles.org](mailto:reccoordinator@capecharles.org) or 757-331-3259 ext 18.
2. If you plan to have a yard sale in Cape Charles please download the yard sale form from our website at [TownofCapeCharles.org](http://TownofCapeCharles.org). There is no fee.
3. Jen is still looking for volunteers for the 4<sup>th</sup> of July. Please contact her if you would like to help. Small times slots available so you can still enjoy your day.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Town Code Modifications – Public Procurement

**AGENDA DATE:**  
April 18, 2013

**SUBJECT/PROPOSAL/REQUEST:** Review proposed modifications to the Town's Public Procurement Policies and Schedule a Public Hearing for May 16, 2013

**ITEM NUMBER:**  
8A

**ATTACHMENTS:** Current Town Code Chapter 54- Public Procurement

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

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

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

**BACKGROUND:**

The current Town of Cape Charles Public Procurement and Purchase Policies were adopted by the Town Council of the Town of Cape Charles on December 14, 1982 to bring the policies into conformity with the State regulations at the time.

The Cape Charles Town Code Chapter 54 – Public Procurement has not been updated since it's adoption in 1982 with the exception of § 54-20 – Invitation for Bids which was revised in October 2007. The Code of Virginia § 2.2-4300 is the Virginia Public Procurement Act and has been updated regularly through the years, most recently in 2012.

**DISCUSSION:**

At the February 28, 2013 Town Council Retreat, Council suggested modification to the Town Code stating the Town's intent to follow the guidelines set forth in the Virginia Public Procurement Act.

In an effort to bring the Town of Cape Charles Public Procurement Policy back in line with the Code of Virginia, Chapter 54 of the Cape Charles Town Code is to be modified as follows:

Sec. 54-1. – Authority for Chapter.

This chapter is enacted pursuant to the authority granted in Code of Virginia, Sec. 2.2-4302.

Sec. 54-2. – Policy.

Code of Virginia, Sec. 2.2-4300, et seq., is the Virginia Public Procurement Act. Sec. 2.2-4342.A.9. exempts towns with a population of less than 3,500 from most provisions of the Act. However, it shall be the policy of the Town of Cape Charles to comply with the provisions of the Act; except that the small purchase threshold in Sec. 2.2-4303.G. shall be \$50,000 for goods and services other than professional services, and \$30,000 for professional services.

Sec. 54-3. – Purchasing Manual and Administrative Regulation.

The town manager shall promulgate a purchasing manual and administrative regulation to implement the policy established by this chapter.

**RECOMMENDATION:**

Staff recommends review and discussion of the proposed modifications and if agreeable, schedule a public hearing for May 16, 2013 preceding the regular meeting.

**Chapter 54 – PUBLIC PROCUREMENT**

**Sec. 54-1. - Authority for chapter.**

This chapter is enacted pursuant to the authority granted in Code of Virginia, § 2.2-4302.

*(Ord. No. 27, art. I, § 1.1, 12-14-82)*

**Sec. 54-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*IFB* means invitation for bid.

*PO* means purchase order.

*PR* means purchase requisition.

*Purchasing agent* means the town manager or his designee who is authorized and responsible for the procurement of supplies and services for town use.

*RFQ* means request for quotation.

*Vendor* means any person who sells supplies or services.

*(Ord. No. 27, art. I, §§ 1.2—1.8, 12-14-82)*

*Cross reference— Definitions and rules of construction generally, § 1-2.*

**Sec. 54-3. - Procurement objectives.**

The town's procurement objectives are to:

- (1) Establish an ongoing centralized purchasing function capable of providing daily service and support on an organization-wide basis.
- (2) Introduce a greater measure of responsibility and accountability over implementation of the annual budget, specifically as related to the procurement of contractual services, materials, supplies and capital outlay items.
- (3) Assure realization of the principles of competitive purchasing and best buy at least cost.
- (4) Assist management at all levels in reaching responsible, cost-effective decisions in the procurement of quality supplies and services for town use.
- (5) Formulate policies and procedures designed to systematize and enhance the efficiency of the town's procurement process and assure procurement in a timely and proper manner.
- (6) Promote good will and clear communication in town-vendor relations and intra-organization relations relative to purchasing.
- (7) Promote the realization of equal opportunity policies through procurement relations with vendors.

*(Ord. No. 27, art. I, §§ 2.1—2.7, 12-14-82)*

**Sec. 54-4. - Centralized purchasing; general responsibilities of purchasing agent.**

- (a) It shall be the policy of the town to maintain a centralized purchasing process with the town manager or his designee as purchasing agent. It shall be the purchasing

agent's responsibility to administer purchasing policies, institute reports necessary to permit analysis of purchasing performance, negotiate and approve term contracts in concert with town departments, consolidate purchases of like or common items, analyze prices paid for materials and equipment and generally define how to obtain savings and to coordinate purchasing procedures.

- (b) The purchasing agent shall select sources of supply in concert with the appropriate town department. As a general policy, purchases shall be awarded, with local vendor preference, on the basis of availability, best price, delivery and quality, taking into consideration the reputation and performance capability of the suppliers.
- (c) In concert with town departments, the purchasing agent shall conduct and conclude all negotiations affecting vendor selection, price, terms, delivery and the like. No one other than the purchasing agent shall commit the town to any purchase, vendor, or product. Exceptions to this include emergencies and purchases made from the petty cash fund.

*(Ord. No. 27, art. II, §§ 1.1—1.3, 12-14-82)*

**Sec. 54-5. - Purchasing manual and administrative regulations.**

The town manager shall develop a purchasing manual based on the policies and procedures established in this chapter and promulgate such administrative regulations necessary for the implementation of the standards established by this chapter.

*(Ord. No. 27, art. III, § I, 12-14-82)*

**Sec. 54-6. - Interdepartment relations.**

It shall be the policy of the town to promote an intelligent and harmonious relationship between the purchasing agent and other town departments relative to procurement.

*(Ord. No. 27, art. II, § 1.4, 12-14-82)*

**Sec. 54-7. - Vendor relations.**

The purchasing agent shall develop and promote a program of fairness with all vendors and salespersons.

*(Ord. No. 27, art. II, § 1.5, 12-14-82)*

**Sec. 54-8. - Bid deposits.**

Bid deposits or surety may be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to a return of that deposit or surety. A successful bidder, upon failure on his part to enter into a contract within the time specified after written notification of the bid award, shall forfeit, as liquidated damages, any surety deposited with the town.

*(Ord. No. 27, art. II, § 1.7, 12-14-82)*

**Sec. 54-9. - Performance bonds generally.**

The town may require a performance bond before entering a bid-based contract in such amount as is found necessary to protect the best interests of the town.

*(Ord. No. 27, art. II, § 1.8, 12-14-82)*

**Sec. 54-10. - Bidders' list.**

With the aid of other town departments, the purchasing agent shall compile and maintain a bidders' list. Vendors desiring to be listed shall advise the purchasing agent, in writing, of the following:

- (1) Type of business.
- (2) Names of officers, owners or partners.
- (3) Persons authorized to sign bids, offers and contracts.
- (4) Type of equipment, supplies and materials sold or services provided.
- (5) How long in present business.

(Ord. No. 27, art. II, § 1.9, 12-14-82)

**Sec. 54-11. - Use of brand names in bidding.**

Unless otherwise provided in the invitation to bid, bidders are not restricted to bidding specified brand names, makes or manufacturers. The town, in its sole discretion, shall accept any item equal to that specified.

(Ord. No. 27, art. II, § 1.10, 12-14-82)

*State law reference— Similar provisions, Code of Virginia, § 2.2-43.15.*

**Sec. 54-12. - Withdrawal of bid due to error.**

A bidder for a contract may withdraw his bid from consideration if the price bid was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith and the mistake was a clerical mistake as opposed to a judgment mistake, and was actually due to an unintentional arithmetic error or an unintentional omission of a quantity of work, labor or material made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of original work papers, documents and materials used in the preparation of the bid sought to be withdrawn. One of the following procedures for withdrawal of a bid shall be selected by the town and stated in the advertisement for bids:

- (1) The bidder shall give notice in writing of his claim of right to withdraw his bid within two business days after the conclusion of the bid opening procedure; or
- (2) The bidder shall submit to the purchasing agent his original work papers, documents and materials used in the preparation of the bid within one day after the date fixed for submission of bids.

The work papers shall be delivered by the bidder in person or by registered mail at or prior to the time fixed for the opening of bids. The bids shall be opened one day following the time fixed for the submission of bids. Thereafter, the bidder shall have two hours after the opening of bids within which to claim in writing any mistake as defined in this section and withdraw his bid. The contract shall not be awarded until the two-hour period has elapsed. Such mistake shall be proved only from the original work papers, documents and materials delivered as required in this section.

(Ord. No. 27, art. II, § 1.11, 12-14-82)

*State law reference— Similar provisions, Code of Virginia, § 2.2-4330.*

**Sec. 54-13. - Retainage on construction contracts.**

No more than five percent of any progress payment to a contractor or subcontractor pursuant to a construction contract may be withheld.

(Ord. No. 27, art. II, § 1.12, 12-14-82)

*State law reference— Similar provisions, Code of Virginia, § 2.2-4333.*

**Sec. 54-14. - Bond requirements for construction contracts.**

Except in cases of emergency, all bids or proposals for construction contracts in excess of \$25,000.00 shall be accompanied by a bid bond not to exceed five percent of the

amount bid. The purpose of the bid bond is to ensure that the bidder will enter into the work if the bidder is awarded the contract. Upon award of any construction contract exceeding \$25,000.00, a prime contractor must furnish a performance bond in the sum of the contract amount to ensure faithful performance of the contract. The contractor must also furnish a payment bond in the sum of the contract to ensure prompt payment to parties supplying labor or materials to the contractor or subcontractors. A certified check or cash escrow in the face amount required for any of these bonds may be used in lieu of the bond. Certain other forms of security may be used for the bid bond if approved by the town attorney.

*(Ord. No. 27, art. II, § 1.13, 12-14-82)*

*State law reference— Bond requirements for construction contracts, Code of Virginia, §§ 2.2-4336, 2.2-4337.*

#### **Sec. 54-15. - Antidiscrimination provisions required in certain contracts.**

In every contract over \$10,000.00, the contractor must agree not to discriminate on the basis of race, religion, color, sex or national origin except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operations of the contractor. The contractor must also agree to include a similar provision in every subcontract or purchase order of over \$10,000.00 arising out of the contract.

*(Ord. No. 27, art. II, § 1.14, 12-14-82)*

*State law reference— Similar provisions, Code of Virginia, § 2.2-4311.*

#### **Sec. 54-16. - Expediting delivery of ordered material.**

Expediting or "followup" on the delivery of material on order will be accomplished by the purchasing agent. Any information other town departments may acquire or be requested to acquire concerning the delivery status of ordered material should be passed on to the purchasing agent.

*(Ord. No. 27, art. II, § 1.16, 12-14-82)*

#### **Sec. 54-17. - Town's tax exemption.**

The town, a municipality, is exempt from all state and federal sales and excise taxes.

*(Ord. No. 27, art. II, § 1.17, 12-14-82)*

#### **Sec. 54-18. - Compliance with requirements of federal grants.**

The town may comply with mandatory federal requirements in grants or contracts not in conformance with this chapter only upon a written determination of the town council that acceptance of the applicable provisions is in the public interest.

*(Ord. No. 27, art. II, § 1.18, 12-14-82)*

*State law reference— Similar provisions, Code of Virginia, § 2.2-4343.*

#### **Sec. 54-19. - Vendor selection.**

Vendors will be selected on a competitive basis. Bids, quotations and proposals will be solicited by newspaper advertisement, direct mail request to prospective suppliers or by telephone. Purchase orders or contracts will be awarded to the lowest and best responsible vendor. All bids may be rejected if it is in the public interest to do so. In determining "lowest and best responsible vendor," in addition to price, the following will be considered:

- (1) The character, integrity, reputation, judgement, experience and efficiency of the vendor.
- (2) The ability, capacity and skill of the vendor to perform the contract, fill the order or provide the service.

- (3) The ability of the vendor to provide the material or service promptly, or within the time specified, without delay or interference.
- (4) The quality of performance by the vendor on previous contracts, orders or services.
- (5) The ability of the vendor to provide future maintenance and service for all equipment purchased from the vendor.

*(Ord. No. 27, art. II, § 2.1, 12-14-82)*

**Sec. 54-20. - Invitation for bids.**

When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services other than professional exceeds \$10,000.00, an IFB notice will be prepared. This notice will be published at least once (may be published two or more times) in at least one official newspaper of general circulation within the community at least ten days prior to the date set for receipt of bids. The IFB shall include a general description of the items to be purchased, the bid deposit and performance bond required, shall state where bid blanks and specifications may be secured and the time and place for opening bids. The purchasing agent may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice. Town council shall approve the preparation of an invitation for bid when the item being procured had not been included in the approved budget or approved amended budget.

*(Ord. No. 27, art. II, § 2.2, 12-14-82; Ord. No. 2007-11-13D, 11-13-07)*

**Sec. 54-21. - Opening, tabulation, etc., of bids; award of contract, etc.**

- (a) Sealed bids will be opened in public by the town manager at the time and place stated in the IFB. The bids will be tabulated by the town manager. The results of the tabulation and the bid material will be examined by the town manager, and the appropriate department head to determine the best bid. Recommendations for bid award will be submitted by the town manager to the council at a public meeting and the council will award the contract on the recommendation of the manager. The award will usually be to the lowest and best responsible bidder and a full and complete statement of the reasons shall be prepared by the town manager and shall be filed along with other papers relating to the transaction.
- (b) A tabulation of all bids received will be sent to all bidders. After the bid award is made by the council, a purchase order or contract shall be prepared for execution by the successful bidder. After the purchase order is issued or the contract signed, all bid deposits will be returned to all unsuccessful bidders.

*(Ord. No. 27, art. II, §§ 1.15, 2.2, 12-14-82)*

**Sec. 54-22. - Request for quotations.**

Purchases of supplies, equipment and services of less than \$10,000.00, but of \$1,000.00 or more, will require a request for quotations. An RFQ is similar to an IFB, except that legal advertising is not required and detailed specifications may not be appropriate. At least two written responses from an RFQ, or a statement of why two are not available, must accompany a PR. The following procedure will be followed in obtaining an RFQ:

- (1) Complete an RFQ and distribute copies to vendors.
- (2) File unopened sealed quotations received, together with a machine copy of the original RFQ.
- (3) On the designated date, remove the quotes received from the file.
- (4) If all vendors have not responded, call nonresponding vendors and obtain telephone quotes to be confirmed in writing.

- (5) Open the quotes and determine which vendor offers the item at the lowest price and issue a purchase order to the successful vendor.

*(Ord. No. 27, art. II, § 2.3, 12-14-82)*

**Sec. 54-23. - Open market purchases.**

Purchases of less than \$1,000.00 will be made in the open market without necessary resort to an IFB or RFQ. Every effort will be made, however, to get the lowest and best price and to share the business among responsible vendors.

*(Ord. No. 27, art. II, § 2.4, 12-14-82)*

**Sec. 54-24. - Competitive negotiation.**

- (a) Competitive negotiation may be used for acquiring professional services performed by an independent contractor (accounting, insurance, land surveying, law, medicine and the like). Competitive negotiation may be used in other contracts only upon a determination, in writing, that an IFB or RFQ is not practicable or advantageous to the public good.
- (b) The purchasing agent shall engage in individual discussions with all offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project. These discussions may encompass nonbinding estimates of total project costs, including, where appropriate, design, construction and life cycle costs. Methods to be utilized in arriving at price for services may also be discussed. At the conclusion of discussion on the basis of evaluation factors published in the request for proposal and all information developed to this point, the purchasing agent shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until a contract can be negotiated at a fair and reasonable price.

*(Ord. No. 27, art. II, §§ 2.5, 2.6, 12-14-82)*

**Sec. 54-25. - Emergency purchases.**

Emergency purchases shall be exempt from the procedural provisions of this chapter, if an emergency exists which affects the public health, safety or welfare. The mayor shall certify that an emergency exists and shall file the certification with the town clerk.

*(Ord. No. 27, art. II, § 2.7, 12-14-82)*

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**FOOTNOTE(S):**

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<sup>(25)</sup> *State Law reference— Virginia Public Procurement Act, Code of Virginia, § 2.2-4300 et seq.*

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Northampton County Solid Waste Management Plan Update		<b>AGENDA DATE:</b> April 18, 2013
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Set Public Hearing for May 16 re: Northampton County's Solid Waste Management Plan Update		<b>ITEM NUMBER:</b> 8B
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

Every five years, the County is required to update its Solid Waste Management Plan. The last plan was adopted in 2009 and is due to review and update by June 20, 2013. The County's plan includes all give incorporated towns.

Each Town is required to schedule a public hearing in order to allow the submission to DEQ by the June 20<sup>th</sup> deadline.

The Town received excerpts from the Solid Waste Management Plan Update pertaining to Cape Charles earlier this week. Staff will be reviewing the plan and will make any recommendations to the County. The draft plan will be available for review prior to the public hearing.

**DISCUSSION:**

The minimum items to be addressed by the Plan include:

1. Evaluation of current waste generation estimates against previous estimates to verify accurate projections for future waste handling systems. This evaluation must address both quantity and composition of waste generation within the planning unit.
2. Evaluation of the original 20-year planning efforts and milestones to determine if these have milestones can be developed through this process as appropriate.
3. Determine if 20-years of landfill capacity remains available to the planning unit or, if not, appropriate planning milestones have been developed to assure adequate waste handling within the planning period.

DEQ suggests the following additional items as well:

1. Population information and projections for 20 years of population growth and development patterns.
2. Estimates of solid waste generation from residential, commercial, institutional, industrial, construction, demolition, debris and other types of sources, including the amounts reused, recycles, recovered as a resource, incinerated and landfilled.
3. Existing and planned solid waste collection, storage, treatment, transportation, disposal and other management facilities, their projected capacities, expected life and systems for their use.

4. All milestones in the implementation of the solid waste management plan over the 20-year projection and the parties responsible for each milestone.
5. The assessment of all current and predicted needs for solid waste management for a period of 20 years and a description of the action to be taken to meet those needs.

Northampton County contracted with Draper Aden Associates to perform the update and excerpts from the draft plan pertaining to the Town of Cape Charles are attached.

**RECOMMENDATION:**

Staff recommends review of the provided information and scheduling a public hearing for May 16, 2013 preceding the regular meeting.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Award Beach Replenishment Services Contract		<b>AGENDA DATE:</b> April 18, 2013
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Award contract for beach replenishment services		<b>ITEM NUMBER:</b> 8C
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Dave Fauber, Public Works Director	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The Town owns and maintains the only public beach in Northampton County and reviews the condition of the beach annually and maintenance must be performed to restore vegetation, sand fencing and replenish beach sand due to wind and tidal erosion. The Cape Charles beach suffered some damage from Hurricane Sandy. The Town has allocated \$20K for Beach Repair/Maintenance in the FY2013 budget.

**DISCUSSION:**

An Invitation for Bids was prepared and advertised with a deadline of April 10<sup>th</sup>. Two bids were received as follows:

- Micor Enterprises, Inc. - \$11.15/cubic yard
- Wagner Brothers Landscaping - \$12.00/cubic yard

**RECOMMENDATION:**

Staff requests authorization for the Town Manager to execute the Beach Maintenance Services contract with Micor Enterprises, Inc.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Fill Vacancies on Town Boards		<b>AGENDA DATE:</b> April 18, 2013
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Fill vacancies on Historic District Review Board and Wetlands Board		<b>ITEM NUMBER:</b> 8D
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ( )
	<b>STAFF CONTACT (s):</b> Tom Bonadeo	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

There are a number of vacancies on the Cape Charles Historic District Review Board (HDRB) and the Wetlands & Coastal Dune Board.

**DISCUSSION:**

A Town Council Executive Session has been scheduled for Tuesday, April 16<sup>th</sup>, to interview the candidates expressing their interest in serving on the Town's boards. The following appointments will be made at the regular meeting on April 18<sup>th</sup>:

Historic District Review Board (Four vacancies):

1. John Caton – Interviewed in December 2012 and named as an alternate to HDRB
2. To be determined
3. To be determined
4. To be determined

Wetlands & Coastal Dune Board (One vacancy):

1. To be determined

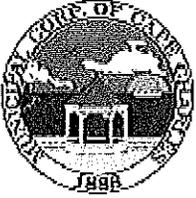
Alternate(s):

1. To be determined
2. To be determined

Review the proposed candidates for the vacancies listed above.

**RECOMMENDATION:**

Staff requests the Town Council to make the necessary appointments to fill the vacancies listed above with a minimum of one alternate.



TOWN OF  
CAPE  
CHARLES

**AGENDA TITLE:** National Safe Boating Week Proclamation

**AGENDA DATE:**  
April 18, 2013

**SUBJECT/PROPOSAL/REQUEST:**

Proclaim May 18 – May 24, 2013 as National Safe Boating Week

**ITEM NUMBER:**  
8E

**ATTACHMENTS:** National Safe Boating Week Proclamation

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

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

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

**BACKGROUND:**

Americans increasingly head to the water for recreation and relaxation. It is vital that all boaters practice safe boating habits, especially wearing life jackets. Approximately 88% of those who drown in boating-related accidents were not wearing life jackets.

**DISCUSSION:**

May 18 – 24, 2013 is National Safe Boating Week. In an effort to promote National Safe Boating Week, U.S. Coast Guard Auxiliary, Flotilla 12-02 Painter requests that the Town Council of Cape Charles adopt a proclamation naming May 18<sup>th</sup> – 24<sup>th</sup> as Safe Boating Week within the Town of Cape Charles.

**RECOMMENDATION:**

Staff asks the Council for a roll call vote to approve the Proclamation naming the week of May 18 – 24, 2013 as National Safe Boating Week.

# PROCLAMATION

PROCLAIMING  
MAY 18 THROUGH MAY 24, 2013  
as  
NATIONAL SAFE BOATING WEEK

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical "Rules of the Road," drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

**Whereas**, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

**Whereas**, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

**Whereas**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**Whereas**, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public and

**Whereas**, U.S. Coast Guard Auxiliary Flotilla 12-02 Painter, provides safe boating instruction for persons of all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

**Therefore**, I, \_\_\_\_\_, do hereby support the goals of the North American Safe Boating Campaign and proclaim May 18-24, 2013, as National Safe Boating Week and the start of the year-round effort to promote safe boating. And I encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.

**In Witness Whereof**, I urge all those who boat to "Boat Smart. Boat Safe. Wear it." and practice safe boating habits.

Given under my signature and the seal of **The Town of Cape Charles, Virginia**  
this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor  
Town of Cape Charles



TOWN OF  
CAPE  
CHARLES

**AGENDA TITLE:** National Police Week Proclamation

**AGENDA DATE:**  
April 18, 2013

**SUBJECT/PROPOSAL/REQUEST:** Proclaim May 15, 2013 as Peace Officers' Memorial Day and the week of May 12 – May 18, 2013 as National Police Week

**ITEM NUMBER:**  
8F

**ATTACHMENTS:** Proclamation #20130418A

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

**STAFF CONTACT (s):**  
Police Chief Charles Brown

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

**BACKGROUND:**

In 1962, President John F. Kennedy signed Public Law 87-726 designating May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week. The law was amended in 1994 directing that the flag of the United States be displayed at half-staff on all government buildings on May 15 of each year.

**DISCUSSION:**

Tuesday, May 15, 2013 is Peace Officers' Memorial Day and the week of May 12 – 18, 2013 is National Police Week. In honor of all law enforcement officers, the Department of Justice Community Oriented Policing Services (C.O.P.S.) suggests municipalities adopt a proclamation for Peace Officers' Memorial Day and National Police Week.

**RECOMMENDATION:**

Staff asks Council for a roll call vote to adopt the Proclamation #20130418A In Honor of Peace Officers' Memorial Day and National Police Week.

**TOWN OF CAPE CHARLES  
PROCLAMATION #20130418A**

**IN HONOR OF PEACE OFFICERS' MEMORIAL DAY  
AND NATIONAL POLICE WEEK**

**WHEREAS**, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

**WHEREAS**, the members of the Town of Cape Charles Police Department play an essential role in safeguarding the rights and freedoms of the Town of Cape Charles; and

**WHEREAS**, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their police department, and that members of the Cape Charles Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

**WHEREAS**, the men of the Town of Cape Charles Police Department unceasingly provide a vital public service;

**NOW, THEREFORE**, the Town Council of Cape Charles calls upon all citizens of the Town of Cape Charles and upon all patriotic, civic and educational organizations to observe the week of May 12 - 18, 2013 as National Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens;

**IN ADDITION**, the Town Council of Cape Charles further calls upon all citizens of the Town of Cape Charles to observe Wednesday, May 15, 2013, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

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Adopted by the Town Council of Cape Charles on this 18th day of April, 2013.

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

ATTEST: \_\_\_\_\_  
Clerk of the Council