

# TOWN COUNCIL

## Regular Meeting

September 8, 2011

St. Charles Parish Hall

6:00 p.m.

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
7. New Business
  - \*A. Northampton County Water Supply Plan – Schedule Public Hearing
  - \*B. Ordinance to Grant a Lease of Public Property – Schedule Public Hearing
  - \*C. Re-appointment of Building Code Board of Appeals Member
  - D. Accomack-Northampton Regional Long-Range Transportation Plan
  - \*E. Federal Highway Safety Grant
8. Announcements
  - September 13, 2011 – Town Council Work Session @ 6PM
  - September 14, 2011 – Eastern Shore Broadband Authority Public Meeting, 2PM @  
Accomack Airport
  - September 22, 2011 – Joint Public Hearing with Planning Commission @ 6PM
  - September 22, 2011 – Town Council Work Session @ 6PM
  - September 24, 2011 – Annual Fall Festival
  - September 29, 2011 – Town Council Special Meeting @ 6PM
  - October 13, 2011 – Town Council Regular Meeting @ 6PM
  - October 27, 2011 – Town Council Work Session @ 6PM
9. Adjourn at 8:00 P.M.



**DRAFT**  
**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**August 11, 2011**  
**6:00 PM**

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Consultant Bob Panek, Town Planner Tom Bonadeo, Town Treasurer Jo Anna Leatherwood and Town Clerk Libby Hume. The majority of the Department Heads were also in attendance along with 4 members of the public.

A Councilwoman Natali gave the invocation followed by the Pledge of Allegiance.

**PUBLIC COMMENTS:**

*Ms. Carol Evans, 645 Tazewell Avenue*

Ms. Evans stated that she was in attendance representing the Eastern Shore of Virginia Tourism Commission (ESVTC) and gave her monthly report as follows: i) The Eastern Shore Tourism Commission had several placements in various media outlets such as About.com; Peter Greenway Worldwide, which was a travel television show; Magazine for Women; and the Washington Post which did several articles on space tourism; ii) A photographer for the National Culinary Magazine was scheduled to be in Cape Charles and Onancock on August 17<sup>th</sup>; iii) Photographers would also be on the shore taking photos of historic sites such as Eyre Hall, Bay Creek, Kerr Place, Mallard's and other locations for the Virginia Tourism Corporation (VTC) Travel Guide; iv) Business owners needed to send several pictures for the kiosk at the Chesapeake Bay Bridge Tunnel. The first year was free and all business owners were invited to participate; v) 2011 Travel Guides were still available. The ESVTC was currently working on the 2012 Travel Guide; and vi) Applications were now available for the VTC Marketing Leverage Program. Ms. Evans thanked the Council for the opportunity to provide them this update and asked whether there were any questions. There were none.

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

**CONSENT AGENDA:**

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

The Town Council reviewed the minutes of the July 14, 2011 Regular Meeting, the July 21, 2011 Work Session, the July 21, 2011 Executive Session and the July 28, 2011 Work Session.

Vice Mayor Bannon stated that he had notified the Town Clerk of two name corrections for members of the Library Board and Friends of the Library for the July 21, 2011 Work Session.

**Motion made by Councilman Bennett, seconded by Councilwoman Natali, to approve the minutes for the July 14, 2011 Regular Meeting, the July 21, 2011 Work Session, the July 21, 2011 Executive Session and the July 28, 2011 Work Session as amended. The motion was approved by unanimous consent.**

## REPORT PRESENTATIONS:

### C. *Recreation Report:*

Community Events/Recreational Coordinator Jen Lewis apologized for not getting her monthly report in the Council packet explaining that she had been very busy with the various activities regarding the Town's 125<sup>th</sup> Anniversary Celebration. Jen Lewis distributed copies of the 125<sup>th</sup> Anniversary Celebration Event Guide to the Council members and went on to report the following: i) She visited all the businesses in Town after the Kick-off weekend and the majority of businesses reported a good weekend business. Veneto's Pizza had a one hour wait for pizzas; and ii) The New Roots Garden Party went well and the kids had a great time. Two beds have been constructed and the shed was done with the exception of the roof. The garden organizers had decided to wait until the spring to plant.

Heather Arcos thanked Jen Lewis and Smitty Dize for all their hard work in making the 125<sup>th</sup> Anniversary Kick-off weekend and Buy Boat Reunion such a success.

Jen Lewis informed Council that Librarian Ann Rutledge was not able to attend this evening and reported the following regarding the Library: i) The magician was hilarious and the 43 kids in attendance had a great time; ii) There were only 11 kids in attendance at last night's Movie Night, which was the lowest attendance for any of the movies; and iii) The Library had been checking out books and movies to visitors on an honor system which had been working out nicely. The visitors were all very appreciative in their ability to check out books in this manner.

Vice Mayor Bannon asked about the status regarding the ability for the Town to show outdoor movies. Jen Lewis stated that she would begin working on this activity adding that the fall would be a great time to show outdoor movies. Jen Lewis stated that she believed that the Citizens for Central Park would help the Town with the expense of purchasing a screen.

### A. *Town Manager's Report:*

Town Manager Heather Arcos thanked all staff for all their hard work in making the past weekend such a success and went on to report the following: i) A letter from the Mayor was sent to the Eastern Shore News thanking all the sponsors and volunteers of the Buy Boat Reunion and 125<sup>th</sup> Anniversary Kick-off weekend. A Special Edition Gazette was also sent out; ii) There was a correction to an item in the Town Manager Report which was included in the Council packet regarding a meeting in August for the members of the homeowners' association (HOA) to vote on the golf cart issue. There was no planned meeting for the members to vote, but voting members of the HOA had been provided basic information on the Golf Cart Path and would gather opinions from their respective community members and convey those opinions to the HOA Board of Directors which were scheduled to meet in September; iii) Don Slater, from WAVY TV-10, was the special speaker at this afternoon's Cape Charles Rotary Club meeting. Mr. Slater informed the attendees that he had not been in Cape Charles in 15 years and was amazed at the changes; iv) Staff was working with Northampton County to update the County's Emergency Plan which had not been updated since 2005; v) The three flag poles donated by Bayshore Concrete were being installed at Central Park. The Citizens for Central Park donated \$1K and the Cape Charles Christian School Association donated \$500 toward the project; vi) Governor McDonnell issued a Press Release announcing that we received \$37K from the VTC Marketing Leverage Grant for our marketing effort targeting the Hampton Roads Region; vii) Senator Mark Warner would be at the Cape Charles Coffee House on August 16<sup>th</sup> beginning at 5PM to hold a round-table meeting. An email was sent to all Council members and please RSVP to Libby Hume so she can notify Senator Warner's staff of the number planning to attend; and viii) the Eastern Shore of Virginia Festivals Organization have agreed to work with the County regarding OpSail 2012 and the Tall Ships Initiative and would be hiring an executive director to work on this project.

Councilman Veber stated that he had talked to several of the Shriners that came to Cape Charles for the 125<sup>th</sup> Anniversary Celebration Parade and they were all very excited with the reaction they received from the public. They said there was a great enthusiasm in the crowd and they wanted to come back again.

Tom Bonadeo stated that he helped Ms. Marie Brady with the parade on Saturday morning and when the first vehicles were finished with the parade, the last vehicles were still not past the starting line. It was a huge effort and he commended Ms. Brady for all her hard work in organizing the parade and getting the numerous participants.

**B. Treasurer's Report:**

Treasurer Jo Anna Leatherwood report dated June 30, 2011 showed \$505,795 in the Bank of America checking account and \$1,994,776 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$2,500,571. Treasurer Jo Anna Leatherwood went on to report the following: i) Notification was received from the Commissioner of Revenue that Northampton County had finished their land book and that the County would try to pull the information together and forward it to the Town prior to their scheduled move back to Eastville. Jo Anna Leatherwood went on to state that she would like the Town to be able to mail the tax bills to the residents early to allow them more time to pay prior to the December 5<sup>th</sup> deadline; ii) The Northampton County had forwarded their delinquent tax list to their attorney for collections and Landmark Holdings was first on the list. Landmark currently owes the Town \$26K in back taxes, but the delinquency did not date back three years. Taxes must be delinquent for at least three years before the Town could pursue legal action to collect.

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

**D. Library Report:**

Librarian Ann Rutledge was not in attendance.

**E. Harbor Report:**

Heather Arcos stated that Harbor Master Smitty Dize was off today and wanted to thank everyone for all their help on the Buy Boat Reunion and activities. There are still some t-shirts available for sale at the Harbor.

**F. Public Works / Public Utilities Report:**

Public Works / Public Utilities Director Dave Fauber stated that he did not have any additional information to add to his written report which was included in the Council packet and asked whether there were any questions regarding his report. Councilman Bennett stated that the report showed that the ground water withdrawal permit would be issued by the DEQ upon adoption of the new water and wastewater codes which was done several months ago and asked what was causing the delay. Dave Fauber apologized that the report had not been updated and explained that testing was being performed on the ground water and results were being submitted to the EPA.

Mayor Sullivan stated that a property owner and part-time resident in Town, who is a professor from Pennsylvania, had requested a tour of the new wastewater treatment plant and asked Bob Panek the outcome of their tour. Bob Panek stated that he had taken the gentleman, who was a nationally known architectural historian, on a tour of the plant and he loved what was being done.

**G. Code Enforcement:**

Code Enforcement Officer Jeb Brady stated that he did not have any additional information to add to his written report and there were no questions from Council.

H. *Planning Report:*

Town Planner Tom Bonadeo reported that the conduit for the broadband project was laid along Mason Avenue and to the Harbor. The Broadband Management Team was scheduled to meet next Tuesday and he would find out when the pulling and splicing of the fiber would begin.

Vice Mayor Bannon asked when the Mason Avenue work would be completed. Bob Panek stated that the contractor should be finished by the end of August. Everything was in the ground and the contractor was working on the fence line.

**OLD BUSINESS:**

A. *Technology Zone:*

Tom Bonadeo stated that Council had discussed the Technology Zone Ordinance at previous meetings and that the proposed language for the Technology Zone Ordinance, and an administrative flowchart and another "procedure document" from the Town of Kilmarnock was included in the Council packet for review by Council to aid in answering any questions about the Technology Zone in preparation for a final work session. Tom Bonadeo stated that discussion was needed regarding the size of business that the Town would like to attract and added that the Town of Kilmarnock gave a business up to 12 months after opening to apply for the Technology Zone incentives.

Councilman Bennett stated that he did not want to spend a lot of time on this topic since a work session would be scheduled but referred to Kilmarnock's procedure which stated that a business that was delinquent in taxes would forfeit any rebate or exemption for that tax year if the administrator determined that the delinquency was "significant." Councilman Bennett went on to express his concern about the term "significant" and added that he did not want this included in our ordinance. Tom Bonadeo stated that he liked the provision regarding the delinquent taxes, but agreed with the use of the word "significant."

Councilman Bennett also expressed his concern with the inclusion of "marine products" in the definition of a "Qualified Technology Manufacturing Business" in Section 3, stating that "marine products" was so vague that it could include anything. Tom Bonadeo stated that this was added as suggested at the last work session and was intended for marine technology. There was some discussion regarding this issue and Councilwoman Natali suggested this be changed to show "marine-based technology."

There was also much discussion regarding the "Qualified Business" sub-section under Section 3-Definitions.

Tom Bonadeo asked Council to send him emails regarding any concerns they may have so he could compile all the issues to be discussed at the work session.

Mayor Sullivan stated that she would like to take a moment to present a recognition award to Police Chief Sambo Brown for 10 years of service to the Town.

**NEW BUSINESS:**

A. *Proclamation for Melvin Dudley:*

Mayor Sullivan welcomed Mrs. Janet Dudley and informed the attendees that she, the Town Council, the Town Manager and Town staff were here this evening to honor Mr. Melvin Dudley and read the Proclamation in Memoriam Remembering the Late Melvin Reeder Dudley, Jr.

**Mayor Sullivan moved for adoption of the Proclamation in Memoriam Remembering the Late Melvin Reeder Dudley, Jr. The Proclamation was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Veber, yes.**

B. *IT Support Services Contract:*

Heather Arcos stated that a request for proposals was advertised in the Eastern Shore News on July 2, 2011 as well as on the Town's website with a proposal submission deadline of July 18<sup>th</sup>. Two proposals were received from Bay Creek Communications and the Betis Group. The IT Services Committee, comprised of herself, Councilman Sullivan, Town Planner Tom Bonadeo and Town Clerk Libby Hume, reviewed and evaluated the proposals using a weighted scoring system and both contractors were interviewed. Heather Arcos stated that both companies were very good and qualified, but after finalization of the scoring process, it was determined that the best qualified contractor to provide IT Services to the Town was Bay Creek Communications. A confidentiality agreement would be prepared and be included as part of the IT Services contract.

**Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to authorize the Town Manager to execute a two-year IT Services contract with Bay Creek Communications. The motion was approved by unanimous consent.**

Mayor Sullivan introduced Mr. Mike Aquino and thanked him for his interest in working with the Town to provide this service.

C. *Request for Proposals – Local Town Attorney:*

Heather Arcos stated that, in 2009, Paul G. Watson IV was appointed as the local Town Attorney for a two-year contract which will expire on September 1, 2011. Per the Town's procurement policies and procedures, another Request for Proposals (RFP) must be advertised.

**Motion made by Councilman Evans, seconded by Councilman Bennett, and unanimously approved to authorize the Town Manager to advertise a Request for Proposals for a Local Town Attorney.**

D. *Virginia Department of Health Planning and Design Grant:*

Bob Panek informed Council that the Town applied for and was awarded a Virginia Department of Health (VDH) Planning and Design Grant last year but were unable to use the funds since the procurement process for our current engineering consulting firm did not specifically solicit Disadvantaged Business Enterprises (DBE) which was a requirement of VDH. The Town was now in the process of re-competing the waterworks engineering contract through competitive negotiation procedures and the Request for Proposals has been advertised in DBE-focused media and proposals were due on August 22<sup>nd</sup>. The VDH recently announced the opportunity to apply for the next round of competitive Planning and Design Grants of up to \$30K with an application deadline of August 26<sup>th</sup>. Council's approval was needed to apply for this grant and authorize the Town Manager to sign the documents required for said grant.

**Mayor Sullivan moved for adoption of Resolution #20110811 – Authorizing the Application for a Grant from the Virginia Department of Health. Resolution #20110811 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Veber, yes.**

E. *Delinquent Tax Collections:*

Jo Anna Leatherwood stated that James W. Elliott had been handling the collection of delinquent real estate taxes for Northampton and Accomack Counties as well as some of their towns. Mr. Elliott's fees were a portion of the amount of taxes owed and were deducted from the proceeds of the tax sale. If the proceeds were insufficient to pay his fees, the Town would be responsible to pay the difference.

A list of properties that qualify for tax collection was prepared and there were 30 properties with assessed values over \$100K, with the total amount due, including penalty and interest, of \$50K. Properties valued at under \$100K could be sold after two years and there were six properties fitting this category with a total amount due of \$2,859.

Per Council's request, Jo Anna Leatherwood asked Mr. Elliott whether there was anything in the Code of Virginia to prevent the Town from acquiring a tax delinquent property vs. forcing a tax sale. Mr. Elliott stated that there was nothing in the Code of Virginia but such an action would have the appearance of being an underhanded deal since the property would probably bring more money through a tax sale.

Jo Anna Leatherwood continued by stating that she had asked whether a property could be sold for unpaid utilities vs. taxes. Mr. Elliott informed her that if a property owed delinquent utilities in addition to taxes, the amount owed could be included as part of the tax sale but the Town could not force a sale if no taxes were owed.

Jo Anna Leatherwood continued by reviewing the process and the contract which could be terminated with 30 days' written notice from either party. Jo Anna Leatherwood stated that she had spoken to one of Mr. Elliott's law clerks who recommended a clause be added to the contract, since Mr. Elliott also represents Northampton County, that if both the Town and County submit a property for tax collection, Mr. Elliott could represent both parties simultaneously and both parties could get paid.

Councilman Bennett asked several questions as to why the Town would choose Mr. Elliott, why the Town did not have to go through the RFP process to hire an attorney to represent us in tax collection since we have to go through the process to hire a local attorney, and expressed his concern with Mr. Elliott's fees being a portion of the amount of taxes owed and the fact that the Town would be responsible for paying the difference if the sale proceeds were insufficient. Councilman Veber agreed. There was much further discussion regarding this issue and the properties qualifying for tax collection and whether the Town's attorney could handle the tax sales and/or place liens on the properties so the taxes could be collected at time of property transfer.

**Motion made by Councilman Evans, seconded by Councilman Veber, and unanimously approved to table this issue until more information has been gathered to answer the numerous questions and concerns of Council.**

**F. PNC Bank Tax Anticipation Loan:**

Jo Anna Leatherwood stated that at the suggestion of former Councilman John Burdiss, the Town had obtained a PNC Bank Tax Anticipation Loan in the amount of \$500K since lending institutions were no longer offering lines of credit. Any monies borrowed against this loan would have to be paid back in June of each fiscal year. Last year, the Town paid \$5K in legal fees for this process. Fortunately, the Town did not draw funds from this note so no repayment was needed. The loan must be renewed annually with the cost of legal fees being the responsibility of the Town. Proceeds from this loan have not been included in the FY 2011/2012 budget and staff believed that this contingency loan was no longer necessary and the Town had an ample credit rating to obtain a loan at a later date if needed. Council could assess this issue during the annual budget preparation meetings and take action at that time if necessary.

**Motion made by Councilwoman Natali, seconded by Councilman Bennett, and unanimously approved to not renew the PNC Bank Tax Anticipation Loan and to include in future budget meetings discussion on whether or not the Town would need additional funds during the particular budget cycle and take action at that time if necessary.**

**G. Zoning Ordinance Modifications:**

Tom Bonadeo stated that the Planning Commission had been working on modifications to several sections of the Zoning Ordinance and proceeded to review the modifications to Sections 3.2 and 4.0 regarding "Home Occupations" and Section 2.9 regarding the definition of "Agriculture." A public hearing must be held prior to the adoption of any changes to the Zoning

Ordinance and Tom Bonadeo stated that the Commissioners requested a joint public hearing be held to hear comments regarding the discussed modifications.

**Motion made by Councilwoman Natali, seconded by Councilman Bennett, to schedule a joint public hearing with the Planning Commission to hear comments regarding the proposed modifications regarding "Home Occupations" and the definition of "Agriculture" for September 22, 2011. The motion was approved by unanimous consent.**

**ANNOUNCEMENTS:**

- August 25, 2011 – Town Council Work Session @ 6PM
- September 3, 2011 – Chamber of Commerce Harbor Party
- September 4, 2011 – Unveiling of the Historical Marker at the Cape Charles Museum @ 4:30 PM
- September 4, 2011 – Birthday Party at the Park @ 5PM
- September 5, 2011 – Town Offices Closed in Observance of Labor Day
- September 8, 2011 – Town Council Regular Meeting @ 6PM
- September 22, 2011 – Town Council Work Session @ 6PM
- September 24, 2011 – Annual Fall Festival

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

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Mayor Sullivan

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Town Clerk

**Town Manager Report**  
**Highlights**  
**August 12, 2011 – September 1, 2011**

**Hurricane Irene**

- The Town sustained minimal damage during the hurricane.
- The Public Works crew worked diligently throughout the storm and afterwards to clean up all the debris at the beach, Central Park and throughout Town.
- There was some erosion at the north end of the beach and some fencing was lost.
  - Sea Breeze Apts., Bay Vistas and Aqua experienced further land erosion.
- The fishing pier had to be closed to replace boards and brackets and is planned to open before the Labor Day holiday weekend.
- We are hopeful to get assistance from VDOT regarding a downed tree on Plum Street and a small sink hole on Bay Avenue.
- A memorial tree in Central Park was lost.
- The Town's engineering firm evaluated an area of the new floating slips which had some damage to a few boards and a beam. The Town will work with the contractor and manufacturer regarding the repairs so as not to jeopardize our warranty.
- There have been no reports of damage to any of the downtown businesses.
- The Police Department, Public Works Department and the Cape Charles Volunteer Fire Company did an outstanding job during the storm.

**Harbor Development Update**

- A committee, comprised of Harbor Master Smitty Dize, Town Planner Tom Bonadeo, Code Official Jeb Brady, Tom Langley of Langley & McDonald, Bob Panek and myself, reviewed the pre-qualification proposals and five firms have been selected to receive the RFP. Staff is working to finalize the RFP documents and plans are to have them distributed to the firms in early September.
- As a result of the Council Work Session held on July 28<sup>th</sup>, staff has gathered information for ground lease options for a possible restaurant at the Harbor and this project is an agenda item for the Council meeting.

**Mason Ave. Forcemains and Sewer Project Update**

- The work on the Mason Avenue Forcemains and Pump Station Upgrade is almost complete.
- An issue has arisen regarding reconditioning of the wet well and this portion of the project may take through the end of September.

**Technology / Tourism Zone**

- Staff continues to work to develop an Operations Manual and contract requirements which would be completed prior to moving forward with approval of the new ordinances. A work session is being planned for September.

**Tall Ship Initiative / OpSail 2012**

- The Eastern Shore of Virginia Festivals (ESVF) organization, which is comprised with representatives from the Chamber of Commerce, Cape Charles, the Cape Charles Business Association and Bay Creek Resort & Club, has agreed to organize OpSail 2012 and the Tall Ships Initiative. An Executive Director is being hired to serve as the primary liaison/point of contact with Northampton County officials, the participating towns, FestEvents and Tall Ships events committee on all matters pertaining to the Tall Ships / OpSail. The organization will be interviewing next week for a Director.

### **Cape Charles 125<sup>th</sup> Anniversary Celebration**

- The 125<sup>th</sup> Anniversary Celebration has been very successful and brought in lots of visitors to the Town.
- Special thanks to all the businesses and volunteers who helped to make this month-long celebration a reality.

### **Planning Expansion of Library**

- As a follow up to the July 28<sup>th</sup> Council Work Session, staff is reviewing possible locations for a future Library and another Council Work Session will be planned. Several locations were discussed during the work session, including the old Meatland store. Staff is talking to the owners regarding the feasibility of this location as well as several others in town.

### **Topics for Upcoming Work Sessions:**

- Town Code Modifications:
  - Animal Ordinance
  - Nuisance Ordinance – *scheduled for September 13, 2011*
  - Sanitation Ordinance
- Finalization of Technology Zone
- Fall Council Retreat
- Personnel Policy Review by Section

**Recreation Department**  
**September 2011 Council Report**

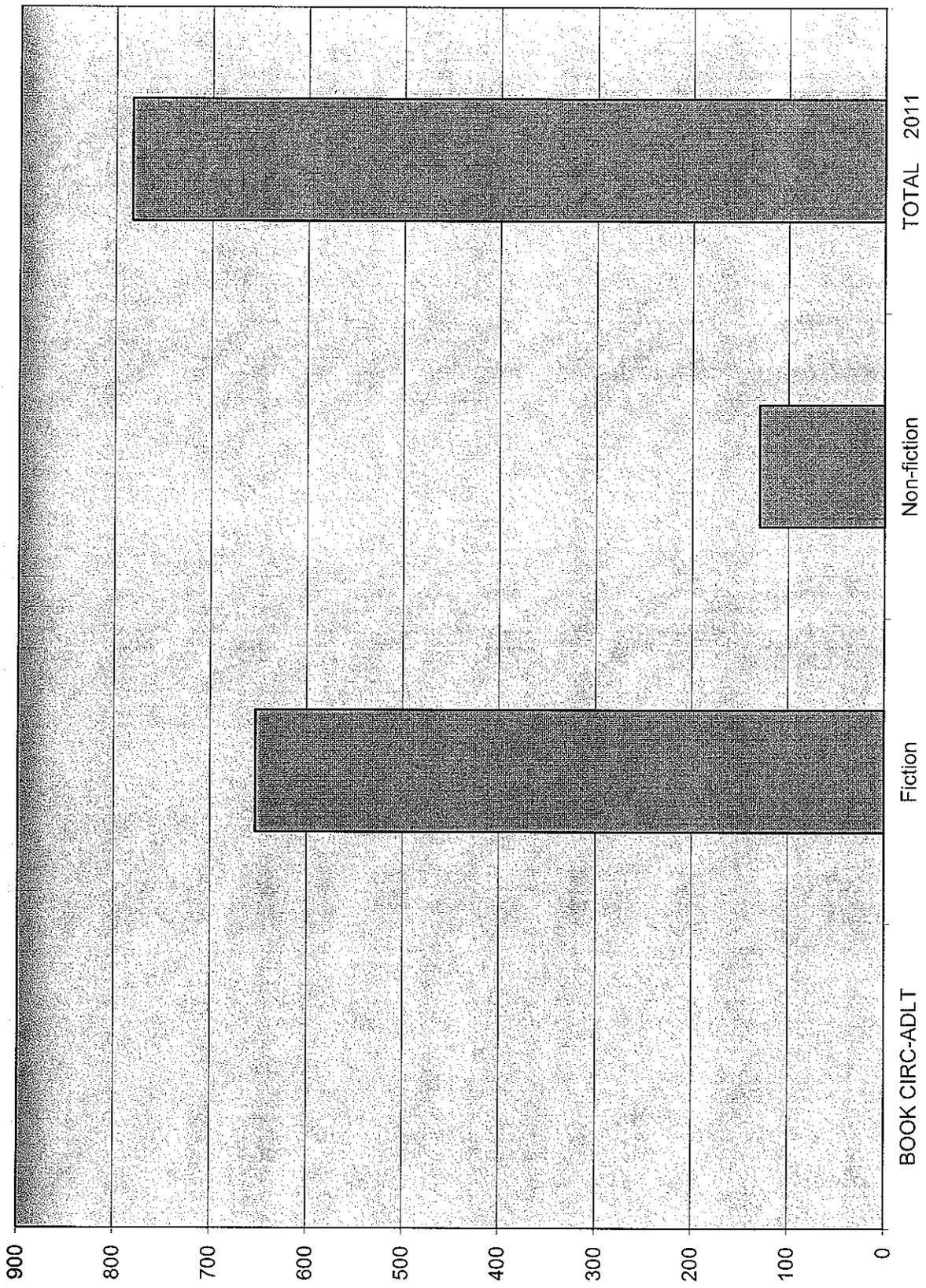
1. There were several Fun Days for the kids through July and August. The kids played volleyball, soccer, tie dyed shirts, played on the playground and a lot of other activities. There was an average of 10 kids per day. We were joined quite a few days by the Christian school summer camp.
2. Movie nights continued to draw a large crowd. We saw more kids this summer than any other summer so far. Arts and crafts were just as busy. Arts and crafts will resume afternoon hours once school starts.
3. Ticket sales are up from this time last year for the birding festival. We hope that this will continue to bring people into the Town of Cape Charles.
4. Upcoming events for September and October include the last Harbor party of the season, Fall Festival, Birding Festival, CBES bike race and trunk or treating.
5. The recreation department has been asked to take part in Northampton County Day at the High School. Jen will be giving away free skateboard/bicycle helmets and safety information.
6. Spay the Shore will be making a visit to Cape Charles on October 5, 2011 from 8 to 4.

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

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 25 children and caregivers attended this month.
2. The **2011 Summer Reading Program, Amazing Tales at Your Library** continued this month with Wednesday morning crafts presented by Jen Lewis and Thursday morning storytime at 10:30. Wednesday movie nights continued through August 10. Our special programs were **Your Backyard with the Virginia Living Museum** on August 2, featuring fascinating creatures that could be found in your backyard and on August 10 **Magician Mike Klee presented an Amazing Tales Magic Show**. Mike Klee's high energy program taught the children that books and reading can be fun and exciting.
3. The Library served a total of *124 parents and children* in our programs this month. All special programs are funded by the Friends of the Cape Charles Memorial Library.
4. We had 76 children to sign up to read books this summer.
5. The Friends of the Library had a booksale on August 6.
6. The Library Board met on August 9 at the library.
7. September 3 is the birthday of Roald Dahl, children's book author and we will be celebrating with a display of his books and some additional activities. Banned Book Week is September 24 - October so stop by you see what books have been banned.
8. September is also **Library Sign Up Month** so if you don't have a library card, come by the library today!
9. For additional information about Library programs and library related information check out the Cape Charles Memorial Library's **Facebook** page!

Cape Charles Memorial Library

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV.	DEC	YTD
<b>INCOME:</b>							2011						
Donations	\$2.00	\$5.00	\$3.00	\$2.00	\$5.00	\$6.00	\$5.00	\$0.00					\$28.00
Copier/Prt	\$60.90	\$23.90	\$55.00	\$107.50	\$74.00	\$96.00	\$104.50	\$116.30					\$638.10
TOTAL	\$62.90	\$28.90	\$58.00	\$109.50	\$79.00	\$102.00	\$109.50	\$116.30					\$666.10
Deposit	\$62.90	\$28.90	\$58.00	\$109.50	\$79.00	\$102.00	\$109.50	\$116.30					\$666.10
<b>BOOK CIRC-ADLT</b>													
Fiction	653	556	695	719	659	714	657	643					5,296
Non-fiction	130	130	151	148	138	153	176	175					1,201
<b>TOTAL 2011</b>	783	686	846	867	787	867	833	818					6,487
Books Circ. 2010	685	708	633	658	610	857	962	959					6,072
<b>BOOKS CIRC-JUV</b>													
Fiction	487	356	465	600	414	578	637	616					4,153
Non-Fiction	150	149	136	154	133	102	121	71					1,016
<b>TOTAL 2011</b>	637	505	601	754	547	680	758	687					5,169
Books Circ. 2010	463	452	531	579	486	776	808	831					4,926
<b>TOTAL BOOK 2011</b>	1420	1191	1,447	1,621	1,334	1,547	1,591	1,505					11,656
<b>TOTAL BOOK 2010</b>	1148	1,160	1,237	1,237	1,096	1,633	1,770	1,790					11,071
<b>Attendance 2011</b>	1,072	1,048	1,236	1,334	1,045	1,438	1,473	1,355					10,001
Attendance 2010	742	732	995	1,060	1,535	1,392	1,833	1,805					10,094
<b>Programs 2011</b>	7	7	5	5	5	16	14	9					68
Programs 2010	4	7	7	5	4	9	16	12					64
<b>Prog. Attend 2011</b>	274	90	50	51	88	327	399	144					1,423
Prog. Attend 2010	8	60	41	22	29	155	155	244					714
<b>Internet use 2011</b>	471	401	483	612	572	842	771	683					4,835
Internet use 2010	428	385	375	713	941	746	746	853					5,187
<b>Library Cards 2011</b>	4	12	6	19	10	11	30	11					103
Library Cards 2010	8	8	15	15	17	45	30	36					174



# Harbor Report

## August, 2011.

### Maintenance

1. Staff continued re-nailed dock boards and will continue all summer.
2. Staff continued with basic upkeep.

### Upcoming, Scheduled Maintenance

1. Continue basic maintenance.

### Capitol Projects:

1. There are a two punch list items that are left on the new docks, Relocate a couple of electric pedestals, hand rails on the east ramp (Town Staff to Complete in August).
2. We received 9 bids for the bath house project, we are requesting quotes from 5 of these bidders.

### Other:

1. Beginning September 6<sup>th</sup> the harbor new hours will be – (8am to 6pm) 7 days a week.
2. Follow us on Face Book (**Cape Charles Town Harbor**) Check out the pictures of the Oyster Buy Boat Reunion
3. Staff would like to thank all that attended the Buy Boat Reunion August 5<sup>th</sup> – 7<sup>th</sup>. The whole weekend was a great turnout as the Buy Boat Captains was very impressed with the amount of foot traffic. The Crab Pot Cork Race and the boat docking contest where hits as well. We hope see everybody the same time next year.
4. Staff prepared for hurricane Ilene!

### Incidents:

1

### Notes:

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

William Smith Dize Jr.  
Harbor Master  
August 1, 2011

Code Enforcement  
Month of August FY 2012

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

Permits this month: 23	
Permits this year: 275	Total permits last year: 200
Total construction this month: \$2,275,765	
Total construction this year: \$6,951,740	Total construction last fiscal year: \$3,967,519
Permit fees this month: \$8,996.55	
Total permit fees this fiscal year: \$114,466.99	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: \$740.76	
Total Fire Dept. levies this year: \$5,038.52	Total Fire Dept. levies last fiscal year: \$3,282.54
State levy this month: \$148.16	
Total state levies this year: \$1,008.70	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: 10	
Grass cutting: 12	
Enforcement fees charged this month: \$1,800	
Enforcement fees charged this year: \$7,309.56	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: 7  
Closed: 7  
Unresolved: 12

Month of August FY12

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

Hours spent working on project this month: 15

*Key Notes:*

- Received quote to fix fountain bowl & base
- Working on solution for drainage problem
- Waiting to receive quote from contractor to alleviate drainage problem.
- Flag poles are in process of being installed

**Other items of note:**

1. Completed 33 inspections
2. Conducted 1 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 1 residential plan reviews
8. Issued 1 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. Attended E.O.C. meetings at County in preparation for Hurricane Irene.
14. Prepped Town for Hurricane Irene.
15. Performed damage assessment of Hurricane Irene on Sunday August 28. Must be done within 24 hours of storm.
16. Worked on Town's chapter of Eastern Shore Hazard Mitigation Plan.

Permit/Construction Fee Report Aug-11

Address	Type	Permit #	Date	Work Description	Permit Fee	Value
118 Blue Heaven Road	Electrical	PE110040	8/10/2011	New electrical for bathroom add.	\$56.00	\$2,000
638 Carousel Place	Shallow Well	PU110006	8/29/2011	Shallow Well	\$100.00	\$800
116 Churchill Downs	Electrical	PE110039	8/10/2011	New circuit for porch	\$56.00	\$500
125 Creekside Lane	Building	PB110062	8/31/2011	New s/r res	\$7,047.62	\$2,000,000
2 Fig Street	Electrical	PE110045	8/23/2011	200 amp permanent temp pole	\$0.00	\$2,300
118 Fig Street	Plumbing	PP110028	8/30/2011	New plumbing for kitchen remodel	\$58.80	\$3,000
118 Fig Street	Electrical	PE110046	8/30/2011	New electrical for kitchen remodel	\$58.80	\$3,000
118 Fig Street	Building	PB110063	8/30/2011	Kitchen remodel	\$176.40	\$16,500
23 Kings Bay Drive	Mechanical	PM110027	8/9/2011	Mech to finish res for C.O.	\$79.52	\$6,700
1 Kings Court	Mechanical	PM110028	8/9/2011	Mech to finish res for C.O.	\$79.52	\$6,700
7 Kings Court	Plumbing	PP110027	8/23/2011	Finish plumbing for C.O.	\$59.92	\$3,200
7 Kings Court	Electrical	PE110044	8/23/2011	Finish electrical for C.O.	\$59.92	\$3,200
538 Monroe Avenue	Building	PB110058	8/12/2011	Adding to rear porch and front steps	\$56.00	\$2,500
608 Nectarine Street	Building	PB110059	8/15/2011	Tear off/reroof	\$68.77	\$4,780
220 Pine Street	Electrical	PE110043	8/22/2011	New 15 KW generator for pump station	\$0.00	\$22,500
401 Plum Street	Electrical	PE110042	8/22/2011	New 15 KW generator for pump station	\$0.00	\$22,500
316 Randolph Avenue	Plumbing	PP110026	8/15/2011	New plumbing for res	\$56.00	\$2,500
316 Randolph Avenue	Electrical	PE110041	8/15/2011	Adding 4 circuits in unit	\$56.00	\$2,500
316 Randolph Avenue	Building	PB110060	8/15/2011	Remodel of 1 bedroom apt.	\$56.00	\$2,500
530 Randolph Avenue	Building	PB110061	8/22/2011	Rehabing rear deck	\$80.64	\$6,900
113 Tazewell Avenue	Building	PB110064	8/30/2011	Interior Alt & 1,000 sq. ft. add.	\$644.00	\$100,000
541 Tazewell Avenue	Mechanical	PM110026	8/1/2011	1 new air to air heat pump	\$82.24	\$7,185
541 Tazewell Avenue	Electrical	PE110038	8/10/2011	New 200 amp service	\$64.40	\$4,000
Totals					<b>\$8,996.55</b>	<b>\$2,225,765</b>

## MONTHLY INSPECTION TOTALS

### Jeb Brady

Final	08/19/2011
Final	08/01/2011
Final	08/01/2011
Insulation	08/11/2011
Final	08/01/2011
Insulation	08/11/2011
Framing	08/02/2011
Insulation	08/03/2011
Framing	08/03/2011
Final	08/08/2011
Final	08/12/2011
Framing	08/11/2011
Sheathing	08/19/2011
Framing	08/23/2011
Fireblocking	08/24/2011
Insulation	08/24/2011
Rough-In	08/02/2011
Final	08/01/2011
Rough-In	08/12/2011
Final	08/08/2011
Final	08/12/2011
Rough-In	08/10/2011
Rough-In	08/18/2011
Final	08/23/2011
CUT-IN	08/23/2011
Final	08/01/2011
Final	08/01/2011
Final	08/08/2011
Final	08/01/2011

Total 29

### David Fauber

Rough-In	08/15/2011
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Total 1

### Jeb Brady

Rough-In	08/04/2011
Final	08/08/2011
Rough-In	08/18/2011

Total 3

# MONTHLY INSPECTION TOTALS

Grand Total

33

InsDateCompleted Range from  
08/01/2011 to 08/31/2011

# Revenue Totals by Category/Items

From: 08/01/2011 to: 08/31/2011

<b>Miscellaneous</b>		
E/S Agreement in lieu of plan	1	\$150.00
Fire Dept Fee	19	\$740.76
<b>Miscellaneous totals</b>	<b>20</b>	<b>\$890.76</b>
<b>Residential</b>		
Valuation Res \$2.5K - \$10K	3	\$163.50
<b>Residential totals</b>	<b>3</b>	<b>\$163.50</b>
<b>Review</b>		
Landscape Plan Review	1	\$100.00
Residential Building Plan Revi	1	\$200.00
Residential Site Plan Review	1	\$150.00
<b>Review totals</b>	<b>3</b>	<b>\$450.00</b>
<b>Shallow Well</b>		
Well Inspection	1	\$100.00
<b>Shallow Well totals</b>	<b>1</b>	<b>\$100.00</b>
<b>State Tax</b>		
STATE TAX.	19	\$148.16
<b>State Tax totals</b>	<b>19</b>	<b>\$148.16</b>
<b>Valuation</b>		
Garage- 5B	1	\$580.00
Residential decks & porches- 5B	1	\$316.51
Residential, one and two family- 5B	1	\$4,860.29
Valuation Res \$0 - \$2.5K	1	\$50.00
Valuation Res \$0-\$2.5K	5	\$250.00
Valuation Res \$2.5K - 10K	6	\$402.33
Valuation Res \$2.5K-\$10K	1	\$52.50
Valuation Res > \$10K	2	\$732.50
<b>Valuation totals</b>	<b>18</b>	<b>\$7,244.13</b>
<b>Grand Totals</b>	<b>64</b>	<b>\$8,996.55</b>

# Planning Commission Report for Town Council

**From:** Tom Bonadeo  
**To:** Town Council  
**Date:** September 8, 2011  
**Subject:** Report for Planning Department

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## Planning Commission Meeting-September 6

1. The Planning Commission held its regular monthly meeting Tuesday August 2.
2. The Planning Commissioners worked on the Sign Ordinance. The goal is to make the sign ordinance more readable and enforceable. The Planners revised the Intent Statement and worked on definitions. The sign matrix and the International Building Code sample ordinance and definitions were reviewed.
3. The Planner is working on:
  - a. The Design-Build Project for the Harbor Bathhouse. The RFQ responses were scored and five of the nine were qualified. The RFP is near completion and mailing is expected early in the week of 8-29.
  - b. RFP for Technology Support has been reviewed and awarded to Bay Creek Communications. Staff is working to create an administrative procedure for the new contract. The contract has not been signed as of this writing but expected starting date is September 1.
  - c. Zoning compliance reviews and enforcements.
  - d. Rewriting the Cape Charles portion of the Hazard Mitigation Plan for the Eastern Shore. We met with ANPDC and the plan has been revised with current information.
  - e. Working with the ANPDC on the 2035 Long Range Transportation Plan. A copy is in your packet.
4. The Planner attended a class sponsored by NOAA and the A-NPDC on Inundation Mapping. There is new data for the shore (not yet available but close) called LiDAR (Light Detection And Ranging) data. This is the most accurate form of elevation data available created by laser measurements from an airplane at 3 meter intervals. While the most accurate, you can imagine looking down from the air and trying to get an accurate line of sight to the ground through trees etc. The data is being "cleaned up" by the scientists and should be available later this fall. Cape Charles is part of an initial project to use the data for inundation mapping of the shore with this new data.
5. The draft VDOT 2035 Regional Long Range Transportation Plan is nearing completion. Long term Cape Charles projects have been included but obviously money will be an issue. In the VDOT six-year plan only a minimal amount of money was approved, probably not enough to complete one of the three projects.
6. Storm (Irene) Emergency Planning is underway as of this writing.

## Historic District Review Board Meeting - August 19

The Board did not meet this month as no applications were received.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Cape Charles Police Department		<b>AGENDA DATE</b> SEPTEMBER 8,2011
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Monthly Law Enforcement Statistic		<b>ITEM NUMBER</b>
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action ( ) Information ( X )
	<b>STAFF CONTACT (s):</b> Charles Brown Chief of Police	<b>REVIEWED BY:</b> Heather Arcos Town Manager	

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

Calls for Service in Cape Charles: 28

Calls for Service Outside of Cape Charles: 18

10-13 Calls

(A) By Dispatch: 45

(B) By Phone via Officer/Trooper: 00

(C) In Person 01

Felony Arrests: 00

Misdemeanor Arrests: 03

DUI Arrests: 00

Traffic Summons Issued: 19

Traffic Warnings Issued: 11

Parking Tickets Issued: 05

Assisted Northampton County Sheriff's Office: 09

Assisted Virginia State Police: 06

Assisted Other Local Police: 02

Assisted Other Federal Agencies

Assisted Fire & Rescue: 04

Assisted VDOT:

Hours of Training Received & What Type? 4 HOURS FIRING RANGE  
QUALIFICATION C. GRAHAM



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Wastewater Treatment Plant (WWTP) Status

**AGENDA DATE:**  
September 8, 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 August 2011 progress meeting, construction is 112 days behind schedule. We are about 86% into the length of the contract. Details of construction progress are contained in the Public Utilities report. Testing of the complete system with clean water is scheduled to start the first week of October. Wastewater treatment is scheduled to begin near the end of October. We plan to gradually switch over flow from the old plant as reliability is proved out. The contractor has agreed to defer discussions concerning a schedule adjustment.

.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 Virginia Department of Environmental Quality (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 \$11.8M has been billed to date, all of which has been reimbursed from WQIF and VCWRLF. This is about 78% of the contract value. An additional invoice of approximately \$615K is in process. An additional change order of about \$14K for miscellaneous items is also in process.

**RECOMMENDATION:**

Provided for information only.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Public Service Authority (PSA) & Regional Wastewater System.		<b>AGENDA DATE:</b> September 8, 2011
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Provide an update on the PSA and potential regional wastewater system.		<b>ITEM NUMBER:</b> 6B
	<b>ATTACHMENTS:</b>		<b>FOR COUNCIL:</b> Action ( ) Information (X)
	<b>STAFF CONTACT (s):</b> Bob Panek	<b>REVIEWED BY:</b> 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. County staff is now summarizing the survey results and the PSA will 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 has submitted a FY 2012 financial assistance application to the Department of Environmental Quality.

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 will reengage in discussions with several private entities concerning capital contributions when appropriate.

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>	<b>AGENDA TITLE:</b> Northampton County Water Supply Plan - Schedule a Public Hearing		<b>AGENDA DATE:</b> September 8, 2011
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Set public hearing for adoption of Northampton County Water Supply Plan.		<b>ITEM NUMBER:</b> 7A
	<b>ATTACHMENTS:</b>		<b>FOR COUNCIL:</b> Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ( )
	<b>STAFF CONTACT (s):</b> Bob Panek	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The Code of Virginia requires the development of local and regional water supply plans. For localities under 15,000 in population the deadline is November 2, 2010. If localities opt to participate in a regional water supply plan the deadline is November 2, 2011. Council had previously adopted a resolution approving participation in the regional plan and authorizing the Accomack-Northampton Planning District Commission (ANPDC) to lead the planning effort under a state grant.

**DISCUSSION:**

Town staff had previously provided ANPDC data concerning water demand projections and sources of supply. We have recently reviewed the draft plan and have noted some inconsistencies with demand projections contained in our revised Ground Water Withdrawal Permit application and with our recently adopted Water Shortage Emergency ordinance. ANPDC is in the process of revising the draft plan to correct these items. A Public Hearing will need to be held before Council considers a resolution to adopt the plan at the October 13 Council Meeting.

Mr. Jim McGowan, representing ANPDC, is here to brief Council on the contents of the plan.

**RECOMMENDATION:**

Staff asks Council to approve setting a Public Hearing for October 13, 2011.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Ordinance to Grant a Lease of Public Property – Schedule a Public Hearing		<b>AGENDA DATE:</b> September 8, 2011
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Set Public Hearing for ordinance granting lease of Town property.		<b>ITEM NUMBER:</b> 7B
	<b>ATTACHMENTS:</b> Subject draft ordinance.		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Bob Panek	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The Town Harbor development plan includes a restaurant on the west end of the “West Dock” adjacent to the new floating slips. Council has recently expressed support to proceed with leasing out this area for construction and operation of a casual seafood themed restaurant. The Code of Virginia (Sec. 15.2-1800) requires a public hearing be held prior to disposal of real property. The Code (Secs. 15.2-2100-2103) also requires such lease to be advertised for competitive bid and then be made pursuant to an ordinance adopted by Council.

**DISCUSSION:**

Construction of a restaurant needs to commence this fall so that it can be operational at the start of next year’s tourist season. An invitation for bids will be advertised in the Eastern Shore News on September 7 and 14. The advertisement also appeared in the Virginian-Pilot on September 4. Bids, including an operational concept, are due on September 29. Per the Code of Virginia, the bid must be opened in public session, a brief summary read and inquiry made if any further bids are offered. A Special Meeting of Council will be scheduled for September 29 to accomplish this. Staff will then make inquiries, evaluate the bids and make a recommendation to Council at the October 13 Regular Meeting.

After the Public Hearing, Council may then adopt the ordinance awarding the lease to the highest bidder, or may award it to a lower bidder if it is considered in the best interest of the Town by a recorded vote of the majority of members elected to Council. The lease would be executed by the Mayor after negotiation of final details by the Town Manager.

**RECOMMENDATION:**

Staff asks Council to set the Public Hearing for October 13.

**ORDINANCE 20111013  
GRANTING LEASE OF TOWN PROPERTY**

**WHEREAS**, the Town of Cape Charles desires to lease for a period of \_\_\_\_\_ years approximately one half acre of the "West Dock", Tax Parcel 83A3-OA-00-010, for the purposes of building and operating a restaurant; and

**WHEREAS**, the use of the property for this purpose conforms to the master plan for development of the Cape Charles Harbor; and

**WHEREAS**, a public hearing has been held as required by the Code of Virginia, Section 15.2-1800; and

**WHEREAS**, the proposed ordinance and lease have been advertised for competitive bids as required by the Code of Virginia, Sections 15.2-2100-2102; and

**WHEREAS**, the highest bid has been received from \_\_\_\_\_; now

**THEREFORE BE IT ORDAINED** by the Town Council of Cape Charles, this 13<sup>th</sup> day of October 2011, that a lease be executed between the Municipal Corporation of Cape Charles and \_\_\_\_\_; and

**BE IT FURTHER ORDAINED** that the Town Manager be authorized to prepare such lease materially in conformance with the terms and conditions attached hereto.

\*\*\*\*\*

Adopted by the Town Council of Cape Charles on October 13, 2011

By: \_\_\_\_\_  
Mayor

ATTEST:

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

**Town of Cape Charles  
Lease of Harbor Property  
Terms and Conditions**

1. **Demised Premises.** Approximately one half acre of waterfront at the west end of the West Dock, Tax Parcel 83A3-OA-00-010, adjacent to the floating slips. Actual area will be dependent on size and configuration of restaurant building, any outside decks, required parking spaces and necessary supporting infrastructure. Decks may extend up to 18 feet into the Harbor Area building setback, to adjoin with the Town walkway.
2. **Use of Property.** To be used to build and operate a casual, seafood-themed restaurant on either a seasonal or year round basis. Emphasis should be on simple preparation of local seafood products; e.g. steamed, raw bar, and the like. Alcoholic beverages permitted, subject to Virginia Alcoholic Beverage Control Board licensure. Live entertainment permitted. Outside noise must comply with restrictions in Town Code.
3. **Utilities.** Tenant responsible for connecting to existing public utilities available nearby (electric, water and sewer). Tenant responsible for all costs to connect, including any connection charges required by Accomack Northampton Electric Cooperative and the Town of Cape Charles. Tenant responsible for all utilities usage fees and charges.
4. **Laws and Regulations.** Tenant must comply with all applicable laws and regulations of the United States, the Commonwealth of Virginia, and the Town of Cape Charles, including Harbor Area Zoning requirements (building setbacks, architectural design standards, Harbor Development Certificate process, etc).
5. **Insurance.** Combined single liability limits of not less than \$1,000,000 per occurrence and \$1,000,000 in the aggregate, with landlord as an additional named insured on all policies.
6. **Real Property Taxes.** Tenant responsible for taxes on leasehold improvements.
7. **Rent:** Base rent of \_\_\_\_\_ per month, plus \_\_\_\_\_ percent of gross sales for previous month.
8. **Payments.** Due on first of the month; late payment charge of 5% after 10 days.
9. **Term:** Minimum of 5 years, maximum of 40 years, to be proposed by tenant.
10. **Assignment and Subletting.** Only upon prior written consent of the landlord.
11. **Termination.** Automatically at the end of the lease term; immediately upon dissolution of the tenant; at landlord's option if the property ceases to be used for its stated purpose for a period of more than 6 months; upon written agreement of landlord and tenant.
12. **Disposition of Leasehold Improvements.** Upon termination of lease, to be removed by tenant or, at the landlord's option, to be purchased by landlord at the then current appraised value.
13. **Other.** Customary provisions related to: delivery and surrender of the property; prohibiting mechanic's, materialman's or similar liens; indemnification and release, default and remedies, costs and attorneys' fees, notices, etc.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Reappointment of Building Code Board of Appeals Member

**AGENDA DATE:**  
September 8, 2011

**SUBJECT/PROPOSAL/REQUEST:** Reappointment of Building Code Board of Appeals Member

**ITEM NUMBER:**  
7C

**ATTACHMENTS:** None

**FOR COUNCIL:**  
Action   
Information

**STAFF CONTACT (s):**

Jeb Brady, Building Official

**REVIEWED BY:**

Heather Arcos, Town Manager

**BACKGROUND:**

The Building Code Board of Appeals hears appeals concerning the Uniform Statewide Building Code and is comprised of five members serving five-year terms.

**DISCUSSION:**

There is one member on the Board, Matthew Brown, whose term will expire on September 10, 2011. Mr. Brown has expressed his interest in continuing his service on this Board.

**RECOMMENDATION:**

Staff recommends Council reappoint Mr. Brown to the Building Code Board of Appeals for another term.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Accomack-Northampton Regional Long-Range Transportation Plan 2035

**AGENDA DATE:**  
September 8, 2011

**SUBJECT/PROPOSAL/REQUEST:** Review 2035 Regional Long-Range Transportation Plan

**ITEM NUMBER:**  
7D

**ATTACHMENTS:** A copy of the plan

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

**STAFF CONTACT (s):**  
Tom Bonadeo - Heather

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

**BACKGROUND:**

VDOT commissioned a contractor to develop a long range transportation plan for all the regions of the state. Local Planning Districts (ANPDC) have worked with the contractor and localities had input through the planning districts.

**DISCUSSION:**

This has been a slow process and the information sharing has not been the best as evidenced by Goal 5 in the left hand column of page 2.

Specific to Cape Charles is the map on page 9, items 6, 7, 8 and 16 specifically. Items 15 through 24 cover related roads around the Route 13 intersection. Another item of interest is the entrance to Kiptopeke State Park that involves 25, 26, 27, 35, 36, 37 and 50. This group of projects moves the entrance south to the small road where the bike trail ends. A traffic signal at this intersection makes the crossing of 13 safer for bikes and walkers between Kiptopeke and the Wildlife Refuge.

This is a Long Range Plan and these projects are backed up by studies of the safety of the roads and their current configuration. This doesn't mean that all this will happen as little money exists but it does give a basis for work to be done in the future.

Other items of note are the Movement of Goods on page 16 and the Bicycle Facilities on page 17.

**RECOMMENDATION:**

Read and enjoy the document.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Federal Highway Safety Grant 2011/2012		<b>AGENDA DATE:</b> September 8, 2011
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Approval to accept funding for the Highway Safety Grant		<b>ITEM NUMBER:</b> 7E
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Charles Brown, Chief of Police	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The Federal Highway Safety Grants are awarded annually to law enforcement agencies across the Commonwealth to combat violations of alcohol / impaired driving, occupant protection - seat belts / child passenger safety, aggressive driving / speeding, and pedestrian and bicycle safety. The Town received \$5,500 from this grant for FY 2010/2011.

In March 2011, the Town submitted an application requesting \$8,570 for FY 2011/2012 for the following:

- \$4,995 for a much needed in-car camera
- \$3,375 for 150 selective enforcement hours
- \$200 for officer training

This grant requires a 20% matching fee but the Town can show fuel usage and vehicle maintenance costs as the matching fee.

**DISCUSSION:**

On August 25, 2011, Chief Brown attended a meeting regarding this year's Highway Safety Grant and received notification of a grant award in the amount of \$6,073 with the following breakdown:

- \$2,498 for a Watch Guard Digital In-Car Video Camera System
- \$3,375 for 150 selective enforcement hours
- \$200 for two officers to attend the Mid-Atlantic DUI Conference

The Town's fuel and vehicle maintenance match amounts to \$1,214.60 which is included in the FY 2011/2012 Budget.

**RECOMMENDATION:**

Staff requests authorization for the Town Manager to execute the Highway Safety Grant Agreement and any other necessary documents relating to the administration of this grant.