

TOWN COUNCIL

Regular Meeting

November 10, 2011

St. Charles Parish Hall

Immediately Following Public Hearing

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Public Comments (3 minutes per speaker)
4. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
5. Report Presentations
 - A. Town Manager
 - B. Treasurer's Report
 - C. Recreation Report
 - D. Library Report
 - E. Harbor Report
 - F. Public Works/Public Utilities Report
 - G. Code Enforcement
 - H. Planning Report
6. Old Business
 - A. Wastewater Treatment Plant Status
 - B. PSA / Regional Wastewater System Update
 - *C. Central Park Restrooms Project
 - *D. Town Code Modifications:
 - i. Chapter 46 – Nuisance Ordinance
 - ii. Chapter 58 – Solid Waste
 - *E. July 4, 2012 Celebration
 - *F. Public Works Maintenance Building
7. New Business
 - *A. Re-appointment of Wetlands & Coastal Dunes Board Member
 - *B. Fig Street Lots Lease Agreement
 - *C. Contract Award for Harbor Bath House Design Build
 - *D. Bagwell Fuel Services Contract Extension
8. Announcements
 - November 11, 2011 – Town Offices Closed in Observance of Veterans' Day
 - November 21, 2011 – Town Council Work Session @ 6PM
 - November 23, 2011 – Town Offices Close at Noon for Thanksgiving Holiday
 - November 24-25, 2011 – Town Offices Closed for Thanksgiving Holiday
 - December 2, 2011 – 16th Annual Northampton County Holiday Progressive Dinner Tour
 - December 8, 2011 – Town Council Regular Meeting @ 6PM
9. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL

Executive Session
Town Hall
October 11, 2011
6:00 p.m.

At approximately 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Evans, Sullivan and Veber. Councilwoman Natali arrived at 6:05 p.m. Also in attendance were Town Manager Heather Arcos and Assistant Town Manager Bob Panek.

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

Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Parcel ID 83A3-A-5

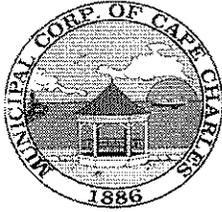
Motion made by Vice Mayor Bannon, seconded by Councilman Veber and unanimously approved to return to Open Session.

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

Motion made by Councilman Veber, seconded by Councilman Bennett, to adjourn the Town Council Executive Session. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Public Hearing
Town Hall
October 13, 2011
6:00 p.m.

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Harbor Master Smitty Dize, Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were also 12 members of the public in attendance.

Mayor Sullivan stated that this evening's Public Hearing was being held to hear public comment regarding the proposed lease of public property for a possible restaurant at the Cape Charles Harbor and the Northampton County Regional Water Supply Plan.

PUBLIC COMMENTS:

Miriam Elton, 548 Madison Avenue

Ms. Elton stated that she wanted to express her support regarding the lease for a restaurant at the Harbor. Ms. Elton added that she did not know a lot about it but felt that a restaurant would be great for the Town especially if it was a simple restaurant serving crabs, clams, shrimp, etc. Ms. Elton stated that she was not sure if the restaurant was proposed as a seasonal restaurant or not but hoped that more information would be provided tonight.

Marita Patterson, 15 Carissa Court

Ms. Patterson stated that she also wanted to express her support for the restaurant and added that what Harbor Master Smitty Dize was at the Harbor was amazing. Ms. Patterson stated that she thought a new restaurant would be fabulous and agreed with Ms. Elton that something simple and easy served on brown paper would do wonderful things for the Town.

Malcolm Hayward, 121 Strawberry Street

Mr. Hayward informed the Council that he concurred with the two previous speakers and asked Council to consider the issue of connection fees for water and sewer since the Town owns the property where the restaurant would be located. Should the restaurateur be responsible for paying these fees when they did not own the property? Mr. Hayward concluded by asking Council to demonstrate their willingness to be more business-friendly and give this issue due consideration.

Sean Ingram, P O Box 2020, Cheriton

Mr. Ingram stated that he concurred highly with Mr. Hayward and that the individual was able and capable of taking on this restaurant project but with the property being a leased property, added that anything the Town could do to ease the financial burden in

the beginning would be beneficial. Mr. Ingram stated that he believed that the revenue stream from this project, post production, would be fantastic as well as what it could do for the Town as far as giving the residents another choice in dining establishments.

Dave Burden

Mr. Burden thanked the Council for the opportunity to speak and added that he was hoping there would be a presentation about the proposed restaurant before the floor was opened for comments so the speakers would know more about the project before giving expressing their thoughts. Mr. Burden went on to state that he heard the concerns regarding the water issue and that Messrs. Hayward and Ingram stated it perfectly in that the lessee should not be expected to pay for the infrastructure on the leased property but that it should be part of the lease deal. This was a great opportunity for the Town. Mr. Burden added that what the Council and Smitty Dize have done at the Harbor was fantastic but anything that could be done to remove roadblocks and keep this progress moving forward was a great thing for the Town. Mr. Burden stated that he hoped that Council would take this opportunity to look at this issue and deal with the tough aspects of negotiating a deal keeping in mind that this individual was committed to the community and wanted to build something great that would help all of us. Mr. Burden concluded by stating that he was really looking forward to seeing it all happen.

Libby Hume read the following comment from Mr. Erin Harvey of 123 Peach Street that was submitted via email.

"I am writing to express my enthusiastic support for a waterfront restaurant at the town harbor. I understand that the town has proposed levying huge fees on the potential tenant for water and sewer hookups. This restaurant would represent a huge boon for the town's local residents and would finally fill what is an obvious gaping hole in our tourists' experiences here. We need this restaurant to succeed. Please consider waiving the short term benefits of these fees and do whatever is possible to make this restaurant a more attractive investment for its financiers and a more successful business in Cape Charles. A success at our waterfront would help all of our businesses in the long run."

There were no other comments submitted prior to the hearing.

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

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
October 13, 2011

Immediately Following Public Hearing

At 6:09 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, Evans, Sullivan and Veber and Councilwoman Natali. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo, Code Official Jeb Brady and Town Clerk Libby Hume. The Department Heads were also in attendance along with 13 members of the public.

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

PUBLIC COMMENTS:

Marita Patterson, 15 Carissa Court

Ms. Patterson stated that she had comments on two items: i) The proposed building for the new library - The Friends of the Library met with Council in July and discussed possible buildings for the library and she asked when there would be a decision made or action taken regarding this issue; and ii) The computers at the Cape Charles Christian School - The computers were bought by the Town with money from the Broadband Initiative Grant. Ms. Patterson stated that she would not go into a discussion regarding the separation of church and state since the computers were already there and went on to state that she had several email exchanges with the County and the Town and the latest email from the Town stated that the Town was working on an operational plan for the computer lab. Since the computers were supposed to be for the community, when would they be available for the public? Ms. Patterson stated that she realized that the broadband service had not been connected yet, but the 20 computers have been used by the Christian School since January when they were installed in the building. Ms. Patterson stated that she went to the Christian School and asked for access to the computers and the personnel at the Christian School did not know what she was talking about. When was the operational plan going to be put into place so the public could use the computers?

Sean Ingram, 27427 Lake Drive

Mr. Ingram stated that he would be as brief as possible but had three items to discuss: i) On October 5th, a friend informed him that a contractor was scraping lead-based paint with little or no precautions for him or his family. In an effort to assist his friend, he called the Town office. Unfortunately, it was the day of the Harvest Festival and there were not many people in the office. Someone was there that listened to his concerns and it was agreed that it would be best to wait until the following to discuss the matter further. Mr. Ingram stated that he went to the Town offices the following afternoon. One of the reasons that he was helping his friend was because his friend had two toddlers and there were dangers with lead-based paint around children. Mr. Ingram went on to state that he understood that the jurisdiction of the Town did not encompass the same jurisdiction as the Environmental Protection Agency (EPA) and Mr. Ingram passed around a computer printout explaining some of the detriments of lead-based paint especially to children, women and pregnant women. Mr. Ingram stated that his initial request was to ask the Town to help alleviate this tenant's concerns with the lead-based paint scraping with his children in the house. Through some research, he found that the Cities of Alexandria and Fredericksburg had posted some information on their website regarding the dangers of lead-based paint and suggested precautions. Mr. Ingram passed those printouts

around for Council review as well adding that the information was not from the EPA but from the cities taking it upon themselves to insure the public safety of their citizens. The Virginia Department of Health lists the zip codes of areas with the highest concerns for lead-based paint and 23310 was included on the list. Mr. Ingram went on to state that in most of his discussions with the Town's personnel, he was told that it was a Federal EPA law and there was not anything the Town could do. The Cities of Alexandria and Fredericksburg have done something by posting the information online. Also, at the June 9th Cape Charles Town Council meeting, Vice Mayor Bannon had asked the Code Official to draft an ordinance addressing cluttered porches. If the Town could draft an ordinance to deal with cluttered porches, then it could do something about open lead-based paint scraping. Mr. Ingram stated that Section 18-3 of the Cape Charles Town Code stated that any building or structure where potential danger to health and safety exists may be inspected by the Code Official. Section 18-21 stated that if the Code Official shall find any unsafe situation, he may send notification by registered mail to the property owner to alleviate the unsafe situation. We all know that lead-based paint was an unsafe situation. Mr. Ingram went on to state that Section 46-2 mandated that the Town Council shall compel the abatement or removal of all unsanitary or unhealthy substances; ii) Mr. Ingram stated that his second issue was the Town's practice of issuing business licenses without asking for any Department of Professional and Occupational Regulation (DPOR) certification or classification information on the application. The Cities of Norfolk and Virginia Beach required an applicant to provide their DPOR certification number and license classification. The City of Virginia Beach also required an applicant to sign an affidavit stating that the information provided on the application was true. It was a Class 3 misdemeanor to issue a business permit to unlicensed professionals. Mr. Ingram went on to state that even though the Town did not request any DPOR information on the business license application, it advised property owners on its website to hire only licensed contractors to perform work on their properties. Mr. Ingram stated that he was only asking the Town to use its own judgment in issuing contractors' licenses for work to be performed in Cape Charles, and iii) Mr. Ingram then submitted a Freedom of Information Act request to the Town Council requesting copies of all business licenses, applications for business licenses and building permits issued in the Town in the year 2011.

Jennifer Ingram, 27427 Lake Drive

Ms. Ingram gave her three minutes to Mr. Sean Ingram so he could continue.

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

CONSENT AGENDA:

Mayor Sullivan stated that since several members of the Cape Charles Volunteer Fire Company were in attendance for the discussion regarding Item #7G - Cape Charles Volunteer Fire Company, she would like to move this item to the beginning of New Business.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to approve the agenda as amended. The motion was approved by unanimous consent.

The Town Council reviewed the minutes of the September 8, 2011 Regular Meeting, the September 13, 2011 Work Session, the September 22, 2011 Joint Public Hearing with the Planning Commission, the September 22, 2011 Executive Session and the September 29, 2011 Special Meeting.

Motion made by Councilwoman Natali, seconded by Councilman Veber, to approve the minutes of the September 8, 2011 Regular Meeting, the September 13, 2011 Work

Session, the September 22, 2011 Joint Public Hearing with the Planning Commission, the September 22, 2011 Executive Session and the September 29, 2011 Special Meeting as presented. The motion was approved by unanimous consent.

REPORT PRESENTATIONS:

A. *Town Manager's Report:*

Town Manager Heather Arcos addressed Ms. Marita Patterson's public comments stating that the Town was working on an operational plan and was hopeful that, by the time the broadband services had been connected, the Town would have a functional plan to offer training classes at the current location of the computer lab. The Town was working with the Library Board and the Friends of the Cape Charles Memorial Library in developing the plan. Heather Arcos also thanked Mr. Sean Ingram for coming this evening and added that she had met with Mr. Ingram to discuss his concerns. Staff was working to address Mr. Ingram's issues and a report would be provided to Council in the near future. Heather Arcos went on to report the following: i) The Schooner Spirit of Massachusetts was scheduled to arrive at the Town Harbor tomorrow and Harbor Master Smitty Dize would provide more information during his department report; ii) Official notification had been received confirming the Schooner Sultana would be coming to Cape Charles for six days beginning June 6, 2012 during OpSail. Several events and programs were being planned around their stay at the Harbor and this was a result of the OpSail / Tall Ships Initiative; iii) The Town was awaiting approval from VDOT for an alternate plan to repair the fountain at Central Park. Funds have been withheld from the contractor to allow the Town to make the repairs to the fountain under the Transportation Enhancement Grant. The Town was also working to alleviate the drainage issues at Central Park. Some trees would be replaced as part of the project; iv) Notification was received informing the Town that the former Belo building would be appraised next week. The building had been tied up in a family real estate trust since before 2004 and staff was hopeful that the new owners would do something to fix up or sell the property; and v) A ceremony was scheduled for November 19th at 11:00 AM for the unveiling of the historic marker for the Rosenwald School.

Councilman Bennett asked about the schedule for completion of the Broadband Project. Heather Arcos stated that the equipment had been ordered and the Town was moving forward. No official date had been received as yet but the project must be completed and the grant closed out by the end of December 2011. In the meantime, the Library staff was surveying patrons regarding the types of classes they would like to be offered at the computer lab.

Councilman Evans referenced Mr. Sean Ingram's comments and stated that he thought the Town was now enforcing the DPOR regulations and not issuing permits to unlicensed contractors. Code Official Jeb Brady responded that the Town obtained a legal interpretation of the regulations in regards to definition of a primary residence and the Town currently issues permits only to licensed contractors or homeowners doing work on their primary residences. Mr. Sean Ingram interjected that his issue was not with the issuance of permits but the issuance of business licenses to unlicensed contractors.

B. *Treasurer's Report:*

Treasurer Jo Anna Leatherwood was not in attendance. The Treasurer's report dated September 30, 2011 showed \$359,373 in the Bank of America checking account and \$895,478 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,254,851.

Councilman Bennett commented that the Capital Projects Update showed an over expenditure for the Inflow & Infiltration Project. Heather Arcos stated that she would research the numbers and provide an answer to Council tomorrow.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to approve the Treasurer's Report as presented. The motion was approved by unanimous consent.

C. Recreation Report:

Community Events/Recreational Coordinator Jen Lewis reported the following: i) Two weeks ago, a variety of plants were planted in two of the beds at the New Roots Youth Garden. Jen Lewis pointed out several charts which were made by Ms. Kathy Bonadeo to display at Northampton County Day; and ii) It was a great weekend for the Birding Festival. Birder Cards were provided to the participants to drop off at the various businesses in Town. At the end of the festival, one card was drawn and the lucky winner would receive a free ticket for next year's festivities. Jen Lewis added that on Friday, she worked the registration table and about 80% of the participants were first timers.

D. Library Report:

Librarian Ann Rutledge reported the following: i) The week of September 24th - October 1st, the Library celebrated Banned Book Week with a book display, decorations and signs throughout the Town which generated a lot of interest and discussion about the celebration of the right to read; ii) Ms. Marita Patterson visited the Library for Storytime with her dog; iii) She was interviewed this afternoon regarding the Library on K-LOVE Radio; iv) With the end of summer, the number of visitors to the Library have slowed down; v) The Library will show the movie *Hocus Pocus* on October 28th for Halloween; vi) Staff was working on ideas for some adult programs at the Library; and vii) Computer usage had been steady with many people using the computers to look for jobs.

E. Harbor Report:

Harbor Master Smitty Dize reported the following: i) The Spirit of Massachusetts experienced a delay in their departure from their current port and at this time was unsure of their arrival date in Cape Charles; and ii) The off-season rates at the Harbor became effective October 1st and so far this month, 55 boats have come into the Harbor.

Councilman Bennett asked why the Harbor staff was re-securing board on the new docks already. Smitty Dize stated that the boards were yellow pine and were cupping. He contacted Mr. Tom Langley regarding the issue and a crew from Sullivan's came and repaired the docks under warranty. The Harbor staff secured miscellaneous boards prior to the crew's arrival to ensure the safety of the patrons.

F. Public Works / Public Utilities Report:

Public Works / Public Utilities Director Dave Fauber reported that the following: i) He had spoken with Excel Paving and they were scheduled to complete the paving along Mason Avenue next week; ii) There was a storm sewer problem at Pine Street and Monroe Avenue. The original pipes were not laid properly and the road collapsed. VDOT was coming to repair the problem; iii) The slab had been poured for the new Public Works Maintenance Building. The crew should be here in about 10 days to erect the building; iv) The flag poles have been installed at Central Park. The base on the middle pole still needed to be completed; and v) The contractor was making good progress on the Municipal Building work and should be finished by the end of next week.

G. Code Enforcement:

Code Enforcement Officer Jeb Brady stated that he did not have any additional information to add to his written report.

H. Planning Report:

Town Planner Tom Bonadeo reported that the following: i) The Town was waiting on the Broadband service equipment to arrive and he was working with the Eastern Shore Broadband Authority and Bay Creek Communications on completion of this project. The December 2011 date was the deadline to finalize the grant and could not be extended; and ii) Northampton County proposed some changes to the Enterprise Zone with input from the Town. The map was corrected in a portion of Bayside Village in Bay Creek which originally included a portion of the Palmer Golf Course as well as an old site for the Swim Club. The proposed map was included for Council's review.

OLD BUSINESS:

A. Lease of Town Property:

Bob Panek stated that before getting into the discussion regarding the next agenda item, he wanted to explain that the repaving of the south side of Mason Avenue was a result of the work on the force main and gravity sewer and hopefully, the work would begin next week. Also, in response to Councilman Bennett's question regarding the Capital Project expenditures, he reviewed the report and stated that the Inflow & Infiltration project was a multi-year project which was budgeted over two years. Some of the work was delayed and the expenditures shown on the report should have been expended in last year's budget but was carried forward. There was also an issue with the contractor concerning engineering evaluation of substitute materials and the Town has had to pay the engineer a considerable sum and the contractor would be back-charged for those expenditures.

Bob Panek continued by stating that the Harbor Master Plan included a restaurant on the west end of the West Dock and recently Council held a work session and decided to move forward with a restaurant to be located at the Harbor. An invitation for bids was advertised in the Eastern Shore News, the Virginian Pilot and on the Town's website. One bid, from The Hungry Crab, LLC, was received and opened at a Special Meeting of Council on September 29, 2011. The bid included the following: i) An initial lease term of 10 years with three 10-year options; ii) Base rent of \$500 per month plus .5% of gross revenues for the first three years, beginning June 1, 2012, increasing to 1% of gross revenues for the remaining seven years; and iii) Rent for the 10-year options to be negotiated no later than six months prior to start of the option term. A public hearing was held earlier this evening and several comments were heard. Staff met with Mr. Jon Dempster, who was in attendance this evening representing The Hungry Crab, LLC, and reviewed development requirements in the Harbor District, discussed sharing costs for storm water management and parking and reviewed lease details. Mr. Dempster had submitted a request that the water and sewer connection charges be waived and his request was outlined in the staff report included in the agenda packet. The LLC was still in the process of being formed legally and staff was recommending that Council authorize the Mayor to execute the lease after the formation of the LLC had been finalized. Bob Panek introduced Mr. Jon Dempster.

Mr. Dempster passed a color copy of the proposal for Council review and thanked Council for moving along so quickly as well as everyone who spoke during the public hearing in support of his restaurant proposal. In order for this proposal to work, the restaurant needed to be opened several weeks before Memorial Day weekend. Mr. Dempster continued to state that he knew about restaurants, boats, and the water and he loved seafood. Mr. Dempster discussed his request regarding the waiving of the water and sewer connection charges adding that his investors were putting up a substantial amount of

money to improve Town property. If the restaurant project was not successful, he would have nothing but the Town would have a state-of-the-art facility. Mr. Dempster stated that his investors knew him and believed in him and the Town and asked Council to adopt the ordinance awarding the lease to The Hungry Crab, LLC and authorize the Mayor to execute the lease at a later date. Mr. Dempster concluded by stating that he had received extremely positive feedback and would be filling a void in the Town.

Councilman Bennett asked Mr. Dempster what his estimated cost was to get this project off the ground. Mr. Dempster stated that he was keeping it lean and estimated about \$250K initially. Mr. Dempster added that he would like to raise \$350K but stated that he could add on to the restaurant in the future and that he wanted this to be something that the Town could be proud of.

Bob Panek stated that the Town attorney was preparing the lease documentation which would be executed by the Mayor upon finalization of the LLC. Mayor Sullivan added that she would notify Council prior to execution of the lease documentation.

Motion made by Councilman Veber, seconded by Councilwoman Natali, to accept Mr. Dempster's proposal and award the lease of Town property, at the discretion of the Mayor.

Mayor Sullivan moved for adoption of Ordinance #20111013 - Granting Lease of Town Property and Resolution #20111013A - Waiving Water and Sewer Connection Charges. Ordinance #20111013 and Resolution #20111013A were adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

B. *Northampton County Regional Water Supply Plan*

Bob Panek stated that Council heard a presentation from the Accomack-Northampton Planning District Commission (ANPDC) and was briefed on the draft Water Supply Plan at the September Regular Meeting. The ANPDC had incorporated changes to correct some inconsistencies in the Cape Charles data. A public hearing was held earlier this evening and no comments were heard.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to adopt Resolution #20111013 - Approving the Northampton County Regional Water Supply Plan. Resolution #20111013 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

C. *Cape Charles Zoning Ordinance Modifications - Home Business & Agriculture Definition:*

Tom Bonadeo stated that the Planning Commission reviewed and recommended modifications to the Cape Charles Zoning Ordinance Sections 3.2.C, 3.2.B and 4.0.B regarding streamlining the Home Business approval process and Section 2.9 regarding the definition of "Agriculture." In September, a joint public hearing was held with the Town Council and Planning Commission and no public comment was heard.

Councilman Evans stated that he felt it was a great idea to streamline the process so the majority of the applications for home businesses could be approved administratively.

Motion made by Councilman Sullivan, seconded by Councilman Bennett, to adopt the changes to Sections 3.2.C., 3.2.B., 4.0.B. and 2.9 of the Zoning Ordinance as proposed. The motion was approved by unanimous consent.

NEW BUSINESS:

G. Cape Charles Volunteer Fire Company:

Heather Arcos stated that the Cape Charles Volunteer Fire Company (CCVFC) had requested \$30K to be allocated in the FY 2011-2012 budget to pay for insurance and the annual equipment payment since the CCVFC had a shortfall due to equipment and vehicle repairs. On April 20, 2011, Council held a work session with the CCVFC Board of Directors. The Town had budgeted \$30K in a contingency fund to be approved by the Town Council for disbursement of funds. The payment of the July insurance payment was previously approved by Council. Ms. Hollye Carpenter, Treasurer of the CCVFC, had submitted an invoice and proof of payment for their September insurance payment and was requesting reimbursement of \$5,441 for this payment. Their annual equipment loan payment in the amount of \$14,567 was due December 13, 2011.

Heather Arcos introduced Ms. Hollye Carpenter, Treasurer of the CCVFC.

Ms. Carpenter informed Council that the majority of requested items have been completed. The scheduling of the audit was a challenge but an accountant had been located and the 2010 audit should be completed within 30 days. The CCVFC had scheduled a public meeting on November 6th to give an update to the citizens of Cape Charles. Ms. Carpenter thanked Council for their time and for moving them up on the agenda.

Motion made by Vice Mayor Bannon, seconded by Councilman Veber, to authorize the Town Manager to reimburse the Cape Charles Volunteer Fire Company \$5,441 for their September 2011 insurance payment. The motion was approved by unanimous consent.

A. Re-Appointment of Board of Zoning Appeals Member:

Tom Bonadeo stated that the Board of Zoning Appeals was comprised of five members and heard zoning appeals and reviewed variance and special exception applications. All members were volunteers and appointments were approved by the Northampton County Circuit Court. There was one member, Jay Wiegner, whose term would expire on October 31, 2011 and he had expressed his interest in continuing his service on this Board.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to re-appoint Mr. Jay Wiegner to the Board of Zoning Appeals for another term. The motion was approved by unanimous consent.

B. Appointment of Building Code Board of Appeals Member:

Jeb Brady stated that the Code Enforcement Office was required to maintain a Building Code Board of Appeals for matters that may come up from a contractor or homeowner. The Board was comprised of five members serving five-year terms. The Board members should have a basic knowledge of building regulations. In September, one position, with a term expiration of September 10, 2014, became vacant and Mr. Bruce Brinkley had volunteered to serve on the Board. Mr. Brinkley currently serves as the Chairman of the Town's Planning Commission and had served as Deputy State Fire Marshall for the Commonwealth of Virginia, Fire Protection Engineer for the City of Virginia Beach and was currently the Assistant Building Code Official for the City of Portsmouth. Jeb Brady stated that with Mr. Brinkley's strong background in the construction field and knowledge of the Uniform Building Code, he would be an asset to the Building Code Board of Appeals.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to appoint Mr. Bruce Brinkley to the Building Code Board of Appeals to fill the vacant position. The motion was approved by unanimous consent.

C. *Modifications to Nuisance Ordinance – Schedule Public Hearing:*

Jeb Brady stated that the Council held a work session on September 13th and reviewed the proposed modifications to the Nuisance Ordinance which were intended to clarify the ordinance to address debris. The changes recommended at the September 13th meeting have been incorporated. Before the revised Nuisance Ordinance could be adopted, a public hearing must be held to hear comments regarding the proposed changes.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to schedule a public hearing for November 10, 2011. The motion was approved by unanimous consent.

D. *Waterworks Engineering Services:*

Bob Panek stated that the Town currently had a contract with GHD/Stearns & Wheler for waterworks engineering services but since it was not completed using the Disadvantaged Business Enterprise (DBE) solicitation procedures, the Town was unable to take advantage of the Virginia Department of Health grant program. The Town re-competed the waterworks engineering contract through competitive negotiation procedures and the Request for Proposals (RFP) was advertised in the DBE-focused media and five firms identified through the Virginia Department of Minority Business Enterprise database were directly solicited. On August 22, 2011, five proposals were received and were evaluated and rated based on criteria contained in the RFP. The rating panel consisted of Councilman Bennett, Heather Arcos, Dave Fauber and Bob Panek. The two highest-ranked firms were interviewed. Based on these interviews, GHD was rated as the most highly qualified firm with competitive billing rates.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to award the Waterworks Engineering Services contract to GHD. The motion was approved by unanimous consent.

E. *Central Park Restrooms:*

Bob Panek stated that the Town completed the first phase of the Cape Charles Community Trail and reconstruction of Central Park utilizing funding and other resources provided by TEA-21 grants, the Town of Cape Charles and several community organizations, primarily the Citizens for Central Park (CCP). Additional amenities were needed to enhance utilization of the park; arguably, the most pressing need was for permanent restrooms. Currently, the Town rents a handicap-accessible porta-potty on a yearly basis and budgets \$1,872 for this expense. This was augmented by an additional porta-potty for events such as the Memorial Day and Labor Day weekend community parties. The CCP had proposed to partner with the Town to build permanent restrooms in the southeast corner of Central Park, similar in design to the Plum Street Pump Station in the northeast corner of the park. This location would provide symmetry with the Plum Street Pump Station as well as excellent handicapped accessibility and was convenient to water and sewer. The initial rough estimate for the project was \$60K and would be refined as the project progresses. The CCP made initial contact with the Eastern Shore of Virginia Community Foundation (ESVCF) to explore the opportunity for obtaining a grant for the project. This project seemed to align well with the stated goals and objectives of the ESVCF and the monetary range of grants they have provided in the past. An element of cost sharing strengthens the grant proposal. The CCP proposed application for the ESVCF grant in the amount of \$45K, which would represent 75% of the proposed project cost, with a Town match of \$15K, which would represent 25% of the project cost. The CCP would apply for and manage the grant and cover the cost above \$60K. Realizing that this project was not included in the current fiscal year budget, the Town would need to commit to including it in the budget for the fiscal year beginning July 1, 2012 and the project would only be executed if the grant

was provided. Bob Panek introduced Mr. Hank Mayer from the CCP. Mr. Mayer did the research on the grant and was in attendance to answer any questions.

Mr. Mayer stated that the ESVCF met quarterly and their next meeting was scheduled for January 15, 2012. The CCP would submit a two-page letter to the ESVCF for their review and if okayed, more details regarding the project would be provided to them. If the grant was approved, construction must start within six months of approval. There was a 50/50 probability of getting the grant. If the grant was not approved this time, the CCP could continue to reapply.

There was some discussion regarding the estimated cost of the project and the CCP agreeing to cover any costs over \$60K as well as discussion regarding what would happen if the Council committed to this project now, but during budget discussions for the FY 2012-2013 budget, it was determined that the Town did not have the funds to support this project. Bob Panek stated that if the Town came to the conclusion, during next year's budget discussions, that it could not meet the Town match, the deal would be off.

Mr. Mayer stated that it would be helpful if Council adopted a resolution of support of this project to be included with the letter to the ESVCF. Bob Panek added that the resolution could be reviewed at the November meeting.

Motion made by Councilman Sullivan, seconded by Vice Mayor Bannon, to approve the plan for permanent restrooms at Central Park as recommended by the Citizens for Central Park. The motion was approved by unanimous consent.

F. July 4th Celebration 2012:

Heather Arcos stated that the years prior to 2011, the Town held its July 4th celebration, which included a fireworks display set off by members of the CCVFC, on the 4th. The only costs incurred were the costs of the fireworks. Last year, the Commonwealth of Virginia changed the law requiring certification to set off fireworks and there was no one on the Eastern Shore who was certified. The eligibility requirements for certification were very restrictive which prohibited individuals from becoming certified. In 2011, the Town hired a company to do the fireworks display and held the celebration on Sunday, July 3rd, due to the vast difference in cost between July 3rd and July 4th. In 2012, July 4th falls on a Wednesday and the cost for the fireworks display were \$15K if held on Wednesday, July 4th, and \$7K if held on Sunday, July 1st. The Town had budgeted \$7K for the cost of fireworks in the FY 2011-2012 budget. Each year, the Town asked Northampton County for assistance with the cost of the fireworks display since numerous residents throughout the County came to Cape Charles to see the fireworks, but to date, the County had not been able to share in the expense.

There was much discussion regarding which date to hold the fireworks. Councilman Evans stated that even if there was an \$8K difference in cost, you could not change the date of the holiday. It was better not to have it at all vs. changing the date. Councilman Bennett stated that he was not against holding the fireworks on July 1st, but would also like to see activities held on July 4th. Vice Mayor Bannon agreed that the fireworks could be held on July 1st, but all other activities should be on July 4th. Councilman Veber asked whether it would bring in more visitors if activities were held on both dates and asked the opinion of Ms. Sandy McFall who was a business owner in Town. Ms. McFall stated that she felt it would be a mistake to hold the festivities on any date other than the 4th. Mayor Sullivan asked her to think about it as a taxpayer vs. a business owner since the additional \$8K would come from the taxpayers. Ms. McFall stated that she understood but still felt that everything should be held on July 4th. Heather Arcos added that she had received some feedback from businesses

in Town and they told her that people would be in Town all that week regardless of when the activities were held and that the Town needed to advertise its events early. Vice Mayor Bannon stated that 15-18 years ago, the Cape Charles businesses asked for donations for the fireworks and asked whether the Cape Charles Business Association (CCBA) could help raise the additional funds. Ms. McFall stated that she could not speak for the CCBA but would talk to them about it. Councilman Evans suggested that an advertisement could be placed in the paper asking for donations for the fireworks.

Motion made by Councilman Bennett, seconded by Councilman Evans, to table the issue of the 2012 July 4th Celebration and fireworks display for another date. The motion was approved by unanimous consent.

ANNOUNCEMENTS:

- October 27, 2011 – Town Council Work Session @ 6PM
- October 29, 2011 – Trunk or Treat
- October 31, 2011 – Trick or Treating in Cape Charles until 8PM
- November 10, 2011 – Town Council Regular Meeting @ 6PM
- November 11, 2011 – Town Offices Closed in Observance of Veteran's Day
- November 21, 2011 – Town Council Work Session @ 6PM

Mayor Sullivan stated that she would not be able to attend the November 10th meeting and Vice Mayor Bannon was also scheduled to be out of Town. In the absence of the Mayor and Vice Mayor, Mayor Sullivan named Councilman Evans to officiate the November Regular Meeting.

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

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL

Special Meeting

Town Hall

October 27, 2011

6:00 PM

At 6:00 p.m., Vice Mayor Chris Bannon, having established a quorum, called to order the Special Meeting of Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Sullivan and Veber and Councilwoman Natali. Mayor Sullivan and Councilman Evans were not in attendance. Also present were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

Heather Arcos announced the business for the evening would be as follows: i) Review of the Technology Zone Ordinance; ii) Cape Charles Community Trail 2011 Transportation Enhancement Grant Application; iii) Cape Charles Trail Project Agreement Amendment; and iv) Proclamation for Rosenwald School.

A. Technology Zone

Tom Bonadeo stated that the Technology Zone had been discussed at previous meetings and the documents included in the agenda packet were a review of the ordinance as discussed in the past, an administrative procedure requested at the last work session and a copy of another procedural document from the Town of Kilmarnock.

The areas of previous discussion were as follows: i) The definition of a Qualified Technology Manufacturing Business which stated "as defined in another jurisdiction of the Commonwealth" which meant that the Town could use any definition in any existing technology zone in the state and allowed the most flexibility without writing every definition in our code. This feature was used by other localities in the State; ii) "Marine Installation" could be changed to "Marine Technology Installations" and could be added to the Manufacturing definition by adding "Marine Technology Development;" iii) The requirement to participate was originally listed as 25 new employees and \$1M capital investment. Many localities have a minimum and maximum such as 5 new employees and \$250K to qualify for 25% grant and 25 or more new employees and \$1M or more to qualify for up to 100% grant; iv) A question was posed about the existing tax relief programs. Tom Bonadeo explained the various existing tax relief programs as follows: i) Enterprise Zone was offered by the County and the Federal Government; ii) Real Estate Rehabilitation Tax Relief was available from the County and Town for commercial building rehabilitation and the County only for residential buildings. With this program, the tax assessment would be frozen for 10 years at the pre-rehabilitation amount if the improvements were to increase the value of the property by at least 60%. The Town currently did not offer tax relief for residential but this may be an issue Council might want to look at in the future since there are many residential buildings in Town needing rehabilitation; iii) Historic Rehabilitation Tax Credits was available from the State and Federal Governments for commercial building rehabilitation and from the State only for residential buildings.

Council proceeded to review the proposed ordinance and the administrative flowchart. Councilman Bennett stated that he still felt that 25 people was a lot to require and that potential businesses should be able to hire less employees and still get 100% of the grant. Several areas may be able to do something with 25 or more employees but the majority of areas in Town would not provide enough opportunity, but if the recommended numbers were what were used

by most localities, he was okay with keeping the language as recommended. Tom Bonadeo stated that he had talked to other localities and this concept provided the administrator with flexibility depending on the stability of the company applying for the grant.

Heather Arcos stated that if there were no other changes or concerns, the proposed ordinance would be sent to the attorney for review. Heather Arcos added that she would like to include this item on the November agenda to schedule a public hearing in December.

Tom Bonadeo stated that Councilwoman Natali provided several suggestions to Libby Hume earlier in the day but no substantial changes were made.

B. *Cape Charles Community Trail 2011 Transportation Enhancement Grant Application*

Heather Arcos stated that the Town was applying for additional transportation enhancement funding to complete construction of Phase 1B-North Peach Street and Phase 2-Washington Avenue which were important phases that would help provide much needed, safe pedestrian connections on the north side of the Town to Central Park, the beach and Marina Village. In this application, the Town was requesting \$251,878 with a 20% Town match of \$62,970 which included both cash and in-kind contributions. Heather Arcos stated that this amount included an amount for storm drain repairs in case it was needed. The Town would not know if it was needed until the survey had been completed. Also included were funds for the median on Peach Street as well as a 3% escalation cost.

Tom Bonadeo explained the Cape Charles Community Trail Highlights and Heather Arcos added that Washington Avenue would be basically a long sidewalk with plantings alongside.

Heather Arcos informed Council that, to date, the Town had been awarded \$1.7M since 2003. A letter of support had been received from the Citizens for Central Park to accompany the application and she was expecting several more letters.

Councilman Bennett stated that he would like to see the Trail Plan back on the agenda to review the order of priority after Washington Avenue.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to adopt Resolution #20111027 - Virginia Transportation Enhancement Program Project Endorsement Resolution and authorize staff to file a Transportation Enhancement Grant Application as discussed. Resolution #10111027 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Veber, yes.

C. *Cape Charles Trail Project Agreement Amendment*

Heather Arcos stated that in November 2007, as part of the Phase 2 design and construction, the Town submitted an application for a Transportation Enhancement Program Grant in the amount of \$307,403. In June 2011, the Town was awarded \$307K and the Amendment to Project Development and Administration Agreement (Appendix A) must be executed for the Town to accept the funds.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to authorize the Town Manager to execute the Amendment to Project Development and Administration Agreement (Appendix A). The motion was approved by unanimous consent.

D. *Proclamation for Rosenwald School*

Heather Arcos stated that the Cape Charles Rosenwald School Restoration Initiative (CCRSRI) was holding a ceremony for the unveiling of the historic marker for the Rosenwald School on

Old Cape Charles Road. Tom Bonadeo added that he had spoken to the owner of the property and permission was granted to permit parking on the property for this event.

Heather Arcos continued to state that the CCRSRI requested Council adopt a Proclamation commemorating this event and a letter be written by the Mayor to be placed in the souvenir brochure for the event. The Town had also purchased a full-page advertisement in the brochure. Copies of the letter and advertisement were distributed along with a revised proclamation. Heather Arcos added that Councilman Bennett had concerns regarding the reference to Jim Crow segregation so the language was revised. Councilman Bennett stated that he felt the era of Jim Crow segregation held a negative connotation and preferred not to have it referenced in the Proclamation.

Heather Arcos stated that the unveiling ceremony was scheduled for November 19th at 11:00 AM and Vice Mayor Bannon would be acting on behalf of Mayor Sullivan. Official invitations would also be mailed to the Council members.

Motion made by Councilman Sullivan, seconded by Councilman Bennett, to adopt Proclamation #20111027 – Cape Charles Rosenwald School. The motion was unanimously approved. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Veber, yes.

Vice Mayor Bannon informed Council of a challenge from a benefactor of the Cape Charles Memorial Library. The benefactor pledged \$8K for the Library if the Town Council, Town of Cape Charles, Library Board, etc. could raise at least \$8K towards the future home and plans of the Library.

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

Vice Mayor Bannon

Town Clerk

Town Manager Report
Highlights
October 14, 2011 – November 3, 2011

Harbor Development Update

- Bath House Project:
 - On 10/18, proposals were received from the 5 pre-qualified firms. The proposals were reviewed and the 5 firms have been interviewed in regards to their proposals. The final proposals were reviewed again for technical and costs based on criteria which was outlined in the RFP. The Bathhouse project will be on the November 10th Council Agenda.
 - The Harbor Area Review Board reviewed the proposals on October 25th and some good ideas were received.
- Restaurant:
 - At their October 13th meeting, Town Council approved by resolution the execution of the lease by the Mayor to The Hungry Crab LLC for a restaurant, pending receipt of necessary documentation.
 - We are very excited to see the projects in our Harbor Master Plan come to fruition.

Tall Ship Initiative / OpSail 2012

- Cape Charles has been named an affiliate port for OpSail 2012 Virginia.
- The schooner Spirit of Massachusetts visited our Town Harbor. The schooner was welcomed by our Business Association with a taste of oysters & goodies from our businesses. The Capt. and Crew had a great time visiting the Wildlife Refuge and kayaking. The Capt. is planning another visit this spring and fall. Great Job ESVAF, CCBA and to our community for your hospitality.
- ESVA Festivals, Inc.'s Tall Ships/OpSail initiative is underway and committees are being formed to handle the festivities in our community during OpSail June 1-12. We need and welcome your participation. Please contact our executive director, Captain Dave Steward at captdave46@yahoo.com.

Municipal Building Masonry Work

- The masonry work around the windows of the Municipal Building has been completed.

Public Works Maintenance Building

- The Public Works building is being assembled with completion estimated to be before Thanksgiving.

Cape Charles Christian School

- The Cape Charles Christian School Leaf Clean-Up is scheduled for Saturday, November 12th.

Central Park

- The fountain repairs and tree replacement are scheduled to be completed by the end of the month.
- The irrigation system is scheduled to be winterized on 11/15.
- Testing of a BMP in the park is scheduled for next week.

Planning Expansion of Library

- Staff continues to research locations and options; such as the old Meatland to plan the future Library Expansion.
- A benefactor has pledged \$8K to the Library if the Town, Friends of the Library, etc. can raise at least another \$8K in matching funds.
- If you are interested in donating towards the future expansion of the Library, please contact the Friends of the Library.

- Heather met with a representative from the Cape Charles Christian School regarding an operational plan to utilize the computers for training purposes, once Broadband service is connected, while being housed temporarily in the school. The computer lab would be available for training purposes in the evenings with a possible time slot during the day. Preregistration for classes would be required.
- The Library is conducting a survey of patrons to see what types of computer and internet classes they would like.
- Volunteers are needed to teach classes. Please contact Ann Rutledge in the Library if interested.

Broadband Project

- This project is coming to a close.
- The Town is hopeful that the fiber will be connected by the end of 2011.

Technology Zone

- The draft ordinance is being reviewed by legal counsel. Information from legal counsel will be forwarded for Council review upon receipt.

HUB Zone

- As of 10/1, Accomack and Northampton Counties were removed from the HUB Zone list. Northampton County is working with the Accomack-Northampton Planning District Commission to ensure that Housing and Urban Development has the latest census data to re-evaluate this decision. The County anticipates a resolution to this issue soon.

Topics for Upcoming Work Sessions:

- Town Code Modifications:
 - Animal Ordinance
 - Sanitation Ordinance
- Budget Work Sessions will begin January 2012
- Personnel Policy Review by Section

MUNICIPAL CORPORATION OF CAPE CHARLES
CASH POSITION
OCTOBER 31, 2011

Cash on Hand	9/30/2011	10/31/2011
Bank of America Checking	359,373	222,309
Local Government Investment & Restricted Funds	<u>895,478</u>	<u>1,143,364</u>
Total Cash On Hand	<u>1,254,851</u>	<u>1,365,673</u>

TREASURER'S REPORT						
OCTOBER 31, 2011						
MONTHLY REPORT						
FUND	MONTHLY PRORATED ADOPTED BUDGET *	CURRENT MONTH REVENUES/ EXPENDITURES	% REALIZED/ EXPENDED	ANNUAL ADOPTED BUDGET	YEAR TO DATE	% REALIZED/ EXPENDED
GENERAL						
REVENUES (Note 1)	172,691	99,698	57.73%	2,072,290	318,365	15.36%
EXPENDED	172,691	177,186	102.60%	2,072,290	902,044	43.53%
PUBLIC UTILITIES						
REVENUES (Note 2)	678,968	95,402	14.05%	8,147,616	1,414,910	17.37%
EXPENDED	678,968	138,988	20.47%	8,147,616	2,474,439	30.37%
HARBOR						
REVENUES	111,395	43,258	38.83%	1,336,737	357,596	26.75%
EXPENDED	111,395	44,357	39.82%	1,336,737	471,504	35.27%
SANITATION						
REVENUES (Note 2)	15,592	15,350	98.45%	187,100	63,348	33.86%
EXPENDED	15,592	13,161	84.41%	187,100	52,870	28.26%
Points of Information						
1. Utility revenues are recorded as collected. Therefore October utility charges of \$94,664 and sanitation charges of \$15,658 are not included above.						
* Monthly budget amounts equal annual budget divided by 12.						

MUNICIPAL CORPORATION OF CAPE CHARLES
NOTES TO FINANCIAL REPORT
OCTOBER 31, 2011

1. The expenditures for October include the following invoices that were paid in November:

Bagwell Oil	32,319
Branscome of the Eastern Shore	519
Davis Disposal	12,613
Eastern Shore Office Machine	1,175
G & K Services	437
Hills' Electric Service	3,012
Micor Enterprises, Inc.	4,800
MSC Waterworks Company	892
Univar	596
VRS Life & Retirement	10,506
Watson's Hardware	763
Small Miscellaneous invoices	2,859
	<u>70,491</u>

2. The 2011 real estate tax bills were mailed in early October. Payments have been slow over the last 3 weeks in payment of them. I have received more inquiries so far this tax season about the assessed values of the properties than in prior years. Personal property tax bills for 2011 are also out but too recently to have a basis for payment expectations.

Recreation Department November Council Report

1. Committee Updates:

- a. The 19th Annual Birding and Wildlife Festival took place on October 7-9, 2011. It was a great weekend for birders with complete cooperation from Mother Nature. The committee has not met since the event so the final numbers are not available for attendance at this time. The next meeting to recap the 19th Annual festival and to start planning for the 20th Annual festival will take place November 8, 2011 at 1:00 p.m. at the Bay Creek Realty office.
- b. The New Roots Youth Garden met on October 31, 2011. Currently two beds have fall plantings. There has been one work day that was attended by seven youth. The next work day will be Thursday, November 3, 2011 at 4:00 p.m. The shed is almost near completion. The committee is currently picking out the color scheme. Sean Ingram donated time from his business to finish the roof. The next phase will be an overhang that kids can work under in inclement weather. The committee members are currently selling pumpkin and pecan pies for the Holidays. See any committee member to order you pie. The next meeting will be held November 28, 2011 at 9:00 at the Town office.

2. Holiday Events:

- a. Trunk or treating proved to be quite a challenge this year. The weather turned cold and rainy the day before and the day of so all activities were moved to the firehouse. Even with the last minute change of events there were more children than the past two years. The Christian School had Pumpkin Chunkin. They postponed their Pumpkin Run until November 5. Smitty and Kendall represented the Town of Cape Charles dressed as pirates and passing out candy. The highlight again this year was the piñata that seemed to last forever. Next year's trunk or treat is scheduled for October 27 and already has a few surprises planned.

3. Upcoming Events

- November 6, 2011 Fire Safety for Kids and Auxiliary Recruitment at 3:00 p.m.
- November 15, 2011 Holiday Sweets at Heritage Acres at 1:00 p.m.
- December 2, 2011 Progressive Dinner
- December 3, 2011 Grand Illumination
- December 3, 2011 Santa Train arrives in Cape Charles at 9:00 a.m.
- December 6, 2011 Mega Bingo at Heritage Acres
- December 9-11, 2011 Santa's Workshop at Cape Charles Christian School
- December 10, 2011 Tool Mania

Cape Charles Memorial Library
October 2011
Monthly Report Presented by Ann Rutledge

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 41 children and caregivers attended this month. A total of 42 people attended the **Arts and Crafts** programs at the library presented by Jen Lewis.
2. The **Friends of the Library** held a Used Book Sale on Saturday, October 8 at the library.
3. The Library Board and Friends of the Library met on October 12 at the library.
4. On October 28, at 5:00 the library showed the children's movie **Hocus Pocus** for Halloween. On October 31 the **Friends of the Library** give out candy to 150 trick or treaters at the Library.
5. The library held a raffle for four Halloween book bags, filled with books for children and participated in **Trunk or Treat**.
6. The displays for the month of October featured Halloween books for children and horror and scary books for adults.
7. For additional information about Library programs and library related information check out the Cape Charles Memorial Library's **Facebook** page!

Harbor Report

October, 2011.

Maintenance

1. Replaced all broken pile caps.
2. Began winterizing harbor office.
3. Continued re-screwing rubber pile bumpers (Inner Harbor)
4. Re- Organized shed/workshop
5. Removed all old light poles on the west dock.
6. Removed all feather flags for the winter.

Upcoming, Scheduled Maintenance

1. Change Fuel Filters on Fuel System.
2. Replace water valves on CG Dock
3. Prepare for winterizing harbor.

Capital Projects:

1. Interview the 5 contractors for the bathhouse project.
2. Met with Jon Dempster (Hungary Crab LLC) for layouts of the land.
3. Received the base design for the Bio-Retention beds from Langley & McDonald, should have the final in the next week so we can began construction.
4. Received quotes for the Bio-Retention beds materials.
5. Received quotes for the walkway and rail Materials
6. Receiving quote for electrical services.
7. Received a quote for Clam shell parking service.
8. Met with L&M and Somerset to discuss unresolved issues concerning the slip contract.

Other:

1. Harbor Hours are -- (8am to 4:30pm) 7 days a week.
2. Follow us on Face Book (**Cape Charles Town Harbor**) Over 300 fans
3. Meeting with the OpSail 2012 Steering committee, the event is progressing nicely.

Incidents:

0

Notes:

5th Annual Blessing of the Fleet, Begins on April 13th, 2012 @ 5:30 pm.

OPSAIL 2012 - Visit Tall Ships at the harbor in June – More details to come.

Harbor Report October, 2011.

Business:

Average docking per day/night by category:

<u>Rentals</u>	<u>October</u>	<u>September</u>	<u>11/12</u>	<u>10/11</u>
1. Nightly:	3.4	3.6	4.2	1.6
2. Weekly:	2.5	3.9	5.3	7.0
3. Monthly:	1.0	0.0	0.8	8.0
4. Quarterly:	0.0	1.0	1.2	0.1
5. Seasonal:	12.0	13.0	12.5	7.1
6. Annual:	48.0	40.0	46.5	32.8
7. Total Rentals,	66.9	61.5	70.5	57.8

Wharf Fees by Pounds:

	<u>October</u>	<u>September</u>	<u>11/12</u>	<u>10/11</u>
1. Crabs:	0	0	244,620	1,419,795
2. Fish:	6,500	124,700	203,438	534,616
3. Conchs:	400	0	400	90,317.5
4. Horse Shoes:	0	0	5,296	7,960
5. Gravel:	0	0	0	1,000,000
6. Clams	0	0	0	18,000
7. Oysters	0	0	0	12,000
8. Conch Pots	0	0	0	14,000
9. Crab Pots	0	0	0	121,920
10. Lg. Trap Piles	0	0	0	0
11. Sm. Trap Piles	0	0	0	21,280
12. Total Pounds:	6,900	124,700	453,754	3,239,888.5

<u>Waiting List:</u>	<u>9/30</u>	<u>Registered</u>	<u>Removed</u>	<u>10/31</u>
1. 60ft Slips:	2	0	0	2
2. 50ft Slips:	2	0	0	2
3. 45ft Slips:	7	1	0	8
4. 36ft Slips:	6	0	0	6
5. 30ft Slips:	19	0	0	19
6. 24ft Slips:	20	0	0	20
7. 20ft Slips:	10	0	0	10
Total	66	1	0	67

William Smith Dize Jr.
Harbor Master
November 1, 2011

PUBLIC WORKS

October 2011

Dump Fees

- **Oyster Landfill:** 14 trips, \$444.78, 7 Tons
- **Sludge-** None
- **Work Orders Completed:** 16
- **Work Orders Open:** 10

Staff Report

Completed Projects

- Prepared for Octoberfest and CB's Bike Race.
- Installed "Dogwood" spandrel trim on Beach Gazebo.
- Repair work to Municipal Building window lintels is complete.
- Helped with meter reads.

In Progress

- The new Public Works Maintenance Building is being erected.

Upcoming Projects

- Mulching in Central Park

Special Events

PUBLIC UTILITIES

October 2011

Work Orders Completed

- Miss Utility Tickets: 16

Staff Report

Completed Projects

- Rerouted water main at Pine and Monroe to pass under storm drain rather than through it. Issue came to light after road collapsed in that area.
- Painted walls in chemical room at the water treatment plant.
- Repaired roof of water treatment plant.
- Major repairs were required to the dehumidifier at the water plant.
- Reinstalled 2 pumps at the WWTP yard drainage sump pit, one new, one repaired.

New WWTP

- The Operations Building Ceiling grid is 50% complete. Lighting installation is 50% complete. The windows are 100% installed. Electrical conduit and boxes are being roughed in at the lab. Painting to be completed this month. Shelving and countertops are 75% complete. Flooring is 35% complete. Louvers are 85% installed. Tile has been installed and is 80% complete. Sidewalks have been poured. Fire alarm system has been installed and is 80% complete. Telephone service has been installed. Site grading has begun around building.
- The Headwork's hoist crane has been tested. Process piping is 50% insulated. Duct work is 85% complete. Louvers 90% complete. Lighting is 75% complete. Piping is being painted. Ceiling has been painted. Sampler has been delivered and will be installed this month. Flow channels and stop gates are being cleaned. Gas detectors are installed and functioning. Sidewalks to be completed this month.
- The Reactor Tank process air piping in the reactors have been tested. Piping has been heat traced and insulated. Wire pulling is complete. Leak testing is 99% complete. Tank lighting is installed. Framing for blower canopy has been installed and painted, with roofing to follow this month. Butterfly valves have been installed and wired. Chemical feed piping is 90% complete.
- Membrane Tank roofing 95% complete. Process piping is 25% insulated. Seven day membrane system reliability testing has begun.
- The Process Building roof erection is 95% complete and will continue thru November. Fire suppression system is 99% installed. The louvers are 90% installed. Ductwork is 85% complete. Chemical room piping is 80% complete. Fourteen day clean water testing to begin this month. Sidewalks are currently being installed. Chemical totes have been delivered.

- The UV Structure currently is 100% operational. Sidewalks to be completed this month.
- The Waste Sludge tank air blowers have been tested and training completed. The stainless steel diffusers have been tested. Pipe supports have been installed. Piping insulation and heat tracing to begin this month. Sidewalks to be completed this month.
- Solids Process Building Sludge pumps have been heat traced and tested. Concrete pipe supports are being installed. Pipe insulation is currently 25% complete. Louvers are 90% installed. Dumpster has been delivered. Forklift has been delivered. Sidewalks to be completed this month.
- Reactor Distribution Box 100% operational.
- Carbon storage tank chemical fill station is 50% installed. Chemical feed piping and pumps to be tested this month.
- Black topping of Bayshore Road is complete. Concrete section of roadway to be completed this month.
- Site work has begun, with backfilling around the Operations, Headwork's, Reactors, Solids, and Waste Sludge Holding Tank Buildings. Rain gardens have had some excavation work completed. Main road has been graded and back filled with stone base. More to continue this month.
- Scada system is currently being installed and tested.
- More testing and training is scheduled for this month.
- 90 day solids train reliability testing to begin next month-(Plan stat up)

Mason Ave Force Main

- 98 percent of force main piping has been installed and tested.
- Mason Avenue black top pavement milling and final top coat installation completed .
- Pump station repairs have begun. To be completed this month.
- Bypass pumping ongoing.

In Progress

- Awaiting response from DEQ for our Ground Water withdrawal permit. (Month 44)
- Collecting flow data looking for sources of inflow and infiltration in the Plum Street Pump Station Basin sewer mains. Current flow meter location is the corner of Randolph and Nectarine.
- Conducting our annual review of the Environmental Laboratory Quality Assurance Manual for the Virginia Division of Consolidated Lab Services.
- Replacing 50 Water Meters in Town.
- Replacing conduit and wiring to chemical feed pumps in the water plant.

Upcoming Projects

- Draw down and yield testing on Keck Wells for DEQ.
- PER for connection to Keck Wells.
- Closed circuit TV inspection of sewer lines.

Code Enforcement
Month of October FY 2012

Building Permits Issued/Permit Fees Collected:

Permits this month: 17	
Permits this year: 313	Total permits last year: 200
Total construction this month: \$500,583	
Total construction this year: \$7,628,885	Total construction last fiscal year: \$3,967,519
Permit fees this month: \$4,197.66	
Total permit fees this fiscal year: \$120,927.94	Total permit fees last fiscal year: \$63,902.48
Bay Creek Water/Sewer Tap fees: \$0	
The Colony/Sewer Water Tap fees: \$0	
Marina Village/Marina Village East Sewer/Water Tap fees: \$0	
Bayside Village Sewer/Water Tap fees: \$0	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$52,350	Total Tap fees last fiscal year: \$20,000
Fire Dept. levy this month: \$365.87	
Total Fire Dept. levies this year: \$5,606.47	Total Fire Dept. levies last fiscal year: \$3,282.54
State levy this month: \$73.17	
Total state levies this year: \$1,122.29	Total state levies last fiscal year: \$664.67
Miscellaneous Revenue: None	

Existing Structures Code Enforcement Cases:

Total Cases: 26	
New this month: 0	
Closed this month: 0	
Rental Inspections: 0	
Rental C.O.'s Issued: 0	
Rental Inspection fees collected: \$0	
Grass cutting enforcement: 0	
Grass cutting: 6	
Enforcement fees charged this month: \$1,100	
Enforcement fees charged this year: \$10,659.56	Fees charged last fiscal year: \$7,351.98
Enforcement fees collected: \$0	
Enforcement fees collected this year: \$2,164.12	Fees collected last fiscal year: \$2,768.58

Annual Fire Inspections (updated) (Completed)

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

Annual Fire Reports (updated)

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

Month of October FY12

Central Park Trail (T-21 Grant) (updated)

Hours spent working on project this month: 6

Key Notes:

- Finalizing contract with Excel
- Contracting with Forsythe to fix fountain pool issues
- Scheduling with contractor to replace warranty trees.
- Irrigation system is scheduled to be winterized on November 15.

Other items of note:

1. Completed 66 inspections
2. Conducted 2 zoning clearances
3. Completed 0 courtesy residential inspections
4. Conducted 0 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Made site inspections throughout the month on the New Waste Water Treatment Plant Project.
10. Continued work on a nuisance ordinance update to incorporate piling of trash, garbage, materials, etc of an unnecessary quantity as a violation.
11. Working on Harbor Bath house project.
12. Reviewed preliminary site plan for Bath house project.
13. Worked on Town's chapter of Eastern Shore Hazard Mitigation Plan.
14. Sent two **final** notices of violations out on structures that are in uninhabitable condition. These owners have 15 days to comply or legal action will be sought.
15. Met with all five companies that have proposed design build bath houses last week. The committee is in the process of scoring each one on criteria that was laid out in the RFP.
16. Created a mass mailer for all citizens of the Historic District containing information on Lead Based Paint regulations. It also included a flyer that explains items on obtaining permits and hiring contractors. These have been carried door to door and hung on front porches in bags.
17. Put information on The Code Enforcement Website Regarding Lead Based Paint Regulations. This information is critical for homeowners with homes built prior to 1978 and also contractors that may be performing work on these homes.
18. Completed FOIA request for all building permits issued in the calendar year 2011.

Permit/Construction Fee Report Oct-11

Address	Type	Permit #	Date	Work Description	Permit Fee	Value
500 Bayshore Road	Fire Supp.	PF110003	10/31/2011	MONITORED FIRE ALARM	\$0.00	\$81,000
600 Bayshore Road	Building	PB110077	10/14/2011	NEW MONOPOLE TOWER	\$2,312.97	\$199,015
110 Churchill Downs	Building	PB110081	10/25/2011	CLOSING IN SCREENED PORCH	\$56.00	\$2,500
312 Jefferson Avenue	Electrical	PE110054	10/14/2011	RE-WIRING HOUSE	\$56.00	\$1,000
29 Kings Bay Drive	Plumbing	PP110031	10/20/2011	PERMIT TO FINISH WORK TO OBTAIN C.O.	\$59.92	\$3,200
29 Kings Bay Drive	Electrical	PE110055	10/20/2011	PERMIT TO FINISH WORK TO OBTAIN C.O.	\$59.92	\$3,200
102 Madison Avenue	Building	PB110080	10/31/2011	360 SQ. FT. ADD. AND ALTERATION	\$498.40	\$74,000
104 Madison Avenue	Electrical	PE110052	10/4/2011	NEW SERVICE UPGRADE	\$56.00	\$2,000
104 Madison Avenue	Plumbing	PP110030	10/6/2011	RELOCATING KITCHEN SINK & WASHER	\$56.00	\$2,000
506 Monroe Avenue	Building	PB110079	10/21/2011	23X23 ACCESSORY BUILDING	\$308.00	\$40,000
623 Monroe Avenue	Building	PB110082	10/27/2011	TEAR OFF/REROOF	\$247.28	\$11,300
420 Plum Street	Mechanical	PM110035	10/31/2011	1 NEW AIR TO AIR HEAT PUMP	\$76.13	\$6,093
710 Randolph Avenue	Building	PB110076	10/12/2011	2400 SQ. FT. MAINTENANCE SHED	\$0.00	\$40,000
6 Tazewell Avenue	Building	PB110078	10/19/2011	RECONSTRUCT PORCH FOUNDATION	\$196.00	\$20,000
206 Tazewell Avenue	Electrical	PE110053	10/11/2011	UPGRADING PANEL	\$56.00	\$1,875
541 Tazewell Avenue	Elevator	PEL11000	10/21/2011	WHEEL CHAIR LIFT	\$91.84	\$8,900
545 Tazewell Avenue	Mechanical	PM110034	10/14/2011	1 AIR TO AIR HEAT PUMP	\$67.20	\$4,500

Totals \$4,197.66 \$500,583

Revenue Totals by Category/Items

From: 10/01/2011 to: 10/31/2011

Miscellaneous

After fact permit Admin fee	1	\$100.00
Fire Dept Fee	16	\$365.87
Miscellaneous totals	17	\$465.87

Residential

Valuation Res \$2.5K - \$10K	1	\$53.50
Residential totals	1	\$53.50

State Tax

STATE TAX	15	\$73.17
State Tax totals	15	\$73.17

Valuation

comm > \$10k	1	\$2,065.15
Valuation Res \$0 - \$2.5K	1	\$50.00
Valuation Res \$0-\$2.5K	4	\$200.00
Valuation Res \$2.5K - 10K	3	\$209.97
Valuation Res \$2.5K-\$10K	1	\$53.50
Valuation Res > \$10K	4	\$1,026.50
Valuation totals	14	\$3,605.12

Grand Totals	47	\$4,197.66
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MONTHLY INSPECTION TOTALS

	COURTESY	10/17/2011
	Rough-In	10/17/2011
	CUT-IN	10/17/2011
	Framing	10/17/2011
	Framing	10/17/2011
	Final	10/17/2011

Total 13

David Fauber

Final	10/18/2011
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Total 1

Jeb Brady

Final	10/18/2011
Final	10/18/2011
Final	10/18/2011
Final	10/19/2011
Final	10/19/2011
Final	10/19/2011
CUT-IN	10/20/2011
CUT-IN	10/20/2011
Framing	10/24/2011
Porch Box	10/26/2011
Sheathing	10/27/2011
Final	10/27/2011
Final	10/27/2011
Final	10/27/2011
Footing	10/31/2011
Initial	10/31/2011
CUT-IN	10/31/2011
Footing	10/31/2011

Total 18

MONTHLY INSPECTION TOTALS

Grand Total

66

InsDateCompleted Range from
10/01/2011 to 10/31/2011

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: November 10, 2011
Subject: Report for Planning Department

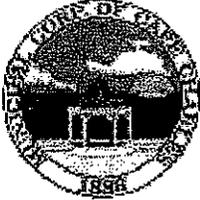
Planning Commission Meeting–November 1

1. The Planning Commission held its regular monthly meeting Tuesday November 1.
2. The Planning Commissioners worked on the Sign Ordinance. Using the International Zoning Code Sign Ordinance as a starting point the Commissioners marked up the definitions section of the ordinance. Also reviewed were differenced from the current ordinance. Next month another section of the ordinance will be marked up.
3. The Commission also worked on Section 8 of the Zoning Ordinance dealing with the demolition of structures in the Historic District. Staff requires more detailed documentation than the ordinance Section 8.22. The Commission may recommend minor changes to the ordinance so that Council can be assured the only the unsafe buildings are dealt with and that the post demolition plans improve the area.
4. The Commission started a review of the Harbor District Zone specifically related to the Mason Avenue Mixed Use area. The review centered on density for conditional uses in both the Harbor District and Commercial area. This is an area of the zoning ordinance that is not defined by numbers. The commission will continue to refine density numbers and make a recommendation to Council in the future. Density includes the number of dwelling units per acre, the square footage of those units, parking requirements and the open space required.
5. The Planner is working on:
 - a. The Design-Build Project for the Harbor Bathhouse. The proposals have been received and are being scored as of this writing. Updates to the original proposals have been received also. Cost proposals will be opened at 10:00am followed by final scoring.
 - b. Zoning compliance reviews and enforcements.
 - c. VDEM (Virginia Department of Emergency Management) has reviewed the Draft of the Hazard Mitigation Plan and approved of it. Final draft is in the works.
 - d. Met with FEMA and VDEM on damages from Irene for the second time. We expect to have the "beach specialist" in next week.
6. Broadband is in the final stages and experimental services are being installed in Onancock and Parksley. We expect to have a proposal to test wireless service here as well. Bay Creek is using the network to provide service to its customers. We have had two new companies planning to locate in Cape Charles and the broadband capacity was high on their list of requirements.
7. The changes to the Enterprise Zone will allow our newest B&B to take advantage of the program. This will provide cash to offset some of the capital investment in remodeling the home. This is great for the home owner and the Town.

Historic District Review Board Meeting – October 18

The Board did meet this month and reviewed two applications. The first application was the garage addition on Monroe Avenue that was tabled last month. The applicant satisfactorily answered the Board's concerns about the unfinished projects. This garage project was approved and the work has begun.

The second project approved was a rear addition to 102 Madison Avenue. This type of activity is good to see in light of the current economy.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Police Department		AGENDA DATE NOVEMBER 10, 2011
	SUBJECT/PROPOSAL/REQUEST: OCTOBER 2011 Monthly Law Enforcement Statistic		ITEM NUMBER
	ATTACHMENTS: None		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Charles Brown Chief of Police	REVIEWED BY: Heather Arcos Town Manager	

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

Calls for Service in Cape Charles: 45

Calls for Service Outside of Cape Charles: 20

10-13 Calls 02

(A) By Dispatch: 64

(B) By Phone via Officer/Trooper: 00

(C) In Person 01

Felony Arrests: 00

Misdemeanor Arrests: 04

DUI Arrests: 01

Traffic Summons Issued: 14

Traffic Warnings Issued: 07

Parking Tickets Issued: 02

Assisted Northampton County Sheriff's Office: 18

Assisted Virginia State Police: 00

Assisted Other Local Police: 01

Assisted Other Federal Agencies

Assisted Fire & Rescue: 06

Assisted VDOT:

Hours of Training Received & What Type? FIREARMS INSTRUCTOR
CERTIFICATION 35 HOURS



TOWN OF
CAPE CHARLES

AGENDA TITLE: Wastewater Treatment Plant (WWTP) Status

AGENDA DATE:
November 10, 2011

SUBJECT/PROPOSAL/REQUEST: Update on construction.

ITEM NUMBER:
6A

ATTACHMENTS: None.

FOR COUNCIL:
Action ()
Information (X)

STAFF CONTACT (s):
Bob Panek

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Town awarded a \$14.7M contract for construction of the new WWTP to W.M. Schlosser Company in September 2009. Three change orders have been executed: \$164K for over-excavation of unsuitable material; \$177K for modifications to enable effluent reuse; \$34K for miscellaneous items. These change orders bring the contract value to \$15.1M. The total project is estimated at \$19.2M, including design, engineering, construction management and inspection. We are funding the project as follows:

1. \$6.0M - Virginia Clean Water Revolving Loan Fund (VCWRLF) principal forgiveness loan (equivalent of a grant), underwritten by the American Recovery and Reinvestment Act (ARRA) of 2009 (Federal stimulus).
2. \$8.0M - Water Quality Improvement Fund (WQIF) grant.
3. \$5.2M - VCWRLF zero-interest loan.

DISCUSSION:

As of the October 2011 progress meeting, construction is 122 days behind schedule. We are about 93% into the length of the contract. Details of construction progress are contained in the Public Utilities report. Clean water testing of the membrane filtration system has been completed and clean water testing of the complete system has begun. Wastewater treatment is scheduled to begin the week of November 21. We plan to gradually switch over flow from the old plant as reliability is proved out. The Department of Environmental Quality (DEQ) is completing review of the Preliminary Engineering Report for decommissioning the old plant. Following approval, contract bid documentation will be prepared.

We have had one introductory fraud prevention visit from the U.S. Environmental Protection Agency (EPA) Inspector General's office, and ARRA compliance inspections by both the DEQ and the EPA. We are continuing to enforce the requirements of the ARRA.

We have had eight interim project evaluations by DEQ. No significant issues have been raised.

Several wage determinations have been requested from the U.S. Department of Labor under the Davis - Bacon Act and have been approved.

About \$12.3M has been billed to date, all of which has been reimbursed from WQIF and VCWRLF. This is about 82% of the contract value. An additional invoice of approximately \$800K is in process. An additional change order of about \$14K for miscellaneous items is also in process.

RECOMMENDATION:

Provided for information only.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Public Service Authority (PSA) & Regional Wastewater System.		AGENDA DATE: November 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Provide an update on the PSA and potential regional wastewater system.		ITEM NUMBER: 6B
	ATTACHMENTS: None		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

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

DISCUSSION:

The revision of the Southern Node (Cape Charles & Cheriton) Preliminary Engineering Report (PER) is currently on hold. The PSA has surveyed about 300 residential and commercial properties outside the boundaries of Cheriton and held an additional community meeting to gauge interest before finalizing the service area. The consulting engineering firm has recently completed an analysis that indicates that the grant/loan ratio would be more favorable if the initial service area was confined to Cheriton. The PSA Chairman will be meeting with the Cheriton Town Council this month. The PSA will then provide a recommendation to the Board of Supervisors. After the service area is finalized and the PER revised, the PSA will apply to both state and federal agencies for financial assistance.

The PER for the first phase of the Northern Node, Exmore and the Nassawadox medical community, has been completed. This project will cost about \$11.3 million. The PSA's FY 2012 financial assistance application has been preliminarily approved by the Department of Environmental Quality (DEQ) for loan financing. The State Water Control Board will consider final approval at their December meeting.

Both projects are dependent upon significant amounts of grant funding to yield affordable rates. It is also planned to apply to both USDA Rural Development and the Virginia Department of Housing and Community Development for grant/loan packages. Additionally, the PSA has continued discussions with several private entities concerning capital contributions.

The PSA Board is still three members short (three of the six county appointees).

RECOMMENDATION:

Provided for information only.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Central Park Restrooms		AGENDA DATE: November 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Adopt Resolution in support of grant application to build permanent restrooms in Central Park.		ITEM NUMBER: 6C
	ATTACHMENTS: 1. Preliminary Grant Proposal 2. Proposed Resolution		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Council approved a plan for the Town to partner with Citizens for Central Park (CCP) to build permanent restrooms in Central Park. The building would be similar in design to the Plum Street Pump Station in the northeast corner of the park, and would be located in the southeast corner for symmetry. The initial rough estimate for the project is \$60,000.

The project would be funded as follows:

- 75%, or \$45,000, Eastern Shore of Virginia Community Foundation (ESVCF) grant.
- 25%, or \$15,000, Town match to be budgeted for the fiscal year beginning July 1, 2012.
- CCP to apply for and manage the grant, and to cover cost above \$60,000.

DISCUSSION:

CCP has submitted the preliminary grant proposal, attachment 1, to ESVCF for review. If the project passes preliminary review, the full grant proposal will go to the ESVCF board for consideration in January. This will require a Resolution expressing the Council's support of the project and commitment to the Town share of the funding.

The proposed Resolution is at attachment 2.

RECOMMENDATION:

Staff requests a roll call vote on the proposed Resolution.

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

October 31, 2011

Mr. David M. Parker
Executive Director
Eastern Shore of Virginia Community Foundation
P.O. Box 205
Onley, Virginia 23418-0205

Re: Capital Grant Application

Dear Mr. Parker,

I am enclosing a two-page preliminary request for a \$45,000 capital grant that would go toward the cost of providing permanent handicap accessible and child friendly restrooms at Cape Charles Central Park, to better serve children, their families and visitors to Cape Charles wanting to enjoy the playground and park throughout the year. We would very much like to meet with you, your staff and Board Directors to show what has been built through strong community partnerships over the past twelve years, and to discuss how the Foundation's investment would further improve quality of life for many within Cape Charles and the larger Northampton County community.

I am also enclosing a copy of our most recent IRS Form 990 electronic and proof of submission.

Please let us know how we can assist in your review and decision process.

Sincerely,

/S/

Robert Panek
Chairman

Supporting Increased Community Use of the Cape Charles Central Park

The Cape Charles Central Park has evolved over the past twelve years from an unused school football and baseball field surrounded by a chain link fence, to the vibrant park that William Scott intended it to be when he laid out the Town of Cape Charles in 1883. This change was initiated by a group of interested residents who went on to form Citizens for Central Park ("Citizens") and the support that they received from the Town's leadership. Donations, grants and municipal funds have gone to build a children's playground, a pergola and a gazebo, install flag poles and landscape the five acre grounds. Federal grants and matching municipal funds were used to build the first phase of the Cape Charles Community Trail in the Park. But with this success has come a need to provide permanent handicap accessible and child friendly restrooms that are available throughout the year, versus the portable toilets that are currently only brought in for special events. The Citizens are requesting a grant of \$45,000 toward the estimated \$60,000 cost of this construction.

Central Park History

In 1883, William Scott bought the land that would become Cape Charles and commissioned civil engineers, Bauman and Kyle, to draw a plan for the railroad, his home, and the town that included a five acre Central Park. Over the next twenty years, homes, schools, and businesses developed along the town streets, but the envisioned park never really took form. In 1911, the town purchased seven lots on Park Avenue for the new Cape Charles High School, and the park was converted for use by the school's football and baseball programs. The class of 1986-1987 was the last class to graduate from Cape Charles High School. The building was used for a time as an elementary school until its final closure in 1993, at which point the park land was left locked and surrounded by a chain-link fence.

On April 15, 2000, Trina and Larry Veber hosted a group of interested citizens in their home to discuss how the community might reclaim and use the park. They formed the Citizens for Central Park as a 501(c)(3) non-profit, with the goal of making Central Park a true gift for the people of Cape Charles. On May 6, 2000, the group invited town residents and local school children to "Design Your Own Park" day. Participants came to the park site and were handed a grid of the property and encouraged to be creative and dream big. Local architect, Leon Parham, used all these ideas to create a plan for the park property that then went through a lengthy process of review and revision. The final Central Park design was submitted to community groups and the Town Council for final approval in 2002.

The total investment made in the Park to date is close to one million dollars, with a significant portion coming from federal grants authorized by the Transportation Equity Act for the 21st Century (TEA-21) that went toward the multi-use trail that rings the Park and provides four entrance plazas. But the Park today is a symbol of what a community can do when citizens work together toward a common goal. Cape Kids, the Children's Playground, was built through hundreds of hours of work by the members of the Woman's Club of Cape Charles. They raised over \$40,000 through various fundraising efforts that included bake sales, working for tips in local restaurants, selling wrapping paper and writing grants. On the first day of construction, over a hundred members of the community volunteered their time to help with moving

supplies, framing the structures, feeding the workers, and so much more. It took only three days to complete the playground.

Virginia Savage and The Garden Club of the Eastern Shore were awarded the Common Wealth Award by the Garden Club of Virginia. The \$5,000 grant is given to promote projects in the interest of conservation, beautification, horticulture, preservation and education, and was used by the Garden Club to pay for crape myrtle beds, jasmine to grow on the pergola, and the structure for an irrigation system at the Park.

The Citizens for Central Park hold an Annual Park Benefit Ball each Spring and the organization has worked tirelessly through the years to raise funds for park improvements. One of its most visible achievements is the Park's Gazebo, which was designed by Leon Parham and patterned after the original pavilion built by Conrad Grimmer on the beachfront in 1923. It was created as a gathering place for the community and as a way to capture the past and original purpose of the park. The Citizens raised over \$30,000 toward the cost of its construction.

Many of the trees in the park were carefully selected and planted as the result of individual contributions. Jeff Klingel of Appleseed Nurseries designed the memorial tree program and the layout of the willow oaks, and he and wife Laurie provided all the trees at cost and they and their staff volunteered countless hours planting, pruning, mulching and lovingly taking care of the park grounds. The Pergola was built using a \$2,500 grant from Bank of America that was matched by additional money raised by the Citizens. Materials for the pergola were provided "at cost" by Reliable Building Supply. The benches and newly installed flag poles were donated by Bayshore Concrete Products and various individuals.

Need for Restrooms and Funding the Cost

These many improvements have transformed the Park over the past several years into the envisioned central meeting and event area for the greater Cape Charles and Northampton County community. Since completion of construction in late summer of 2010, the Park has hosted Memorial Day and Labor Day celebrations, a Pirate Carnival, a Renaissance Faire, a Winter Holiday Grand Illumination and several weddings. To date, the Town has provided portable toilet units for visitors attending special park events, but more permanent restrooms are needed for children, their families and visitors to Cape Charles wanting to enjoy the playground and park throughout the year.

The Citizens for Central Park leaders have met with Town officials and local architect Leon Parham regarding alternative restroom facility designs and their cost, and have tentatively agreed on a handicapped accessible brick building containing two commodes and sinks each for both men and women. It will be similar in design to an existing pump station building in the north east corner of the park and will be located in the south east corner for symmetry. This design and configuration will cost an estimated \$60,000 and can be completed within six months from having funds in hand along with the necessary permits and approvals. The Citizens are requesting a grant of \$45,000 from the Eastern Shore of Virginia Community Foundation toward this cost. The Town's governing Council has agreed to include \$15,000 in its 2012-13 Budget to fund the balance of the estimated cost, and the Citizens have agreed to cover any cost overage from monies on-hand, funds raised by its Annual Benefit Ball and additional fundraising if required.

RESOLUTION 20111110

SUPPORTING THE APPLICATION FOR A GRANT FROM THE EASTERN SHORE OF VIRGINIA COMMUNITY FOUNDATION

WHEREAS, the Town of Cape Charles has adopted master plans for Central Park and the Cape Charles Community Trail; and

WHEREAS, a major redevelopment of Central Park, including the first phase of the Community Trail, was completed in 2010; and

WHEREAS, this project was funded through a combination of federal, municipal and private contributions of funds and other resources; and

WHEREAS, the planning and execution of the project occurred through a successful partnership among the Town and several community support organizations; and

WHEREAS, there is a demonstrated need for permanent restrooms in the Park to better serve the growing number of citizens utilizing this popular public space; and

WHEREAS, the Town Council has approved a plan to partner with Citizens for Central Park (CCP), LLC, to build a permanent restroom facility at a cost of approximately \$60,000; and

WHEREAS, the plan contemplates funding 75% of the cost of the restroom facility through a grant from the Eastern Shore of Virginia Community Foundation, 25% through Town of Cape Charles matching funds, and amounts above \$60,000 through CCP fundraising efforts; now

THEREFORE BE IT RESOLVED by the Town Council of Cape Charles, this 10th day of November 2011, that the Council supports the application for an ESVCF grant by CCP, and commits to including the \$15,000 matching funds in the budget for the fiscal year beginning July 1, 2012, subject to review and approval during the budget development process.

Adopted by the Town Council of Cape Charles on November 10, 2011.

By: _____
Mayor

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Town Code Modifications – Nuisance and Solid Waste Ordinances		AGENDA DATE: November 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Modifications to Nuisance & Solid Waste Ordinances		ITEM NUMBER: 6D
	ATTACHMENTS: Ordinance #20111110 (Chapters 46 & 58 included in Public Hearing Agenda Packet)		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Jeb Brady, Building Official	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Council held a work session on September 13th to review the proposed modifications to the Nuisance Ordinance and Solid Waste Ordinance. The current ordinances are vague on regulations regarding large quantities of items that are being stored outdoors and there must be a health or safety hazard before any action can be taken by the Town. The proposed modifications are intended to clarify the ordinance to address debris.

DISCUSSION:

The changes and recommendations made at the September 13th Council Work Session have been incorporated into the attached documents.

A public hearing has been scheduled for November 10, 2011 immediately preceding the Town Council Regular Meeting.

RECOMMENDATION:

Staff recommends adoption of Ordinance 20111110 – To Modify Cape Charles Town Code Chapters 46-Nuisance Ordinance and 58-Solid Waste Ordinance with a roll call vote.

ORDINANCE NO.: 20111110

**TO MODIFY CAPE CHARLES TOWN CODE CHAPTERS
46 – NUISANCE ORDINANCE AND 58 – SOLID WASTE ORDINANCE**

WHEREAS, Chapters 46 and 58 of the Cape Charles Town Code regarding nuisances and solid waste have not been reviewed in several years and contains many duplications and are vague in many areas; and

WHEREAS, in an effort to clarify the language in the ordinances and to make them more comprehensible;

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cape Charles this 10th day of November, 2011 that Chapters 46 – Nuisance Ordinance and 58 – Solid Waste Ordinance be modified as shown in the attached document.

Adopted by the Town Council of Cape Charles on this 10th day of November, 2011.

Councilman Bruce Evans

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: July 4 th Celebration 2012		AGENDA DATE: November 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Discuss Dates for July 4 th Celebration for 2012		ITEM NUMBER: 6E
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

In the years prior to 2011, the Town held its July 4th Celebration, which included a fireworks display, on the 4th with members of the Cape Charles Volunteer Fire Company setting off the fireworks. The only costs incurred were the costs of the fireworks.

In 2011, as a result of certification requirements instituted by the Commonwealth of Virginia, the Town had to hire a company to do the fireworks display and held the celebration on Sunday, July 3rd, due to the vast difference in cost between July 3rd and July 4th.

Each year, the Town asks Northampton County for assistance with the cost of the fireworks display since numerous residents throughout the County come to Cape Charles to see the fireworks, but to date, the County has not been able to share in the expense.

At the October 13th Council meeting, there was much debate regarding the date to hold the 2012 fireworks display since July 4th falls on a Wednesday but no decision was made. The Town has budgeted \$7K for the cost of fireworks in the FY 2011/2012 Budget. The cost of holding the fireworks display is as follows:

- On Wednesday, July 4th: \$15K (reduced from \$20K).
- On Sunday, July 1st: \$7K. The entire July 4th Celebration would be held on July 1st.

DISCUSSION:

Staff is working on a Fireworks Sponsor Level as a part of the 4th of July Committee. The committee will work hard to secure additional funding to offset the cost of the fireworks.

The Town has received a commitment from the Cape Charles Business Association (CCBA) to raise \$1K, if not more, towards the cost of the fireworks display. The CCBA supports the Town having the fireworks on the 4th of July.

A request has been made to Willie Randall, Chair of the County Board of Supervisors.

Cherrystone Campground will have their fireworks on the 4th of July in 2012.

The fireworks need to be ordered by November 14th to ensure the price and availability.

RECOMMENDATION:

Staff recommends discussion regarding the dates for the 4th of July Celebration and requests Council's preference for the Celebration and fireworks display.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Public Works Maintenance Building

AGENDA DATE:
November 10, 2011

SUBJECT/PROPOSAL/REQUEST: Change in sub-contractor to erect the Public Works Maintenance Building

ITEM NUMBER:
6F

ATTACHMENTS: None

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

On June 1, 2011, the Town advertised for bids for a steel building for the Public Works Department. Three bids were received and on June 23, 2011, Town Council awarded the contract to purchase the steel building for the Public Works Department to Arco Building Systems, Inc. and to Jacob Brothers Contracting, Inc. to erect the building.

DISCUSSION:

The concrete slab has been poured and the steel building is ready to be erected. Unfortunately, Jacob Brothers Contracting, Inc. backed out of the project at the last minute. Arco Building Systems, the manufacturer of the steel building, recommended McDade Construction from Portsmouth to erect the building and they are currently working on the building. The cost for the work did not change since it was included in the initial contract with Arco Building Systems, Inc.

With the change in subcontractors, a new erection agreement has been executed with McDade Construction for \$9,282 which is the same dollar amount as previously approved.

RECOMMENDATION:

Staff requests Council to make a new motion naming McDade Construction as the subcontractor to erect of the steel Public Works Maintenance Building.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Reappointment of Wetlands & Coastal Dunes Board Member

AGENDA DATE:
November 10, 2011

SUBJECT/PROPOSAL/REQUEST: Reappointment of Wetlands & Coastal Dunes Board Member

ITEM NUMBER:
7A

ATTACHMENTS: None

FOR COUNCIL:
Action
Information

STAFF CONTACT (s):
Tom Bonadeo, Planner

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Wetlands & Coastal Dunes Board reviews applications for certain activities in wetlands and dune areas meeting as needed and is comprised of five members serving five-year terms.

DISCUSSION:

There is one member of the Board, Ann Hayward Walker, whose term will expire on November 12, 2011. Ms. Walker has expressed her interest in continuing her service on this Board.

RECOMMENDATION:

Staff recommends Council reappoint Ms. Ann Hayward Walker to the Wetlands & Coastal Dunes Board for another term.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Fig Street Lots Lease Agreement

AGENDA DATE:
November 10, 2011

SUBJECT/PROPOSAL/REQUEST: Lease Agreement between
Bay Creek LLC and the Town of Cape Charles

ITEM NUMBER:
7B

ATTACHMENTS: Lease Agreement

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

In June 2010, the Town entered into a lease agreement with Bay Creek LLC to lease seven (7) lots on the corner of Fig Street and Randolph Avenue. The parcel numbers are: 083-A4-01-00-001, 083-A4-01-00-002, 083-A4-01-00-003, 083-A4-01-00-004, 084-A4-01-00-005, 083-A4-01-00-006 and 083-A4-01-00-007. The initial lease term was from June 11, 2010 through December 31, 2010 and renewed for one year and is due to expire on December 31, 2011.

DISCUSSION:

The Town wishes to continue leasing this property. A new lease agreement has been drafted and was included in the agenda packet for Council review. In order to get the lease term in line with the Town fiscal year, the initial lease term of this agreement runs from January 1, 2012 through June 30, 2012 and will automatically renew on an annual basis July 1 of each year unless termination is made in writing by either party no less than 60 days prior to the expiration of the lease.

The changes made are shown in italics on the attached agreement. Only the opening section and Paragraph 1 have been changed.

RECOMMENDATION:

Staff requests Council authorization for the Town Manager to execute the Lease Agreement effective January 1, 2012.

Lease Agreement

This Lease Agreement ("Lease") is made and *effective January 1, 2012*, by and between Bay Creek LLC ("Bay Creek") and the Town of Cape Charles ("Cape Charles").

Bay Creek is the owner of land known *as Parcel/Maps #083-A4-01-00-001, #083A4-01-00-002, #083A4-01-00-003, #083A4-01-00-004, #083A4-01-00-005, #083A4-01-00-006, #083A4-01-00-007* in Cape Charles, Virginia (the "Property"). Bay Creek desires to lease the Property to Cape Charles, and Cape Charles desires to lease the property from Bay Creek for the term, at the rental rate and upon the covenants, conditions and provisions herein set forth.

THEREFORE, in consideration of the mutual promises herein, contained and other good and valuable consideration, it is agreed:

1. *Term*

Bay Creek hereby leases the Property to Cape Charles, and Cape Charles hereby leases the same from Bay Creek, for a term beginning January 1, 2012 and ending June 30, 2012. Further, this Lease shall automatically renew for a one year term effective July 1, 2012 and every year thereafter, unless termination is made in writing by either party no less than 60 days prior to the expiration of the lease.

2. *Rental*

Cape Charles shall not make any payments directly to Bay Creek. Rather, when due, Cape Charles shall pay all County of Northampton real estate taxes, prorated for the period that it is leasing the Property, and Cape Charles shall forgive or pay any Cape Charles real estate taxes prorated for the period it is leasing the Property.

3. *Use*

Cape Charles shall use the Property for a welcome sign and other town notices, including, but not limited to, landscaping and lighting for the sign or signs. Cape Charles agrees to keep the Property and the sign or signs in good repair and will be responsible for cutting the grass and otherwise maintaining the property.

4. *Sublease and Assignment*

Cape Charles shall not sublease all or any part of the Property, or assign this Lease in whole or in part without Bay Creek's consent.

5. *Sale of Property*

Baycreek agrees to offer this property for sale to the Town of Cape Charles before offering this property for sale to any third parties. Upon being offered the property, should the Town decline to purchase it, the term of the lease will expire on the date of closing on a sale to a third party. The Town's obligation for payment of taxes will be prorated to the sale closing date.

6. Default

If default shall at any time be made by Cape Charles or Bay Creek as herein provided, and if said default shall continue for five (5) days after written notice thereof shall have been given the non-defaulting party may declare the term of this Lease ended and terminated upon written notice. The non-defaulting party shall have, in addition to the remedy above provided, any other right or remedy in law or equity.

7. Quiet Possession

Bay Creek covenants and warrants that upon performance by Cape Charles of its obligations hereunder, Bay Creek will keep and maintain Cape Charles in exclusive, quiet, peaceable and undisturbed and uninterrupted possession of the Property during the term of this Lease.

8. Notice

Any notice required or permitted under this Lease shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

If to Bay Creek:

Richard S. Foster, Manager
Bay Creek LLC
1100 Eaglewood Drive
Virginia Beach, VA 23454

If to Cape Charles:

Town Manager
Town of Cape Charles
2 Plum Street
Cape Charles, Virginia 23310

Bay Creek and Cape Charles shall each have the right from time to time to change the place notice is to be given under this paragraph by written notice thereof to the other party.

9. Waiver

No waiver of any default of Bay Creek or Cape Charles hereunder shall be implied from any omission to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect any default specified in the express waiver and that only for the time and to the extent therein stated. One or more waivers by Bay Creek or Cape Charles shall not be construed as a waiver of a subsequent breach of the same covenant, term or condition.

10. Headings

The headings used in this Lease are for convenience of the parties only and shall not be considered in interpreting the meaning of any provision of this Lease.

11. Successors

The provisions of this Lease shall extend to and be binding upon Bay Creek and Cape Charles and their respective successors and assigns.

12. Compliance with Law

Cape Charles shall comply with all laws, orders, ordinances and other public requirements now or hereafter pertaining to Cape Charles's use of the Leased Premises. Bay Creek shall comply with all laws, orders, ordinances and other public requirements now or hereafter affecting the Leased Premises.

13. Indemnification

Cape Charles agrees to indemnify Bay Creek for any damages resulting from any activity occurring on the Property while Cape Charles is leasing the Property.

14. Final Agreement

This Lease terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Lease may be modified only by a further writing that is duly executed by both parties.

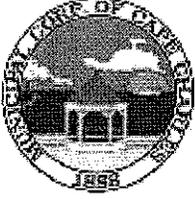
15. Governing Law

This Lease shall be governed, construed and interpreted by, through and under the Laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

Richard S. Foster
Manager, Bay Creek LLC

Heather Arcos
Town Manager, Town of Cape Charles

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Harbor Bath House Design-Build Contract Award		AGENDA DATE: November 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Authorize Town Manager to execute the contract for the Harbor Bath House within budget		ITEM NUMBER: 7C
	ATTACHMENTS: Design-Build RFP scoring update		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Tom Bonadeo	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

In June, Council adopted Resolution 20110609 authorizing the Design-Build contract process for the Harbor Bath House Project. The resolution established a project cost limit of \$343,977. Staff prequalified proposers (5) and received 5 proposals. Each proposer submitted separate cost and technical proposals. Staff evaluated all proposals and selected the team of Boytos & Boytos/Parham Architects as the best value in response to the RFP.

DISCUSSION:

The resolution authorized a project cost limit of \$343,977 for the construction contract and the associated architect or engineering contract. The design-build process provided the following results:

1. Costs of \$42,000 covering engineering, primary electrical service, propane tank, advertising and printing.
2. Base building cost/architectural services of \$269,515.00. This includes all items required by the RFP.
3. Building contingency/change order budget of \$32,462 for a total project cost of \$343,977 as required by the resolution. The design-build process offers an ability to further modify the building to meet the harbor's requirements. The budget line will be used for unexpected costs and potential modifications.

RECOMMENDATION:

Staff recommendation is to authorize the Town Manager to execute a design-build contract within the total project cost limit of \$343,977 as specified in Resolution 20110609.

Design-Build Scoring Update For Harbor Bath House

The Committee received five (5) proposals for the Harbor Bath House Project. During the initial phase of the Design-Build process the Committee created a scoring system. The Committee also created a weighting system for each score based on the value of each criterion in the overall score. The proposals were submitted in two parts, technical and costs. The cost proposals remained sealed until the interviews and scoring of the technical proposals was complete.

The final scoring was tallied by the committee on Thursday, November 3, 2011 and the cost proposals were opened at 10:00 am following the meeting. The combination of technical and cost proposal that was the best value for the Town of Cape Charles was chosen. This proposal was submitted by Boytos & Boytos in conjunction with Parham Architects.

Design-Build Cost Proposals

		Base Bid	Adds	Deducts	Total	
1	Virgili	\$ 321,743.00	\$	\$ 3,969.00	\$ 317,774.00	
2	Parham	\$ 257,015.00	\$ 12,500.00		\$ 269,515.00	Metal (alum.) Roof
3	Sussex	\$ 330,003.07	\$ 15,600.00	\$ 3,500.00	\$ 342,103.07	
4	Gresham	\$ 466,618.00			\$ 466,618.00	Metal Roof
5	York	\$ 400,767.00		\$ 45,000.00	\$ 355,767.00	Metal Roof

Rank Order for adjusted Base Price

		Cost	Variance +
2	Parham	\$ 269,515.00	
1	Virgili	\$ 317,774.00	\$ 48,259.00
3	Sussex	\$ 342,106.07	\$ 72,591.07
5	York	\$ 355,767.00	\$ 86,252.00
4	Gresham	\$ 466,618.00	\$ 197,103.00

During the technical proposal interviews each proposer discussed the merits of their plan and the committee asked for additions or subtractions to the proposal so that all five proposals could be evaluated evenly. These adds/deletes can be seen in the cost calculation table.

One objective of the design-build process is to allow creativity in the design process as the project moves forward. As an example, there was discussion with each proposer about the cost and maintenance of ceramic tile and associated grout in a public restroom and shower space. Value engineering shows that other floor coverings may be as durable, look as good, be more easily maintained and actually cost less. Meetings are being scheduled to work on value engineering.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Bagwell Oil Co. Fuel Services Contract Extension		AGENDA DATE: November 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Extension of Fuel Services Contract with Bagwell Oil Co.		ITEM NUMBER: 7D
	ATTACHMENTS: Letter of Extension		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Smitty Dize, Jr.	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

On November 8, 2010, the Town of Cape Charles awarded a contract effective December 1, 2010 to Bagwell Oil Co. for all fuel services for the Town. The contract was for one year with the option to renew for three additional years.

DISCUSSION:

The current contract expires at midnight on November 30, 2011 and the Town wishes to exercise the right to renew for another year.

RECOMMENDATION:

Staff requests Council authorize the Town Manager to execute a one-year contract extension with Bagwell Oil Co. to provide fuel services to the Town.

Municipal Corp. of Cape Charles

Municipal Building
2 Plum St.
Cape Charles, VA 23310
(757) 331-3259

November 11, 2011

Marty Kemp, VP
Bagwell Oil Company
P.O. Box 136
Onancock, VA 23417

Dear Mr. Kemp,

The Municipal Corp. of Cape Charles would like to exercise our right, per the contract dated November 18, 2010, to extend the fuel services contract for one year. The renewal period will begin on December 1, 2011 and end November 30, 2012 (at midnight). All current prices and procedures will remain the same.

Town Manager

Bagwell Oil Company

Date

Date