



TOWN COUNCIL

Regular Meeting

August 11, 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. Technology Zone
7. New Business
 - *A. Proclamation for Melvin Dudley
 - *B. IT Support Services Contract
 - *C. Request for Proposals for Local Town Attorney
 - *D. Virginia Department of Health Planning and Design Grant
 - *E. Delinquent Tax Collections
 - *F. PNC Bank Tax Anticipation Loan
 - *G. Zoning Ordinance Modifications
8. Announcements
 - August 25, 2011 – Town Council Work Session @ 6PM
 - September 3, 2011 – Chamber of Commerce Harbor Party
 - September 4, 2011 – Unveiling of Historical Market at the Cape Charles Museum @ 4:30 PM
 - September 4, 2011 – Birthday Party in 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
9. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
July 14, 2011
6:00 PM

At 6:00 p.m. Vice Mayor Chris Bannon, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Mayor Sullivan was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo, Public Works Director Dave Fauber and Town Clerk Libby Hume. The majority of the Department Heads were also in attendance along with 8 members of the public.

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

PUBLIC COMMENTS:

Ms. Dianne Davis, 601 Jefferson Avenue

Ms. Davis addressed the Council stating that in the fall of last year, she came before the Council in reference to some windows and other materials that had been removed from a house on Monroe Avenue and were left in the backyard for more than three years. These items were still in the backyard of that property due to the absentee landlord. It was a shame that there were some things that could be enforced in a small town and there were others that could not be enforced. The only thing being done at the property was the grass was being cut because it was required by the Town. Ms. Davis went on to express her concern regarding some volunteer trees that have grown up on different properties with absentee owners. There was a huge tree that had grown up over time at 407 Fig Street but was hanging over on 631 Monroe Avenue and each year, she had to hire someone to cut the limbs off the tree because of the damage that could be done to her house. This had been mentioned to the Town on several occasions but she had been told that the Town could not force the property owner(s) to do anything about the tree. If the owners actually lived on the property, they would not allow this to happen. Another house was demolished beside 601 Jefferson Avenue. A pretty camellia bush was in the yard; however, since that time, a huge tree had overshadowed the bush. This tree should be cut down. Ms. Davis thanked Council for taking down some of the bushes and trees on her list from last fall and added that it really made a difference. Ms. Davis asked that Council, from time to time, ride or walk through the community to see some of the things that needed to be done. Ms. Davis stated that she realized that there was a shortage of manpower but asked that Council do what they could. Ms. Davis thanked the Vice Mayor and Council for the opportunity to speak regarding these issues.

Mr. Bill Payne, 103 Arnies Loop

Mr. Payne updated Council regarding the New Roots Youth Garden project adding that the committee was trying to raise money for the project. Mr. Payne thanked the Cape Charles Rotary for donating the funds for the lumber which was now on the site at the intersection of Fig Street and Randolph Avenue. A banner had been installed two weeks ago alerting the community of the project. Tomorrow morning from 9:00 AM - 11:00 AM, community volunteers would be working to clean up the property and lay out plastic to prepare the ground for the garden. The committee was working with the youth in the community because this was all about the children and teaching them how to manage garden projects, the importance of good eating and indirectly fighting childhood obesity. On July 30th, the committee would be having their opening and all residents from Cape Charles and the surrounding communities were invited to attend. This project was not limited to the children of Cape Charles. Any child in the area who would like to join in was welcome. Hopefully, the shed would be built by the date of the opening because even though people can envision things, there was nothing like seeing something built to get people behind the

project and to reach into their pockets to help make this project a success. Mr. Payne encouraged Council to tell all their friends and to buy raffle tickets which were available at Sullivan's, or from Jen Lewis, Heather Arcos and Smitty Dize. There was no reason not to add to the investment that had already been made to put Cape Charles on the map as a leader in the support of our children. Mr. Payne thanked the Vice Mayor and Council for their time.

Ms. Carol Evans, 645 Tazewell Avenue

Ms. Evans stated that she was here tonight to bring another monthly report about the Eastern Shore of Virginia Tourism Commission (ESVTC) and reported the following: i) Cape Charles took the Silver Award for Best Weekend Getaway in the Hampton Roads Magazine List of the Best issue which came out this past week. News about Cape Charles had certainly hit the Hampton Roads area; ii) The interactive kiosk at the Welcome Center went live on June 28th and was available 24 hours per day/7 days per week. There were complimentary business listings for the first year. Ms. Evans invited everyone to stop by to look at the kiosk which had printable material and visual presentations which spoke volumes to travelers. Ms. Evans asked business owners to send the ESVTC jpeg pictures along with information regarding their businesses to be posted on the kiosk; iii) Since August 2009, when the Welcome Center first opened, there have been over 204,350 visitors. As of this week, there have been 54K visitors so far this year and over 400 visitors per day for the past week; iv) Donna Bozza, ESVTC Executive Director, recently attended the reception at NASA Wallops for their recent rocket launch and made valuable contacts with local NASA Mid-Atlantic Spaceport and Air Force representatives along with various companies who would be involved in the future launches. Staff assisted with lodging for those involved with the launch and provided Eastern Shore of Virginia tourism information and complimentary gifts of eight bottles of the new Mars wine from Holly Grove Vineyards. Ms. Bozza spent some time talking to the director of NASA to get an initial meeting with key representatives to start discussing logistics of gearing up space tourism including topics like how Wallops Island facility tours could be made possible. Ms. Bozza and Lynne Lochen attended the final Atlantis launch in FL which was an important opportunity for them to go talk to people to get guidance regarding the launch and the tourism business along with that. They had an extremely productive meeting with the FL Space Coast director and staff who generously shared their expertise with everything from funding mechanisms to investigating the privatizing of the NASA Wallops visitors' center to allow for some creative upgrades. They also discussed working together with other launch sites across the country to set up a space trail so the Eastern Shore could tap into the resources of the big players while promoting the site for tourists. This would take time and money. The Space Coast people reminded them that they started out with next to nothing and built on the program year by year. One of the biggest realizations from these meetings was how the economic development of space tourism reached far beyond the launch site. During launches, there was not a hotel vacancy for 80 miles surrounding the site. The entire Eastern Shore, from Cape Charles to Chincoteague, could benefit if we worked together. The Eastern Shore also received recognition with a full page article in Sunday's Washington Post. It was amazing; v) The Virginia Tourism Corporation (VTC) had been working on a survey to provide information to better enable us to market the Eastern Shore. The VTC advertising agency would provide expertise at no cost to the ESVTC beginning with the marketing campaign "Cross the Bay for a Day and Better Yet Stay" to reach the Hampton Roads market; vi) The Richmond Times Dispatch picked up the space initiative from the Washington Post and asked Ms. Bozza to do an Op-Ed column on the next Space Coast which was right here; vii) WAVY TV-10 contacted Onancock for a Zip Trip and highlighted Cape Charles; viii) The ESVTC was working with studios in CA which were interested in doing a documentary about watermen in our region.

Vice Mayor Bannon stated that WTOP, one of the big stations in Washington, put something out recently about beach-side communities in the greater Washington area with the highest real estate prices. Number 1 was Annapolis was roughly \$700K, Alexandria was second with \$680K, third was Virginia Beach with \$660K and Cape Charles was fourth with \$640K.

Town Clerk Libby Hume read a letter submitted by Mr. & Mrs. Stephen Michel regarding several properties on Randolph Avenue and Plum Street which were in disrepair. (See attached)

CONSENT AGENDA:

Motion made by Councilman Sullivan, seconded by Councilman Bennett, to approve the agenda as presented. The motion was approved by unanimous consent.

The Town Council reviewed the minutes of the June 9, 2011 Public Hearing, the June 9, 2011 Regular Meeting, and the June 23, 2011 Special Meeting.

Councilwoman Natali stated that she had discussed some minor typographical corrections with the Town Clerk prior to this evening's meeting.

Motion made by Councilman Sullivan, seconded by Councilman Veber, to approve the minutes for the June 9, 2011 Public Hearing, the June 9, 2011 Regular Meeting, and the June 23, 2011 Special Meeting as amended. The motion was approved by unanimous consent.

REPORT PRESENTATIONS:

A. Town Manager's Report:

Town Manager Heather Arcos reported the following: i) Two representatives from WAVY TV-10 were in Town yesterday. Mayor Sullivan organized their day which started with breakfast at the Coach House followed by a tour of the Harbor, lunch at Rayfield's, a tour of the new wastewater treatment plant, the Cape Charles museum, several homes and a walk through Town. The segment should air sometime next week; ii) She attended the Board of Supervisors meeting regarding the Tall Ship Initiative which was tabled from their June Meeting. At the direction of the Board of Supervisors, County Administrator Katie Nunez approached the Eastern Shore of Virginia Festivals Organization (ESVFO) to take on the Tall Ship Initiative. The ESVFO was the group that organized the Birding Festivals. More information would be provided at the August Council meeting. A public meeting had been scheduled for July 27th at 7:00 PM at the auditorium in Machipongo regarding OpSail 2012; iii) She thanked all the Town staff for their work on the 4th of July festivities as well as all the businesses in Town for their participation, Bayshore Concrete for allowing the Town to use their facilities for the fireworks display, the Cape Charles Volunteer Fire Company for their efforts all weekend and Ms. Marie Brady for organizing the parade; iv) The Town staff was working hard on the upcoming Buy Boat weekend. The Schedule of Events was available on the table for anyone interested in taking a copy; v) Pellets had been ordered for the BMPs to help control the mosquitos in the park; vi) The Golf Cart Path had been completed and was being used. The Bay Creek Homeowner's Association was working on a meeting to vote on the Golf Cart Path connection into the Bay Creek Development. Public Works was looking into the standing water issue along the path; and vii) The advertisement for Waterworks Engineering Services had gone out with the and August 22nd deadline for proposals.

Councilman Veber complimented the Dave Fauber and the Public Works staff for all their hard work over the July 4th weekend adding that he went out at 9:00 AM on July 4th and the Town and beach were spotless. It was estimated that over 5K people were in Town over the holiday weekend.

Councilman Bennett stated that the Friday before the 4th of July weekend was very busy. Town Manager Heather Arcos called each business owner to notify them that the paving work along Mason Avenue would be completed that night. One business owner stopped him to let him know how much they appreciated Heather Arcos' call.

Vice Mayor Bannon stated that the fireworks display was spectacular this year. Heather Arcos added that the Town staff was already calling to get quotes for next year's fireworks display and the quote from the company that did this year's display was \$20K because it would have to be

held on the 4th. This year's cost was \$6,500 because it was held on July 3rd. The Town would be submitting a request to Northampton County for assistance with the cost of next year's display.

B. *Treasurer's Report:*

Treasurer Jo Anna Leatherwood apologized that the June 30, 2011 Treasurer's report was not yet available and added that she hoped to have it finalized by the end of this month. Jo Anna Leatherwood went on to report the following: i) A contract had been received from James Elliott regarding tax delinquent property sales. If a property did not sell for enough to cover his expenses, the Town would be responsible to pay his fee which differs by property based on the amount of tax owed. Jo Anna Leatherwood added that she hoped to have the information available for review by Council at the August meeting. There was some discussion regarding the process and whether the Town had a legal opportunity to purchase a property if the County were to force a tax sale. Jo Anna Leatherwood stated that she would check and provide the information at the August Council meeting; ii) The Town had sold 126 golf cart decals so far this year. Last year, a total of 105 were sold; and iii) The FY 2010/2011 audit had been scheduled for January 18, 2012.

C. *Recreation Report:*

Heather Arcos informed Council that Community Events/Recreational Coordinator Jen Lewis was holding a Cheerleading Camp this evening so would not be in attendance.

D. *Library Report:*

Librarian Ann Rutledge stated that so far this summer had been fantastic and continued to report the following: i) There were over 50 people in the Library this morning for the storyteller; ii) Over 100 people were coming into the Library on a daily basis; iii) Over 40 kids had been attending the weekly movies; iv) She complimented Jen Lewis and thanked her for all her assistance at the Library; v) She thanked the Friends of the Library and added that the special programs were brought to the Library because of the Friends; vi) A touch table had been set up in the Library containing sunflowers, shells, etc.; vii) The Library had been selling bags of gently used books for \$5 each; viii) There was a map in the Library which showed where all the visitors were coming from; ix) Drawings were being held on Movie Nights for prizes for the attendees; x) The Library was working on ideas on how they could participate in the 125th Anniversary activities. A display had been set up with old annuals from the school dating back to 1919 and a scrapbook with the history of Cape Charles; xi) A little boy came in with his mother. They were in Town visiting and he said that our library was the best library he had ever been in; and xii) Over 100 people attended the special program at the Arts Enter this past Saturday evening and approximately \$700 was raised in donations. The donations would benefit the Arts Enter and the Library.

E. *Harbor Report:*

Harbor Master Smitty Dize reported the following: i) The Harbor was packed over the 4th of July holiday weekend. In July 2010, the Harbor had 64 boats during the entire month and this year there were 91 boats from July 1 - July 3. Also, \$2K less in sales was made in these three days than the entire month of July 2010; ii) He thanked the Harbor staff and stated that the two seasonal part time assistants were working out well; iii) A new employee, Mike Loper, started yesterday and was doing a great job so far; iv) He expected lots of people to come into Town for the Buy Boat Reunion. The Buy Boats, Smith Island Skiffs and Boat Docking Contest all have a big following. He had also heard that this may be the first boat docking contest to be held in Virginia. If anyone was interested in seeing a boat docking contest, videos were available on You Tube; v) New flags were flying all around the Harbor thanks to Councilwoman Natali; vi) The parking lots were being redone. There have been some issues with the amount of traffic in and around the Harbor and crossing over the railroad tracks; vii) He was working with Bay Creek Marina on the Cape Charles Cup sailboat race. The organizers wanted to allow larger drafted boats to participate. In order to do so, the Town's docks would have to be used. The Cape Charles Cup was scheduled for August 20th; viii) Old Point Comfort Yacht Club had

contacted him for reservations over the Fall Festival weekend. They started their season in Cape Charles over Memorial Day weekend and wanted to end their season again in Cape Charles. They were also interested in coming to Town for the Buy Boat Reunion; ix) There were only eight spots left for the Buy Boat weekend; and x) A private VIP Party for the Town Council, staff, the captains and crews of the buy boats and skiffs, sponsors and volunteers had been scheduled for August 4th.

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber reported the following: i) The Public Utilities Department would be conducting a water system flush over four nights from July 25th through July 28th. An advertisement was scheduled to run in the July 20th issue of the Eastern Shore News. The water system flush should help with the Total Trihalomethanes (TTHM) level which exceeded the health department standard by 1 part per billion for the last quarter which covered the period of July 2010 – June 2011. The next test was scheduled for August; and ii) An advertisement was scheduled to run in the July 23rd issue of the Eastern Shore News requesting bids for the installation of a concrete slab for the Public Works maintenance building.

G. *Code Enforcement:*

Code Enforcement Officer Jeb Brady distributed a Code Enforcement Priority list to Council and explained that the cost estimates shown were not to make the properties habitable but to eliminate blight and the safety hazard. Cape Charles was a Historic Town so these properties could not be demolished without risk to the Town's historic designation. In the past, the Town was more active with legal action against the property owners but the legal fees were extensive. A work session would be scheduled to review in detail the Town's options regarding these properties. Vice Mayor Bannon asked if anyone lived in any of the houses on the list to which Jeb Brady replied that all the properties were vacant and uninhabitable. Councilman Bennett asked what criteria were used to determine properties to be placed on this list. Jeb Brady stated that the decision was based on the amount of disrepair of the property according to the definition in the Town Code. Councilman Veber asked if the property owners could turn the property over legally to the Town for the Town to auction, etc. Vice Mayor Bannon stated that he thought larger cities seized the properties for neglect. Jeb Brady stated that he would check into the issue and the information would be provided in more detail at the upcoming work session. Jeb Brady concluded by informing Council that a 60 lb. black drum was recently caught off the Cape Charles Fishing Pier.

H. *Planning Report:*

Heather Arcos stated that Town Planner Tom Bonadeo was not able to attend this evening and added that the Town was looking for volunteers to serve on the Planning Commission and Historic District Review Board. Currently, there was vacancy on each board. Notices have been placed on the Town's website and in the Gazette. If anyone had any recommendations on individuals to fill these vacancies, please have them contact Libby Hume.

OLD BUSINESS:

A. *Wastewater Treatment Plant Status:*

Dave Fauber stated that Mr. Walter Gills from ARAA came by the Wastewater Treatment Plant yesterday and was very pleased with the progress. A progress meeting was held with the contractor and engineering firm and though the contract was about 100 days behind schedule for substantial completion, they were concentrating on getting the system online. The clean water testing should be completed the first week of October and the Town's sewage should be introduced into the new plant the beginning of November.

Councilman Bennett asked why the delay seemed to be getting larger and larger. Town Consultant Bob Panek stated that the contractor got a slow start due to weather but a 30-day extension was granted for that reason. There had been some issues with several subcontractors, such as roofing and siding, which in turn delayed others. There were also some

scheduling issues. A meeting was held to discuss the schedule and the contractor could possibly make up about half of the current delay. A revised schedule would be provided by the contractor at the next progress meeting which was scheduled for July 26th. The contractor was expecting to complete the project approximately 60 days late which was good for a project of this size. Onancock's plant was over one year behind schedule in completion.

B. PSA / Regional Wastewater System Update:

Bob Panek advised Council that the revision of the Southern Node Preliminary Engineering Report (PER) was currently on hold to allow the PSA to survey some residential and commercial properties outside the boundaries of Cheriton and hold additional community meetings to gauge the interest before finalizing the service area. The Board of Supervisors, as recommended by the PSA, withdrew the application for financial assistance since an affordable service rate could not be achieved with the \$11M zero interest loan from the State Water Control Board. After the finalization of the service area the revision to the PER, the PSA would apply to both state and federal agencies for financial assistance. The PER for the first phase of the Northern Node was completed and the estimated cost of this project was about \$11.3M. An application for financial assistance from the Department of Environmental Quality was submitted by the PSA earlier today. Both projects were dependent upon significant amounts of grant funding to yield affordable rates and the PSA planned to apply to both USDA Rural Development and the Virginia Department of Housing and Community Development for grant/loan packages. The PSA was still three members short and it was difficult to conduct business with only seven members.

Councilman Veber asked about the estimated cost for the Southern Node. Bob Panek stated that the original service area which included Fairview was estimated at \$11M. With the smaller revised service area the estimate could be reduced to about \$8M. About 65% grant funding was needed for the service rate to be affordable.

NEW BUSINESS:

A. Regional Marketing Leverage Program Update:

Heather Arcos stated that a copy of the completed application which was submitted on June 29, 2011 was included in the agenda packet for Council's review. A group of business partners had been formed to apply for the Virginia Tourism Corporation Marketing Leverage Program Grant with Northampton County designated as the lead partner. The other partners include the Town of Cape Charles, the Northampton County Chamber of Commerce, Bay Creek Resort & Club, Chatham Vineyards, Sunset Beach Resort Hotel & Sunset Grille and YMCA Camp Silver Beach. This program was a targeted media outreach and awareness campaign focused on the Hampton Roads region and the military market to promote the lower Eastern Shore region. The campaign was called "Cross the Bay for a Day, Better Yet Decide to Stay" and focused on getting people to come across the Bay to visit the Eastern Shore. The Town's contribution of \$2,500 was reallocated from the funds designated as Community Support for the Cape Charles Business Association with their consent since this grant would benefit all the businesses in the Town. This grant was scheduled to be awarded on July 27, 2011.

B. Code 42-3 - Adoption of State Law:

Heather Arcos stated that each year, a new ordinance must be passed accepting any and all amendments to the provisions and requirements set by State Code in matters of regulation of motor vehicles and traffic in the Town of Cape Charles and any penalties for traffic violations.

Vice Mayor Bannon moved for adoption of Ordinance #20110714 - An Ordinance to Adopt Amendments to the Code of Virginia § 46.2 and Title 16.1, Chapter 11, Article 9 (§ 18.2-278, Et Seq.), Chapter 7, Article 2 (§ 18.2-266 Et Seq.), If Any, For Incorporation Into the Cape Charles Town Code Chapter 42-Motor Vehicles and Traffic. Ordinance #20110714 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

C. *Re-Appointments of Library Board Members:*

Heather Arcos stated that there were several members of the Library Board, Mss. Valerie Travis and Linda Schulz, whose terms would be expiring within the next month and needed to be reappointed for another four-year term. Both members have expressed their interest in continuing their service on the Library Board.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to reappoint Mss. Travis and Schulz to the Library Board for another term. The motion was approved by unanimous consent.

D. *Chesapeake Bay Restoration and Clean-Up Support:*

Heather Arcos stated that an email had been received requesting Council's assistance in supporting continued funding of programs that support clean water and programs that facilitate the development and implementation of nutrient management plans and other items to clean up the Chesapeake Bay. Funding of the Chesapeake Bay restoration and clean-up efforts was beneficial to the Town of Cape Charles, the entire Eastern Shore of Virginia and other areas surrounding the Chesapeake Bay and its tributaries.

Vice Mayor Bannon moved for adoption of Resolution #20110714 - Supporting Continuation of Funding for Chesapeake Bay Restoration and Clean-Up. Resolution #20110714 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

E. *Municipal Building Masonry Work Contract Award:*

Dave Fauber stated that a Request for Proposals (RFP) for the design and execution of repairs to the steel lintels over the windows and doors of the Municipal Building had been published with a June 14, 2011 deadline. Dave Fauber informed Council that three proposals were received. After completion of a rating review, contacting of references and interviews, staff determined that C.A. Lindman, Incorporated was the best qualified contractor. Preliminary figures indicated that the proposed design would fall within the budgeted amount. The suggested design utilized precast structural headers which would be placed over the window after removal of three courses of existing brick and would eliminate the need to match the existing brick. The project would be subject to a complete review by the Historic District Review Board. Council reviewed the two options provided by the contractor. There was some discussion regarding the options and the budgeted amount.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to award the Municipal Building Masonry Work contract to C.A. Lindman Incorporated using the precast lintel option and subject to Historic District Review Board approval. The motion was approved by unanimous consent.

F. *Planning Commission Request for Support:*

Heather Arcos stated that the Planning Commission requested Council's support to review and modify the existing sign ordinance making it more positive while still controlling large signage.

Councilwoman Natali explained that a strong consensus was reached by the Commissioners to have the opportunity with the direction of Council to revise the entire sign ordinance making it more user-friendly and to allow more flexibility for businesses to display temporary banners on an occasional basis. Councilman Evans agreed that the ordinance needed to be reviewed and suggested that the Commissioners look at language to make the signs more compatible with the historic area.

Motion made by Councilman Evans, seconded by Councilman Sullivan, to support the Planning Commission's review of the sign ordinance making it more positive while still controlling large signage. The motion was approved by unanimous consent.

OTHER BUSINESS:

Councilman Evans suggested having the Planning Commission look at a long range plan on the entrance into Town. Councilwoman Natali stated that the Commissioners were already working with the Northampton County Planning Commission on the overlay district into Town. The County was currently reviewing the Town's language and work on this issue would continue.

Vice Mayor Bannon addressed Council and the audience regarding the recent passing of Melvin Dudley who was a dedicated citizen of Town, who attended every meeting and commented on several items he felt important to the Town. Vice Mayor Bannon continued to state that Mr. Dudley was one of the most honest people he knew, a person of total integrity, kind and a very hard worker. Vice Mayor Bannon suggested that a proclamation be done to honor Melvin Dudley.

ANNOUNCEMENTS:

- July 16, 2011 – Cape Charles Harbor Party
- July 21, 2011 – Town Council Work Session with VEDP @ 6PM
- July 28, 2011 – Town Council Work Session @ 6PM
- August 5-8, 2011 – Chesapeake Bay Buy Boat Reunion @ Cape Charles Harbor
- August 5-September 5, 2011 - Cape Charles 125th Anniversary Celebration. An organizational meeting was scheduled for July 15th at 7PM Vice Mayor Bannon's house.
- August 5, 2011 – Harbor Party sponsored by the Town Harbor
- August 6, 2011 – Shriner's Parade
- August 6, 2011 – Book Sale at the Cape Charles Memorial Library
- August 6, 2011 – Chamber of Commerce Harbor Party
- August 11, 2011 – Town Council Regular Meeting @ 6PM
- August 25, 2011 – Town Council Work Session @ 6PM

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

Vice Mayor Bannon

Town Clerk



DRAFT TOWN COUNCIL

Work Session

Town Hall

July 21, 2011

6:00 PM

At 6:00 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett arrived at 6:06 p.m. Also present were Town Manager Heather Arcos, Town Planner Tom Bonadeo, Harbor Master Smitty Dize, Town Clerk Libby Hume and Ms. Liz Povar from the Virginia Economic Development Partnership. There were five (5) members of the public in attendance.

Mayor Sullivan announced the business for the evening would be to hear a presentation by Ms. Liz Povar regarding the Virginia Economic Development Partnership (VEDP) and to discuss future development at the Harbor.

Town Manager Heather Arcos introduced Ms. Povar and her husband, Tedd Povar, and welcomed them to Cape Charles and thanked them for coming to give this presentation.

Ms. Povar began by stating that she and her husband were from the Emporia / Greensville area and she served 10 years as the Economic Development Director and Tedd Povar was the former city manager for Emporia which had a population of approximately 16K. Ms. Povar went on to explain that the VEDP was created by Governor George Allen as a sustaining bridge through administrations since governors were limited to one four-year term in the Commonwealth of Virginia. Ms. Povar reviewed the VEDP's mission statement and introduced Governor McDonnell's Economic Development Team which included Lt. Governor Bill Bolling, Chief Jobs Creation Officer, Mr. Jim Cheng, Secretary of Commerce and Trade, and Mr. Robert Sledd, Senior Economic Advisor.

Councilman Veber stated that he would like to invite the Governor and his leadership team to Cape Charles to show them the Town. Ms. Povar stated that she did not think the Governor would be able to visit the Town but she would send an invitation to the other members of the Economic Development Team as well as Ms. Mary R. Carter, the Deputy Secretary of Commerce and Trade for Rural Development.

Ms. Povar went on to state that Cape Charles was a very diverse community and stressed the importance of having a master plan for the Town spanning the next five years. Ms. Povar reviewed figures and ideas from other municipalities including an estimated cost of services per household prepared by Chesterfield County in 2005 which showed the cost of services, the average amount of taxes paid per household and the amount of the shortfall per household which needed to be made up by economic development. Ms. Povar stated that this type of exercise was very important and suggested that municipalities needed to have these types of facts before it could move forward with plans for the future.

Ms. Povar stressed the importance of working together with our neighbors such as Northampton County, the Chesapeake Bay Bridge Tunnel, other towns within the county and the entire Eastern Shore of Virginia and southern Maryland. The Towns and County needed to think about the types of businesses to recruit and added that this area was suitable for manufacturing and technical businesses. Ms. Povar continued to review various statistics regarding the Commonwealth of Virginia and gave examples of success stories of several localities throughout

the state adding that economic development needed to be done with the help of a professional and could not be done part-time or by a volunteer. Ms. Povar went on to suggest that talking points be developed and distributed to the Town and County officials so everyone was saying the same thing. A common long-term vision needed to be decided upon with broad, flexible strategies to accommodate diversity which would also transition over elections so the Town could stay focused on its ultimate goal.

Ms. Povar concluded by stating that the Town/County/Eastern Shore should start the process by reviewing the region's assets and needed to utilize the private sector partners, who knew the markets, and try to figure out how to support them in their business endeavors.

Vice Mayor Bannon stated that Cape Charles was 30 miles from approximately 2M people and added the following: i) The Town was pro-wind energy but the County was not; ii) There was not interstate access; iii) We have a railroad; iv) We also have one of the highest tolls in the country; v) The closest airport is 35 miles to the north; and vi) We have an under-motivated workforce.

Ms. Povar stated that the Town needed to decide the types of businesses you wanted to attract and work from there and to think regionally in cooperation with the surrounding towns and counties. Must be realistic in the numbers and embrace the local business owners who have connections. Also, would be great to have a partnership combining tourism and economic development. Ms. Povar stated that she was not aware of an area within Virginia where this had been done successfully and she would like to see that on the Eastern Shore and she and Ms. Lynne Lochen would be happy to help the Town and County in the development of some type of program.

Councilman Veber stated that one thing that he had picked up from this evening was that we should be looking at the glass as half full and be better educated on how to sell the Town and we all needed to be better emissaries of the Town.

Ms. Povar stated that some areas develop an ambassador program where business leaders and citizens were educated and given talking points to help promote the area. Councilman Evans stated that he felt that we did that to a certain extent but were missing the part about selling benefits regarding the business in Town. We needed something to refine our knowledge to get to the business sector and still protect the small-town atmosphere. We needed to figure out how to keep that uniqueness and still be able to cater to businesses. We did not need to change the plan for a business but needed a broader, more flexible plan to accommodate businesses that we want here and we need to be more knowledgeable regarding working with businesses.

Councilwoman Natali added that the Town had a history of moving forward a little, then stopping and needed to do something to keep up the momentum.

Ms. Povar stated that the VEDP would be happy to help. The Town Council and staff needed to go visit other similar communities to see what they were doing. When she was in Emporia, their Council was taken to three other cities / towns to talk to other leaders and to see how others were doing things. The VEDP might be able to help recommend other communities similar to Cape Charles for Council and staff to visit. The VEDP had managers who were focused on their particular business sector and she may be able to arrange for some of them to talk to Council. The VEDP was here to help Cape Charles become the best that it could be.

Mr. Povar stated that he knew of someone, who was a former town manager, that could help with facilitation if the Town held a community meeting or planned a Council retreat, etc. It was beneficial to have a neutral third party involved and it would be at no charge. The Town needed to have a big, overall concept. A community exercise was also needed to get the community "buy-in." Vision and Plan could be used interchangeably and the Town needed to live the vision.

Every decision needed to be measured by saying "Does this get us closer to the vision?" If it did not, don't do it. Council and staff were probably the worst people to see what the Town had because you dealt with the day to day issues and complaints and were buried in the minutia that you could not stop and see the actual community and what it had going for it. A third party could help get the focus back on what the community had and to build on that.

Mayor Sullivan stated that she learned a lot from this evening and thanked Mr. and Ms. Povar for coming this evening. Councilman Evans added that this meeting had been extremely helpful.

Mayor Sullivan stated that sufficient time needed to be devoted to the discussion regarding the development at the Harbor but it was already after 7:30 p.m. and Council needed to move on to the Executive Session. Mayor Sullivan apologized to Harbor Master Smitty Dize but added that the Harbor development discussion would have to be tabled to another work session in order to give it the proper attention. Council was in agreement.

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

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL

Executive Session

Town Hall

July 21, 2011

Immediately Following Work Session

At 7:35 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 and Councilwoman Natali. Also in attendance was Town Manager Heather Arcos, Mr. Eyre Baldwin and Ms. Rosemary Bosworth of South Port Investors.

Motion made by Councilman Veber, seconded by Councilman Bennett 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 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business's or industry's interest in locating or expanding its facilities in the community.

Specifically: Potential Business

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

Mayor Sullivan

Town Clerk



DRAFT TOWN COUNCIL

Work Session

Town Hall
July 28, 2011
6:00 PM

At 6:02 p.m., Vice Mayor Chris Bannon, having established a quorum, called to order the Work Session of Town Council. In addition to Vice Mayor Bannon, present were Councilmen Bennett, Sullivan and Veber and Councilwoman Natali. Mayor Sullivan and Councilman Evans were not in attendance. Also present were Town Manager Heather Arcos, Town Planner Tom Bonadeo, Harbor Master Smitty Dize and Town Clerk Libby Hume. There were seven (7) members of the Library Board and Friends of the Cape Charles Memorial Library in attendance.

Vice Mayor Bannon announced the business for the evening would be to discuss the future plans of the Cape Charles Memorial Library and to review the Harbor Master Plan and future development at the Harbor.

Vice Mayor Bannon thanked the Friends of the Library and the Library Board for attending this evening and introduced the attendees as follows:

From the Friends of the Library (FOL): Ms. Alice Morehouse, President; Ms. Marita Patterson, Secretary; Ms. Jeannette Lusher, Vice President; Councilwoman Joan Natali, Treasurer; Ms. Carolyn Wiegner and Ms. Maggie Edmunds.

From the Library Board: Ms. Kim Dunton and Ms. Linda Schulz. Vice Mayor Bannon was also the President of the Library Board.

Vice Mayor Bannon stated that one hour had been allotted for this discussion.

Town Manager Heather Arcos thanked Ms. Morehouse, the Library Board and the FOL for providing the *Vision for the Cape Charles Memorial Library* and *Executive Summary* then turned the floor over to Ms. Morehouse.

Ms. Morehouse stated that the FOL and the Library Board had reviewed information from a 2005 Library survey, the 2000 work for the Cape Charles School renovation, the 2008 Eastern Shore Public Library Study by John Moorman and the 2010 Survey conducted by the FOL. The group also referred to the Commonwealth of Virginia's Standards for Libraries and applied these standards to John Moorman's population which used 2006 data. This number was adjusted for part time residents and visitors and the final number of 8K was used for the population in the development of the *Vision*.

Heather Arcos stated that everyone was in agreement that the Library was running out of space especially with the computer lab, etc. Vice Mayor Bannon added that Library Ann Rutledge and Library Assistant Sharon Silvey were doing a great job with all the programs and Recreational Coordinator Jen Lewis was also adding to the activities at the Library. There was also a very nice article, written by Ms. Gloria Bradley, in the Eastern Shore News regarding the Library and the hopes for expansion.

Heather Arcos stated that the future growth of the Library needed to be looked into as well as including an area for recreation, meeting rooms and other multi-use rooms.

Vice Mayor Bannon asked Ms. Morehouse what outcome she was looking for after this evening's meeting. Ms. Morehouse stated that she would like Council to select a target location and a possible back-up location. The public, and possible donators, wanted to know where the Library

would be located and what it would look like. Something needed to be done to move forward and there were not many available locations in the Historic District.

Town Planner Tom Bonadeo pointed out several town-owned property as follows: i) A single lot with approximately 5,600 SF on Washington Avenue was determined to be too small; ii) Four lots by the skateboard park, across the street from the old Cape Charles School was approximately 20K SF; iii) Space next to the old Cape Charles School by the basketball court; and iv) the old Cape Charles School which was approximately 15K SF on two floors. Tom Bonadeo continued to state that the old school could easily be made ADA accessible and elevators could be added. Tom Bonadeo noted that regardless of where the Library were to be moved, the property would have to be ADA accessible and elevators would have to be installed if the building was more than one floor. Vice Mayor Bannon stated that staffing would be an issue if the Library were on two floors.

Tom Bonadeo stated that the Town also owned a portion of this building which amounted to approximately 3K SF, two lots by the pump stations, five or six lots behind Rayfield's where the Public Works maintenance building would be constructed, and on the edge of Town by Bender's Lane, the Town owned 15 acres which was deeded for public use but did not have access to water and sewer. Tom Bonadeo continued to state that there were other sites in Town that could meet the square footage requirements but the property would have to be purchased or leased. Councilman Bennett suggested that a rendering could be done to show what the Library could look like.

Ms. Edmunds stated that the FOL would like to keep the Library in the Historic District in close proximity to the school where residents could walk to.

Tom Bonadeo stated that the geographical center of Town was around the old Rosenwald School location. Councilman Bennett added that he would not want to limit the location to the Historic District if another location becomes available.

Ms. Lusher asked about the status of the old Cape Charles School building and whether the asbestos had been removed. Tom Bonadeo stated that the majority of the asbestos had been removed and any remaining asbestos was in the plaster, which could be covered up, and in the floor tiles which could be easily replaced. Vice Mayor Bannon asked whether there was enough space to move the Library into the old school. Tom Bonadeo explained that the gymnasium was approximately 4K SF and could be used for the Library. Ms. Lusher stated that the 4K space would be better used as a community center which could be used by the entire community.

Ms. Morehouse interjected that we did not need to design a building. There were a million things that could be done to the building and a facilities planner could do the layout / design.

Heather Arcos stated that the old medical building could be available. Tom Bonadeo added that there were two former food stores, the former Meatland building and the former Camellia Foods building, which could be possibilities. The former Meatland building was located on 13 or 14 lots and could be expanded for growth. It is structurally sound but has no heating or air conditioning. The former Camellia Foods building was approximately 10K SF but was tied up in a family estate dispute. The old medical building was on four lots.

Vice Mayor Bannon asked about the size of the old Rosenwald School. Tom Bonadeo explained that it was approximately 4,000 – 4,800 SF.

Tom Bonadeo went on to explain that there was an advantage to using a community development company to be able to take advantage of tax credits especially for the old Cape Charles School which could amount to approximately a 20% savings.

Ms. Lusher suggested that a location could be found to also include the Town offices. Tom Bonadeo stated that this could be a possibility since the current municipal building was approximately 3K SF, was not ADA compliant, and had no hot water. The building was limited

in space making it necessary for the Town to lease temperature-controlled storage space for its archives. There were records in this building dating back to the 1800s which should be protected and stored in a better manner. The Meatland building would be a good location to house everything and had ample parking and room to grow. Ms. Morehouse added that the Library plans included meeting rooms and an archive room for the Town as well. Vice Mayor Bannon stated that it was at the entrance to Town and would be an ideal location for the Town offices and Library. Vice Mayor Bannon added that several years ago, the Cape Charles Historical Society had expressed a desire to have an archives room and a location to hold events and movies. Councilwoman Natali asked whether the owners of the Meatland building would be amenable to the Town renting the building on a long-term basis. Heather Arcos stated that she had spoken to the owner in the past and was told that if the Town were to invest in the building for renovations, she may possibly consider a 40-year lease at a \$1 per year. Tom Bonadeo added that the owner would possibly be open to considering any proposal that would protect and improve her assets. Councilwoman Natali asked whether the building were structurally sound enough to support a second floor being added. Tom Bonadeo stated that it was not but the one floor was approximately 13K SF and there was plenty of land available to expand the first floor if needed.

Vice Mayor Bannon asked Council where their ideal location would be. Councilwoman Natali stated that she was leaning toward the Meatland building if it was leasable. Councilman Veber stated that he agreed with Councilwoman Natali adding that the Meatland building was the entrance to Town and it would be nice to see that building fixed up. Councilman Veber stated that his second choice was the Camellia Foods building. Councilman Bennett stated that he personally liked the Rosenwald site but also stated that the Town could fix the Meatland building and move the entire Town offices into the building. If more space was needed for the Library in the future, the Town offices could be relocated. Councilwoman Natali added that the building could be expanded at that time to still accommodate everything. Councilman Sullivan agreed that the Meatland building was his first choice since it was the entrance to Town. Vice Mayor Bannon stated that his choice would be the Meatland building as well.

Heather Arcos stated that she would like to see the County assist the Town regarding the Library as well. Currently, the Town received \$15K each year to help with the Library's \$100K operating budget.

Vice Mayor Bannon asked the approximate cost to renovate the Meatland building. Tom Bonadeo stated that the cost could be approximately \$70 - \$100 per square foot. Councilman Bennett added that it would be closer to \$100 per square foot to make an impression.

Ms. Morehouse stated that approximately \$1,200 in donations had been collected. Ms. Patterson added that 2K letters went mailed and 53 responses were received. Ms. Morehouse stated that everyone wanted to see a picture of the proposed building and location. Councilman Bennett suggested that a rendering be done showing what was planned.

Tom Bonadeo stated that several years ago, the Maritime Academy had planned to lease the Meatland building. At that time, they had provided a rendering for review by the Historic District Review Board (HDRB). Tom Bonadeo showed a copy of the rendering to the attendees and pointed out that the HDRB liked the plans but did not approve the roof line.

Tom Bonadeo went on to state that he liked Councilman Bennett's plan regarding the Rosenwald School. This was a unique building and needed to be protected but it was not within walking distance from the Historic District. Tom Bonadeo informed the attendees that he had spoken to the owner last week and she was interested in working with the Town and anxious for an offer on the property. A company could be set up, which would own the building, to take advantage of the available tax credits to restore the building. Ms. Morehouse stated that she agreed that the Rosenwald School needed to be restored but not as a Library.

Tom Bonadeo stated that the renovations to the Meatland building would be easier and more cost effective to accomplish and the property had ample parking and room for expansion.

Ms. Morehouse stated that people wanted the current Library building to remain intact adding that there was historical significance in the building including the stained glass windows. Ann Rutledge added that the energy was there and that the Town needed to move on it. Ann Rutledge went on to state that Mr. Furlong Baldwin told her to call him when the Town was ready to do something.

Tom Bonadeo stated that the Library property had some value for the neighbors but the building itself could possibly be moved to the Meatland lots, if that was the direction Council wanted to take. The current lot could be sold to help cover some of the costs.

There was some discussion as to the next step and Councilman Veber stated that he felt that the owner of Meatland needed to be contacted to see if they were interested and added that the building had been vacant close to 10 years. The people of Town may also appreciate that the Town was considering fixing up the property.

There was further discussion regarding raising the funds for this project. Ms. Morehouse stated that she could not apply for any grants without a location. Ms. Edmunds stated that the location and look of the proposed Library needed to be determined so the group could put together a professional presentation to raise funds.

Heather Arcos interjected that the old Cape Charles school building should not be discounted. Councilman Bennett stated renovations to the old school would be more expensive than the Meatland building. Heather Arcos expressed her concern of whether the owner of Meatland would commit to leasing the building to the Town, using the premise that the Town would pay to improve the property in lieu of lease payments, if the Town did not have the money yet to do anything.

Councilwoman Natali stated that before going any further, the Town needed to know for sure if we could lock down the Meatland building. If not, we needed to look at a backup location.

Ms. Dunton expressed her concern about the Town spending money to fix up a building that it did not own. After the term of the lease, the Town would have improved the property and have nothing if the owners opted to not renew the lease.

Vice Mayor Bannon asked for a summary of this evening's discussions.

Heather Arcos stated that the Town would research the Meatland building at the direction of Council. Ms. Morehouse stated that her group would continue collecting donations for the project. Councilman Bennett stated that there was no reason to hold back on doing the renderings and suggested the group proceed to get renderings done for a new building to fit on four lots.

Ms. Schulz stated that Accomack County was planning to build a new 30K SF library on land donated by Shore Bank. They did not have a lot of funding but were proceeding. According to the deal with the bank, the County has five years to build the new library.

The Friends of the Cape Charles Memorial Library and Library Board members in attendance left the meeting at 7:05 p.m.

Heather Arcos stated that staff wanted to revisit the Harbor Master Plan to determine whether Council wanted to move forward with a restaurant and marketplace at the Harbor and proceeded to show Council the proposed locations for these items on the Harbor Master Plan which was adopted in August 2006.

Harbor Master Smitty Dize stated that the Master Plan allotted 1,600 SF for the restaurant slab. Tom Bonadeo added that he had been approached by several entities that were interested in

building a restaurant at the Harbor and was told that 3K SF was needed. Smitty Dize stated that he was in St. Michaels over the past weekend and distributed pictures of the Crab Claw Restaurant at the Town Harbor which was a two-story restaurant. The first floor was open air and the second floor was enclosed and operated as a traditional restaurant. Smitty Dize stated that this type of restaurant was what he had in mind for the Cape Charles Harbor. There was some discussion regarding this restaurant and Council was agreeable that a restaurant of this type was feasible for the Harbor.

There was some discussion regarding whether the restaurant should be open year around or seasonally and whether the Town could state a preference as to the type of food that was served. Councilman Bennett stated that he felt that it was the discretion of the restauranteurs as to whether they wanted to be a seasonal or year-round restaurant but the Town could possibly stipulate that a seafood-themed restaurant was preferred.

There was some discussion regarding whether the Town should limit the times for music and live bands due to complaints from residents and boaters at the Harbor. Smitty Dize stated that he had only received two complaints in the past regarding the loud music at the Harbor parties.

Councilman Veber stated that he felt that the Town should approach South Port Investors and have them open a restaurant on their property vs. the Town having a restaurant at the Harbor.

Councilman Bennett stated that if there were people interested in opening a restaurant at the Harbor, why not move forward. The next step would be to decide whether there would be any restrictions and how much the Town would lease the property for. Councilwoman Natali also agreed that the Town needed to move forward. If South Port was interested in opening a restaurant on their property, they could come to the Town with a request to do so. It would not hurt the Town to have a restaurant at each location.

There was much discussion regarding the legalities of a ground lease and Council suggested that staff research the Town's options regarding a ground lease. Heather Arcos stated that staff would begin gathering information. Councilman Bennett stated that now was the time to move so plans could be made and the restaurant could be open next year. Smitty Dize stated that the restaurant needed to be open by next Memorial Day.

Councilwoman Natali stated that she would like to see a Request for Proposals go out for a seafood-themed restaurant. Heather Arcos added that she would like to see it as a casual seafood-themed restaurant.

Motion made by Councilman Sullivan, seconded by Councilman Bennett, and unanimously approved to adjourn the Town Council Work Session.

Vice Mayor Bannon

Town Clerk

Town Manager Report
Highlights
July 15, 2011 – August 4, 2011

Harbor Development Update

- On July 25, 2011, 9 responses were received for the Request for Qualifications for the Cape Charles Bath House Design-Build Project.
 - 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, are reviewing the pre-qualification proposals and will be meeting on August 12, 2011 to complete the scoring.
- As a result of the Council Work Session held on July 28th, staff has begun the work of gathering information for ground lease options for a possible restaurant at the Harbor, as defined in the Harbor Master Plan.

Virginia Economic Development Partnership / Liz Povar

- The Town is awaiting the information from Ms. Liz Povar, which was requested at the July 21, 2011 Work Session, regarding various programs that may be of benefit to the Town.

Landscaping at Cape Charles Entrance at Route 13

- We are soliciting pricing from area surveyors to complete the VDOT survey requirement in order to obtain approval of the landscaping plan proposed by Bay Creek.
- Bay Creek is planning to begin planting in the fall.

Mason Ave. Forcemains and Sewer Project Update

- Work continues on the Mason Avenue Forcemains and Pump Station Upgrade as follows:
 - Now through August 6th: Complete Headworks reconfiguration and Grit Chamber demolition (all inside the fence).
 - August 4th – 5th: Install Air Release Valves.
 - August 8th – 13th: complete Fig Street Force Main extension.
 - August 15th – 27th: Milling and Repaving.
 - TBD (Awaiting input from contractor): Recondition Pump Station Wet Well.
- It has been made clear to the contract (in writing and at the progress meeting) that the last block of Mason Avenue must be clean and passable by close of business August 5th to support the parade on August 6th.

Central Park Trail Project Update

- Staff is continuing to work with the contractor regarding the drainage issues and the leveling of the fountain at the park.
- The majority of other issues have been resolved.

Golf Cart & Bike Path

- The Town's portion of the Golf Cart Path enabling golf cart accessibility between the Historic District and the Bay Creek Golf Community has been completed and the signage has been placed.
- Community Group, the homeowners association for Bay Creek, is working with the Bay Creek property owners to connect to the Town's Golf Cart Path along the front of the Bay Creek Resort property. A meeting will be scheduled in August for the members to vote on the issue.

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.

Virginia Tourism Corporation Marketing Leverage Program

- We are awaiting notification on the VTC Marketing Leverage Program Grant.

Tall Ship Initiative / OpSail 2012

- The OpSail Community meeting on July 27th went well with representation from Cape Charles, Exmore, Eastville and Northampton County. County Administrator Katie Nunez and David Kabler gave a presentation providing the community with information on programs and explaining how they could be a part of the OpSail festivities.
- Another meeting will be scheduled for the end of September.
- 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, are considering the County's request to organize OpSail 2012 and the Tall Ships Initiative. The bylaws for the ESVF are general in nature and their goal is to take on additional events as the Birding Festival was established and gained momentum.

Lynne Lochen – Virginia Tourism Corporation

- On June 16th, Lynne Lochen gave a great presentation to the Cape Charles Business owners. Some of the attendees were so impressed with the feedback given at the meeting that they have asked her to give another presentation more focused on customer service.
- Two Customer Service Training Seminars have been scheduled for Tuesday, August 9th, at 10:30 AM and 2:00 PM in the Cabana Room, second floor of the Aqua restaurant. Two sessions were scheduled to enable business owners to split their staff so everyone can attend. Each session will last approximately 1 hour 15 minutes.

Cape Charles 125th Anniversary Celebration

- The 125th Anniversary Celebration Kick-Off is scheduled for this weekend beginning with Chesapeake Bay Buy Boat Reunion and parade which includes the Shriners and the Knights of Columbus as our special guests.
- A schedule of activities has been distributed around Town and to various media venues as well as being posted on the Town's website.
- Special thanks to all the businesses and volunteers who have helped to make this month-long celebration a reality.

Cape Charles Memorial Library

- A Council Work Session was held on July 28th with members of the Friends of the Library and the Library Board to discuss the future of the Cape Charles Memorial Library and possible locations for the relocation and expansion of the Library.
- Several locations were discussed and staff is researching the options available for the future expansion of the Library.

Topics for Upcoming Work Sessions:

- Town Code Modifications:
 - Animal Ordinance
 - Nuisance Ordinance – *tentatively set for August 25, 2011 (tabled from July 28th)*
 - Sanitation Ordinance
- Personnel Policy Review by Section

MUNICIPAL CORPORATION OF CAPE CHARLES
CASH POSITION
JUNE 30, 2011

Cash on Hand	5/31/2011	6/30/2011
Bank of America Checking	1,942,954	505,795
Local Government Investment & Restricted Funds	<u>994,668</u>	<u>1,994,776</u>
Total Cash On Hand	<u><u>2,937,622</u></u>	<u><u>2,500,571</u></u>

TREASURER'S REPORT									
JUNE 30, 2011									
MONTHLY REPORT									
FUND	MONTHLY PRORATED ADOPTED BUDGET *	CURRENT MONTH REVENUES/ EXPENDITURES	% REALIZED/ EXPENDED	PRIOR PERIOD YTD	ANNUAL ADOPTED BUDGET	YEAR TO DATE	% REALIZED/ EXPENDED		
GENERAL									
REVENUES (Note 1)	242,232	175,074	72.28%	2,574,215	2,906,787	2,749,289	94.58%		
EXPENDED	242,232	290,676	120.00%	1,926,499	2,906,787	2,217,175	76.28%		
PUBLIC UTILITIES									
REVENUES (Note 2)	1,320,257	1,016,289	76.98%	9,470,716	15,843,085	10,487,005	66.19%		
EXPENDED	1,320,257	1,254,702	95.03%	10,221,971	15,843,085	11,476,673	72.44%		
HARBOR									
REVENUES	182,265	131,016	71.88%	1,158,319	2,187,185	1,028,848	47.04%		
EXPENDED	182,265	172,289	94.53%	2,053,804	2,187,185	2,226,093	101.78%		
SANITATION									
REVENUES (Note 2)	15,725	18,351	116.70%	170,928	188,702	189,279	100.31%		
EXPENDED	15,725	12,939	82.28%	142,687	188,702	155,626	82.47%		
Points of Information									
1. 2010 tax comparison amounts can be seen in the notes to these financial reports.									
2. Utility revenues are recorded as collected. Therefore June utility charges of \$97,164 and sanitation charges of \$15,594 are not included above.									
* Monthly budget amounts equal annual budget divided by 12.									

MUNICIPAL CORPORATION OF CAPE CHARLES
 NOTES TO FINANCIAL REPORT
 JUNE 30, 2011

1. The expenditures for June include the following invoices that were paid in July:

Arco Building System	21,233
MA Bochman General Contracting	870
Micor Enterprises	6,567
VRS Retirement & Life	10,808
Various Small Invoices	4,680
	44,158

2. Real estate and personal property tax collections are under way. Below you will see the comparison of collections as a percentage of this budget year for collections from July 1, 2010, through June 30, 2011.

	Fiscal Year 2011 Budget Amount	Through June, 2011 Collections	% of Budget Collected
Real Estate Tax Collections			
2010 Tax Collected	1,019,603	1,092,301	107.13%
2009 Collections	9,000	18,642	207.13%
2008 Collections	4,000	9,738	243.44%
2007 Collections	2,000	1,112	55.58%
2005 & 2006 Collections	0	1,427	0.00%
	1,034,603	1,123,219	108.57%

	Fiscal Year 2011 Budget Amount	Through June, 2011 Collections	% of Budget Collected
Personal Property Tax Collections	120,000	97,937	81.61%
License Tax	18,000	18,332	101.85%
Machinery & Tools	20,000	17,090	85.45%
	158,000	133,359	84.40%

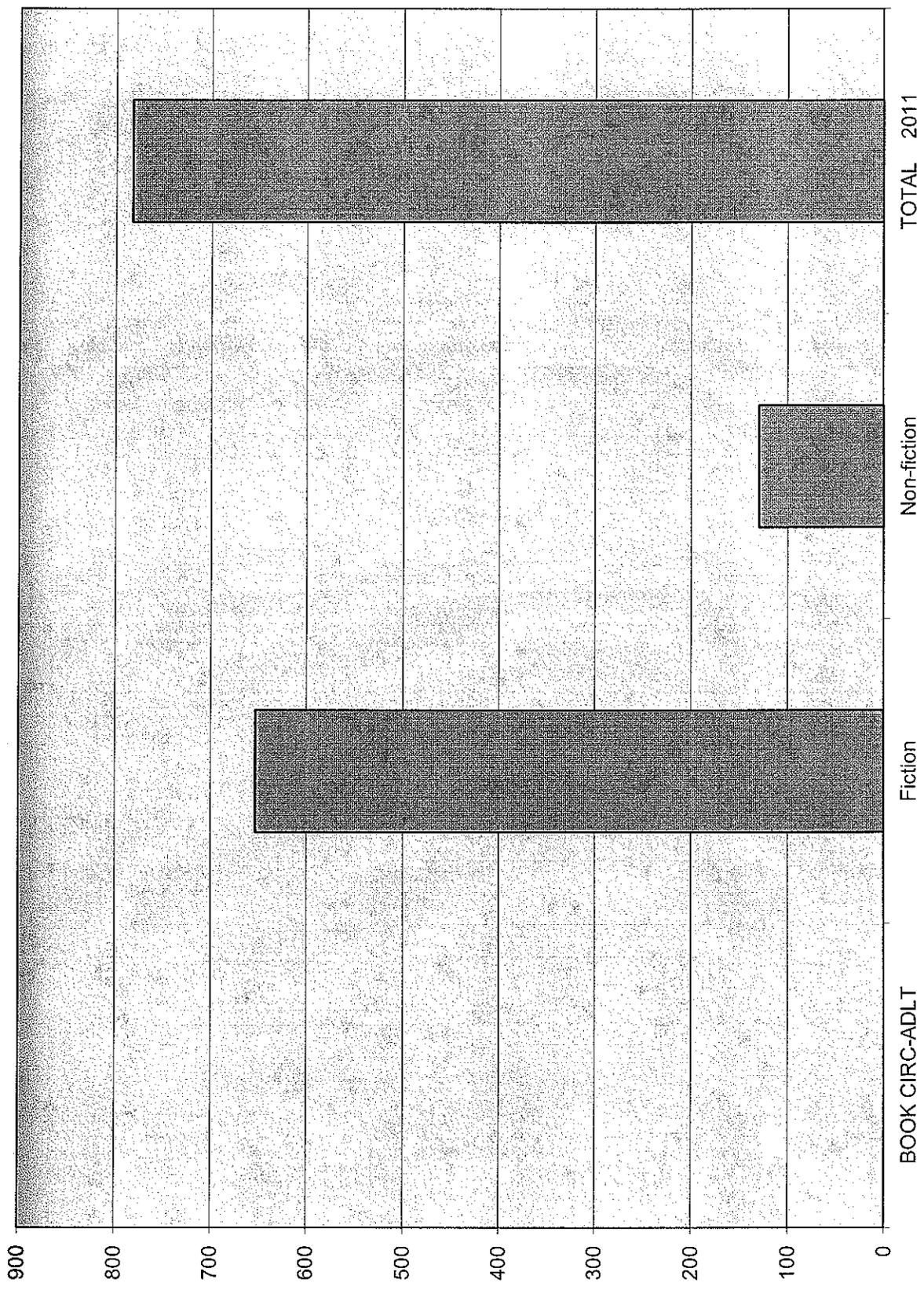
MUNICIPAL CORPORATION OF CAPE CHARLES			
CAPITAL PROJECTS UPDATE			
THROUGH MONTH END JUNE 30, 2011			
PROJECT	BUDGET	SPENT	BALANCE TO
	AMOUNT	YEAR TO DATE	SPEND
GENERAL FUND			
Broadband Project	512,300	207,410	304,890
Public Works Yard Building	30,000	28,293	1,707
Public Works Pickup	20,000	20,437	(437)
Cape Charles Multi-Use Trail Orig Grant/Supplemental)	598,026	307,308	290,718
PUBLIC UTILITIES			
2 Wells including Pumps/Hookups	280,000	120,906	159,094
Water Production Expansion	20,000	25,183	(5,183)
Project Consultant/Management	4,613	0	4,613
Machinery/Equip - Replacement Generator	45,000	0	45,000
Inflow & Infiltration Project	1,200,000	779,889	420,111
New Wastewater Plant Construction/Support Expenses	13,041,519	9,721,278	3,320,241
HARBOR			
Offshore Breakwater	0	123,673	(123,673)
Marina Inshore Breakwater, Slips/Bulkhead	1,643,977	1,494,576	149,401
Surveillance Cameras	5,000	0	5,000

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

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 68 children and caregivers attended this month. Our wonderful volunteer Terry Strub presents storytime each week.
2. The **2011 Summer Reading Program, Amazing Tales at Your Library** continued this month with record attendance at our programs. We had Wednesday morning crafts presented by Jen Lewis and Wednesday movie night. Our special programs were **Around the World with the Living Museum** on July 5, storyteller **Ginger Inabinet** on July 14, and magician **Rob Westcott** on July 20. The Library served a total of **399 parents and children** in our programs this month. All special programs are funded by the Friends of the Cape Charles Memorial Library.
3. Our book displays for this month continued to feature books for children and adults on folk tales, fairy tales, and books of fantasy to support our Summer Reading Program theme **Amazing Tales at Your Library**. At the end of the month we added a book display for the **Cape Charles 125 Years Celebration**. Our display includes books about Cape Charles and the Eastern Shore, including books on Sears homes.
4. We have had 74 children to sign up to read books this summer.
5. The Friends of the Library and the Library Board met on July 12 at the library. A special Town Council work session was held on July 28 to discuss the future of the library. On July 27 a great article about the Library appeared in the Eastern Shore News.
6. Our seven public computers have been very busy as well as wifi use with waiting lines at times.
7. 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
INCOME:							2011						
Donations	\$2.00	\$5.00	\$3.00	\$2.00	\$5.00	\$6.00	\$5.00						\$28.00
Copier/Prt	\$60.90	\$23.90	\$55.00	\$107.50	\$74.00	\$96.00	\$104.50						\$521.80
TOTAL	\$62.90	\$28.90	\$58.00	\$109.50	\$79.00	\$102.00	\$109.50						\$549.80
Deposit	\$62.90	\$28.90	\$58.00	\$109.50	\$79.00	\$102.00	\$109.50						\$549.80
BOOK CIRC-ADLT													
Fiction	653	556	695	719	659	714	657						4,653
Non-fiction	130	130	151	148	138	153	176						1,026
TOTAL 2011	783	686	846	867	787	867	833						5,669
Books Circ. 2010	685	708	633	658	610	857	962						5,113
BOOKS CIRC-JUV													
Fiction	487	356	465	600	414	578	637						3,537
Non-Fiction	150	149	136	154	133	102	121						945
TOTAL 2011	637	505	601	754	547	680	758						4,482
Books Circ. 2010	463	452	531	579	486	776	808						4,095
TOTAL BOOK 2011	1420	1191	1,447	1,621	1,334	1,547	1,591						10,151
TOTAL BOOK 2010	1148	1,160	1,237	1,237	1,096	1,633	1,770						9,281
Attendance 2011	1,072	1,048	1,236	1,334	1,045	1,438	1,473						8,646
Attendance 2010	742	732	995	1,060	1,535	1,392	1,833						8,289
Programs 2011	7	7	5	5	5	16	14						59
Programs 2010	4	7	7	5	4	9	16						52
Prog. Attend 2011	274	90	50	51	88	327	399						1,279
Prog. Attend 2010	8	60	41	22	29	155	155						470
Internet use 2011	471	401	483	612	572	842	771						4,152
Internet use 2010	428	385	375	713	941	746	746						4,334
Library Cards 2011	4	12	6	19	10	11	30						92
Library Cards 2010	8	8	15	15	17	45	30						138



Harbor Report

July, 2011.

Maintenance

1. Staff Put new flags up at the harbor that were donated.
2. Staff continued re-nailed dock boards and will continue all summer.
3. Staff continued with basic upkeep.
4. Staff built new parking area by the new slips with help from Public Works
5. Staff built new fence at the RR Crossing

Upcoming, Scheduled Maintenance

1. Continue basic maintenance.

Capitol Projects:

1. There are 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. RFB sent out for qualified bidders on the Bath House project

Other:

1. The Harbor is now open Monday – Thursday (8am to 6pm) Friday – Sunday + Holidays (7am to 7pm) through September.
2. Follow us on Face Book (**Cape Charles Town Harbor**) Pictures of the slip construction will be posted weekly.
3. Staff began to prepare for the Buy Boat Reunion. A special Thank You to every employee for their help.
4. Staff would like to thank all the sponsors for the buy boat reunion. **Wendell Dist. Co. Inc., Cape Charles Water Sports, Breezes Day Spa, Bay Creek Resort & Club, Bay Shore Concrete Products, Blue Heron Realty, Cherrystone Aqua Farms, Langley & McDonald, Atlantic Surveyor, Cape Charles Coffee House, Bagwell Gas & Oil, Bank of America, Watsons Hardware, Bayside Café, Seagate Bed & Breakfast, Dr. Titchomb, Sullivan's Office Supply, Rejuvenating Body Therapies', SpinSheet & PropTalk Magazine, John Burdiss - Attorney at Law, Bay Storage, SunTrust Bank, Kelly's Gingernut Pub, VBWebsites, Lighthouse Café, TW & Sons Seafood, Captain Ed Inc., JA Habel Corp. Chapman Electric, Williams Welding, Broadwater Oyster Co., and Cape Charles Marine.**

Incidents:

1

Notes:

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

Harbor Report

July, 2011.

Business:

Average docking per day/night by category:

<u>Rentals</u>	<u>July</u>	<u>June</u>	<u>11/12</u>	<u>10/11</u>
1. Hourly:	1.3	0.1	1.3	0.3
2. Nightly:	5.8	4.6	5.8	1.6
3. Weekly:	9.0	9.2	9.0	7.0
4. Monthly:	2.0	1.3	2.0	8.0
5. Quarterly:	2.0	2.0	2.0	1.0
6. Seasonal:	13.0	13.0	13.0	7.1
7. Annual:	50.0	42.0	50.0	32.8
8. Total Rentals,	83.1	72.2	83.1	57.8

Wharf Fees by Pounds:

	<u>July</u>	<u>June</u>	<u>11/12</u>	<u>10/11</u>
1. Crabs:	148,320	171,810	148,320	1,419,795
2. Fish:	24,568	26,200	24,568	534,616
3. Conchs:	0	9,685	0	90,317.5
4. Horse Shoes:	3,972	7,960	3,972	7,960
5. Gravel:	0	0	0	1,000,000
6. Clams	0	18,000	0	18,000
7. Oysters	0	12,000	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:	176,860	245,655	176,860	3,239,888.5

<u>Waiting List:</u>	<u>6/30</u>	<u>Registered</u>	<u>Removed</u>	<u>7/31</u>
1. 60ft Slips:	2	0	0	2
2. 50ft Slips:	2	0	0	2
3. 45ft Slips:	7	0	0	7
4. 36ft Slips:	8	1	0	9
5. 30ft Slips:	23	0	0	23
6. 24ft Slips:	20	0	0	20
7. 20ft Slips:	10	0	0	10
Total	72	0	0	73

William Smith Dize Jr.
 Harbor Master
 August 1, 2011

PUBLIC WORKS

July 2011

Dump Fees

- **Oyster Landfill** –6 Trips Work Orders Open: 2
- **Sludge**- 3 Tons Work Orders Completed: 22

Staff Report

Completed Projects

- Put new Public Works Building slab out for bid.
- New radios for public works personnel.
- Helped with meter reading.

In Progress

Upcoming Projects

- Repairs to Municipal Building, window lintels.
- New maintenance building for public works.
- Flag poles in park.

Special Events

- Buy Boats coming to Cape Charles Harbor Aug 5-8

PUBLIC UTILITIES

July 2011

Work Orders Completed

- Miss Utility Tickets: 24

Staff Report

Completed Projects

- Completed quarterly town water distribution system flush.

New WWTP

- Please see attached.

Mason Ave Force Main

- Please see attached.

In Progress

- Awaiting response from DEQ for our Ground Water withdrawal permit. Will be issued upon adoption of new water & waste water codes by council. (Month 40)
- Working with DEQ to finalize Keck Well Aquifer Plan. Collecting data for response to DEQ review letter on the Keck Well Aquifer Test Plan.
- Surveying right-of ways for Keck Well Pipe line.
- 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 Madison and Plum.
- Annual inspection of sewer pods in Bay Creek and Marina Village 75% complete. (Vacuum System).
- Survey of all roof gutter systems on Mason Avenue to look for connections to the sewer system, as part of our inflow and infiltration project.

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.
- New generators for Plum Street and Pine Street Pump Stations.

Wastewater Treatment Plant Construction Update

August 3, 2011

- The Operations Building interior metal stud framing walls have been installed and partially dry walled. The interior vent and water piping is 95% complete, with insulation installed over piping. The exterior metal siding is 80% complete. The windows are 100% installed. The HVAC ductwork is 99% installed. Exterior door frames are installed. Interior door frames are installed. Hot water heaters and shower has been installed. Electrical conduit and boxes are being roughed in on interior walls. Wood blocking is installed in the walls. Grounding grid and ground rods have been installed around building. AC unit pads have been poured, along with locker pad.
- The Headwork's Building exterior board insulation is complete. The exterior metal siding is 95% complete. The metal roofing has been installed. The 2nd floor walls have been painted. The grit piping is 95% complete. The translucent panels are installed. Interior stairs are installed. Pump room walls are painted. Overhead door is installed. Electrical room has cabinets and lighting installed. Storage room has 95% of water piping installed. Windows are 80% installed. Ground rods and ground ring has been installed around building. Fine screens are wired up and piped up. Hand rail is complete. Unit heaters are being installed. Hoist crane to be tested this month. Training has been provided.
- The Reactor Tank electrical control boxes are 95% installed. Process air piping in the reactor tanks is 98% complete. Davit cranes are installed. Electrical conduit and supports are 95% installed. Wire pulling began in August. Motorized and hand operated weir gates are installed. Weirs are 95% complete. MLSS recycle piping and pumps are installed and training has been conducted. Caulking is complete and leak testing is ongoing. Tank lighting conduit is being installed. Structural steel has been set for blower canopy. Exterior walls have rub finish applied.
- Membrane Tanks are coated, and hanging supports for the membrane cassettes are installed. Grating has been installed. Roofing to continue this month with insulation and final metal roof. Membrane cassettes have arrived on site.
- The Process Building roof erection is 60% complete and will continue thru August. The main power is now in the Electrical room. Electrical switchgear is being tested. Main electrical room walls and ceiling have been painted. Lighting fixtures and conduit are installed. Electrical disconnects and control panels for the pumps are installed. Pump piping has been leak tested. The exterior walls have 98% of the metal siding installed. The chemical room lighting and chemical pumps have been installed, chemical pits have been coated, and grating has been installed. Fire suppression system is 80% installed. The windows are being installed and will be completed this month.

- The UV Structure currently is 98% complete. Water re-use weir gate is on site and will be installed this month. Kick plate at the handrails is currently being installed. Plant water pumps have been started, and training has been provided. Rub finish has been applied to exterior walls.
- The Waste Sludge tanks have air piping installed. The stair is 98% complete. Stainless steel diffusers have been installed. Building has been 90% backfilled. Kick plate at handrails is currently being installed. Expansion joints have been caulked, and tanks are being leak tested. Exterior rub finish is being applied.
- Solids Process Building metal roof panels are complete. Interior walls are painted. Electrical cabinets are installed and are being tested. Electrical conduit is being run. Interior steps and platform around the belt press has been installed. Exterior metal siding is 98% installed. Water piping is being installed. Drain piping has been tested. Polymer feed system has been installed and is being tested. Unit heaters are being installed. FRP door frames are being grouted.
- Reactor Distribution Box continues to be leak tested.
- Carbon storage tank containment area pumps are installed. Controls are being wired up to control boxes.
- Outfall piping is 99% complete. Black topping of Bayshore Road to be complete in August.
- Site work has begun, with backfilling around the Operations, Headwork's, Reactors, Solids, and Waste Sludge Holding Tank Buildings. Rain garden's have had some excavation work completed. Main road has been graded.
- Electrical conduit for site lighting has been installed. Site light poles have been erected.
- Culvert pipe has been installed at Bayshore Road entrance.
- Telephone duct bank and conduit has been installed.
- AC units have arrived on site.

Mason Avenue Project Update

August 4, 2011

- The 12 inch force main extending from the new wastewater plant to the boring at the railroad track is currently installed and being tested.
- The 16 inch gravity sewer and new manholes #1 and #2 in Mason Avenue have been installed and backfilled. Both manholes have passed the vacuum leak testing.
- The headwork's demolition has been completed, and formwork inside for new trough is to begin tomorrow.
- The 16 inch gravity sewer has been installed between the pump station and headwork's, and between the headwork's to manhole #1.
- The 8 inch force main piping has begun in the surge relief valve vault area.
- The 6 inch force main to the Fig Street extension is installed as far as it can be at this time.

Code Enforcement
Month of July FY 2012

Building Permits Issued/Permit Fees Collected:

Permits this month: 30	
Permits this year: 252	Total permits last year: 200
Total construction this month: \$412,945	
Total construction this year: \$4,675,975	Total construction last fiscal year: \$3,967,519
Permit fees this month: \$5,699.44	
Total permit fees this fiscal year: \$105,470.44	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: \$499.95	
Total Fire Dept. levies this year: \$4,297.76	Total Fire Dept. levies last fiscal year: \$3,282.54
State levy this month: \$99.99	
Total state levies this year: \$860.54	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: 15	
Enforcement fees charged this month: \$2,250	
Enforcement fees charged this year: \$5,509.56	Fees charged last fiscal year: \$7,351.98
Enforcement fees collected: \$46.35	
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 July 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
- Approval of final bill with exception of 3 items that have not been fixed.
- Working on solution for drainage problem

Other items of note:

1. Completed 63 inspections
2. Conducted 1 zoning clearances
3. Completed 5 courtesy residential inspections
4. Conducted 2 courtesy commercial inspection
5. Conducted 30 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 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. Performed inspections of electrical systems at new docks.
12. Working on scoring of RFQ for Harbor Bathhouse project.

08/02/11

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PB110046	Building	07/08/2011	118 Blue Heaven Road	Adding Dormer for new bathroom	\$196.00	\$20,000
	PP110024	Plumbing	07/20/2011	118 Blue Heaven Road	plumbing for new bathroom	\$56.00	\$2,000
	PG110010	Gas	07/28/2011	118 Blue Heaven Road	New Tankless Water Heater in Garage	\$56.00	\$1,950
	PB110054	Building	07/15/2011	116 Churchill Downs	new rear deck/porch	\$184.80	\$18,000
	PM110023	Mechanical	07/25/2011	115 Heron Pointe Driv	finish mech for c.o.	\$162.40	\$14,000
	PP110023	Plumbing	07/20/2011	312 Jefferson Avenue	Rehabing all plumbing in residence	\$58.80	\$3,000
	PB110057	Building	07/20/2011	312 Jefferson Avenue	Replacement of walls and floor joists due t	\$56.00	\$2,500
	PP110025	Plumbing	07/25/2011	23 Kings Bay Drive	Permit to finish work to obtain C.O.	\$59.92	\$3,200
	PE110035	Electrical	07/25/2011	23 Kings Bay Drive	Permit to finish work to obtain C.O.	\$59.92	\$3,200
	PE110030	Electrical	07/08/2011	1 Kings Court	finish work to obtain C.O.	\$59.92	\$3,200
	PE110031	Electrical	07/07/2011	111 Mason Avenue	NEW SERVICE	\$84.00	\$500
083A3-0100-62	PM110025	Mechanical	07/26/2011	235 Mason Avenue	New Mech. for R-1 Builidout	\$1,036.00	\$85,000
083A3-0100-62	PG110009	Gas	07/26/2011	235 Mason Avenue	New Gas Piping for R-1 Builidout	\$408.80	\$19,000
083A3-0100-62	PE110037	Electrical	07/26/2011	235 Mason Avenue	New Electrical for R-1 Builidout	\$2,212.00	\$190,000
	PE110032	Electrical	07/05/2011	2 Monroe Avenue	Wiring for new AC Unit	\$56.00	\$795
	PB110053	Building	07/14/2011	2 Monroe Avenue	new front porch	\$75.60	\$6,000
	PU110005	PU Shallow W	07/06/2011	538 Monroe Avenue	Shallow Well	\$100.00	\$4,500
083A3-0100-48	PG110007	Gas	07/25/2011	114 Peach Street	Installing New Gas Tankless Water Heater	\$56.00	\$2,000
	PB110056	Building	07/20/2011	6 Randolph Avenue	Adding Enclosed Porch on rear	\$61.60	\$3,500
	PG110008	Gas	07/26/2011	6 Randolph Avenue	Gas piping & two outlets	\$56.00	\$100
	PM110024	Mechanical	07/25/2011	230 Randolph Avenue	New Mini-Split	\$72.80	\$5,500
083A3-0100-46	PE110036	Electrical	07/25/2011	517 Randolph Avenue	underground electrical to accessory buildi	\$56.00	\$600
083A3-0100-37	PB110055	Building	07/18/2011	507 Tazewell Avenue	reroof back portion of roof	\$61.60	\$3,500
083A3-0100-35	PB110052	Building	07/13/2011	541 Tazewell Avenue	tear off/reroof porch	\$56.00	\$2,100
	PP110021	Plumbing	07/05/2011	545 Tazewell Avenue	Replumbing whole house with sewer and	\$70.00	\$5,000
	PE110033	Electrical	07/05/2011	545 Tazewell Avenue	Relocating Service Panel	\$63.28	\$3,800
	PP110022	Plumbing	07/06/2011	815 Turnberry Arch	work to finish up unit for C.O.	\$56.00	\$2,500
	PM110022	Mechanical	07/06/2011	815 Turnberry Arch	work to finish up unit for C.O.	\$56.00	\$2,500
	PE110034	Electrical	07/06/2011	815 Turnberry Arch	work to finish unit for C.O.	\$56.00	\$2,500
	PB110051	Building	07/06/2011	815 Turnberry Arch	work to finish unit for C.O.	\$56.00	\$2,500

08/02/11

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
Total Permits:						30	\$5,699.44
Total Permits:						30	\$412,945

PerDateIssued Range from 07/01/2011 to 07/31/2011

Revenue Totals by Category/Items

From: 07/01/2011 to: 07/31/2011

Miscellaneous		
Fire Dept Fee	29	\$499.95
Miscellaneous totals	29	\$499.95
Residential		
Valuation Res \$2.5K - \$10K	3	\$163.50
Residential totals	3	\$163.50
Shallow Well		
Well Inspection	1	\$100.00
Shallow Well totals	1	\$100.00
State Tax		
STATE TAX.	29	\$99.99
State Tax totals	29	\$99.99
Valuation		
Com \$0 - \$2.5K	1	\$75.00
com \$10k +	1	\$365.00
comm > \$10k	1	\$1,975.00
Valuation Com \$2.5 >	1	\$925.00
Valuation Res \$0 - \$2.5K	2	\$100.00
Valuation Res \$0-\$2.5K	10	\$500.00
Valuation Res \$2.5K - 10K	6	\$358.50
Valuation Res \$2.5K-\$10K	1	\$52.50
Valuation Res > \$10K	3	\$485.00
Valuation totals	26	\$4,836.00
Grand Totals	88	\$5,699.44

MONTHLY INSPECTION TOTALS

Jeb Brady

FINAL	07/07/2011
FINAL	07/07/2011
Final	07/01/2011
Final	07/01/2011
COURTESY	07/02/2011
Final	07/01/2011
Final	07/01/2011
COURTESY	07/02/2011
Framing	07/25/2011
Framing	07/29/2011
Framing	07/14/2011
Insulation	07/20/2011
Final	07/01/2011
COURTESY	07/02/2011
Final	07/07/2011
Framing	07/28/2011
Footing	07/01/2011
Slab	07/25/2011
Footing	07/25/2011
Slab	07/26/2011
Footing	07/26/2011
Sheathing	07/19/2011
Footing	07/14/2011
Sheathing	07/19/2011
Framing	07/19/2011
Footing	07/18/2011
Framing	07/28/2011
Sheathing	07/28/2011
Footing	07/19/2011
Final	07/07/2011
Final	07/01/2011
Final	07/01/2011
COURTESY	07/02/2011
Rough-In	07/25/2011
Rough-In	07/29/2011
Rough-In	07/12/2011
CUT-IN	07/19/2011
Final	07/07/2011

MONTHLY INSPECTION TOTALS

CUT-IN	07/01/2011
CUT-IN	07/07/2011
Rough-In (Under	07/25/2011
Final	07/01/2011
Final	07/01/2011
COURTESY	07/02/2011
Pressure/R.I.	07/14/2011
Pressure/R.I.	07/25/2011
Pressure/R.I.	07/29/2011
Final	07/01/2011
Final	07/01/2011
COURTESY	07/02/2011
Rough-In	07/25/2011
Rough-In	07/29/2011
Rough-In	07/12/2011
Final	07/01/2011
Final	07/01/2011
COURTESY	07/02/2011
Rough-In	07/25/2011
Rough-In	07/29/2011
SLAB ROUGH IN	07/20/2011
SLAB ROUGH IN	07/25/2011
Final	07/07/2011
Rough-In	07/07/2011
Rough-In	07/06/2011

Total 63

Grand Total 63

InsDateCompleted Range from
07/01/2011 to 07/31/2011

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: August 11, 2011
Subject: Report for Planning Department

Planning Commission Meeting–July 12

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. Staff will prepare a sign matrix for the next meeting.
3. The County has requested that VDOT add Route 642 to their 6 year plan. We are working with the county and VDOT on the scope of work. Input from Cape Charles and Bay Creek suggests traffic calming features to lower the speed limit in Town to 25 mph.
4. The Planner is working on:
 - a. The Design-Build Project for the Harbor Bathhouse. The RFQ has been advertised and 9 responses have been received. The Committee will meet on August 12 to review scoring. The planner is on the committee.
 - b. RFP for IT support has been released and two responses have been received and scored by the committee. The subject is on tonight's agenda.
 - c. Zoning compliance reviews and enforcements.
 - d. Rewriting the Cape Charles portion of the Hazard Mitigation Plan for the Eastern Shore. A meeting is scheduled with ANPDC this month.
5. Gamesa is still doing research and a modification to the permit was received this week. A surface buoy will be attached to the bottom monitoring equipment for remote data retrieval. The yellow buoy will be on the surface near Old Plantation Light in the vicinity of the proposed turbine.

Historic District Review Board Meeting – July 19

The Board met and provided a review of two projects involving building repair and home remodeling. The following projects were considered at the meeting:

1. An addition to a home in the 600 block on Randolph that has been vacant for several years. The building is under Code Enforcement.
2. The lintel replacement for the Municipal Building at 2 Plum Street.

The Board approved both items.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Police Department		AGENDA DATE August 11, 2011
	SUBJECT/PROPOSAL/REQUEST: JULY 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: 34

Calls for Service Outside of Cape Charles: 23

10-13 Calls

(A) By Dispatch: 56

(B) By Phone via Officer/Trooper: 00

(C) In Person 01

Felony Arrests: 00

Misdemeanor Arrests: 01

DUI Arrests: 00

Traffic Summons Issued: 32

Traffic Warnings Issued: 31

Parking Tickets Issued: 07

Assisted Northampton County Sheriff's Office: 13

Assisted Virginia State Police: 02

Assisted Other Local Police: 00

Assisted Other Federal Agencies 00

Assisted Fire & Rescue: 10

Assisted VDOT:

Hours of Training Received & What Type? NONE



TOWN OF
CAPE CHARLES

AGENDA TITLE: Technology Zone

AGENDA DATE:
August 11, 2011

SUBJECT/PROPOSAL/REQUEST: Review and discuss the
Technology Zone Ordinance

ITEM NUMBER:
6A

ATTACHMENTS: Ordinances, Administrative Procedures, and
Scenario for discussion

FOR COUNCIL:
Action ()
Information (x)

STAFF CONTACT (s):
Tom Bonadeo - Heather

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Town Council and staff reviewed Technology Zone Ordinances from around the state and selected appropriate features for the Town of Cape Charles. The discussion at the last work session, which was held on June 23rd, centered on the administration of the ordinance.

DISCUSSION:

The Technology Zone Ordinance has been discussed at previous meetings. The attached documents are a review of the ordinance discussed in the past, an administrative procedure requested at the last work session and a copy of another "procedure document" from the Town of Kilmarnock.

A review of these documents will aid in answering any questions about the Technology Zone in preparation for a final work session and the approval process.

RECOMMENDATION:

Review the ordinances and attached scenarios. Schedule a work session for final review.

Technology Zone Administrative Flowchart

The Administration of the Technology Zone Grants will be administered by the Town Manger or his/her designee. Any new business interested in locating in the Cape Charles Technology Zone may apply to the Town Manger or Zoning Administrator at any time prior to relocation.

The application shall contain the pertinent information required by the Ordinance for the following:

1. Business Type – Definition compliance
2. Business Investment – Dollars of Capital Investment required to qualify for the grant(s)
3. Job Creation – jobs to be created to qualify for the grant(s)
4. Business Background - A description of the business or a current business plan describing the business model.
5. Names and background of the principals unless held confidentially. Agent may provide background holding the names confidential.

This information will guide the Town Manager and Zoning Administrator to recommend Grants to the business in accordance with the ordinance and offer a contract for the grants as allowed by the Ordinance.

The Contract shall innumerate the following:

1. The expected business investment.
2. The expected jobs to be created.
3. The fees and taxes to be granted.
4. The date of audit for the contract.
5. Any special arrangements as allowed by the ordinance.

Post-Contract Review will be conducted within 12 months of the contract signing. This review will be conducted by the administrator who will authenticate the five (5) items listed in the contract, the amounts paid by the business for the granted fees and taxes, and issue a credit for such amounts.

Failure of the business to pay in full, by the due date, any of the taxes and fees listed in this chapter, or other taxes imposed by the Town shall result in forfeiture of the rebate of that tax for that year upon finding by the administrator that such a delinquency is significant.

technology businesses shall receive the tax rebates or exemptions established by this chapter for ten years and qualified expanding technology businesses shall receive the tax rebates or exemptions for five years. Once a business has qualified as a technology business, it shall not be entitled to additional periods of ten years. Once a business has qualified as an expanding technology business, it shall not be entitled to additional periods of five years. In no case shall a business be eligible for rebates and exemptions for more than a total of 15 years. If a business ceases to be a qualified technology business or qualified expanding technology business during a year in which exemptions or rebates apply, they shall be prorated for the months during which the business qualified.

(c) If a majority of the gross receipts of a qualified technology business or qualified expanding technology business is derived from the operations which qualify the business, all of its gross receipts shall be included in the rebates or exemptions.

(d) If a minority of the business' gross receipts is derived from such operations, the rebates or exemptions shall be applied only to that part of the gross receipts which is based on the sales or services via such qualifying operations.

(Code 1997, § 43-7; Ord. of 4-20-1998)

Sec. 43-8. Procedure for rebate or exemption.

(a) In the case of rebates, each business desiring inclusion in the program shall pay the taxes listed in sections 43-5 and 43-6 in the manner prescribed by the town. The business shall apply to the administrator for certification as a qualified technology business or qualified expanding technology business. The application must be made within 12 months of the month in which the application met the definition of a qualified technology business or qualified expanding technology business. The administrator shall investigate such matters. Upon certification and proof that no taxes are outstanding at the time of application, the business shall be entitled to the rebates created by this article. The town shall rebate taxes on an annual basis. Failure of the business to pay in full, by the due date, any of the taxes listed in this chapter, or other taxes imposed by the town shall result in forfeiture of the rebate of that tax for that year upon a finding by the administrator that such delinquency is significant.

(b) In the case of tax exemptions, the business shall file all necessary tax applications. The business shall apply to the administrator for certification. The application must be made within 12 months of the month in which the application met the definition of a qualified technology business or qualified expanding technology business. The administrator shall investigate such matters. Upon certification and proof that no taxes are outstanding at the time of application, the business shall be entitled to the exemptions created by this chapter. The town shall exempt taxes on an annual basis. Failure of the business to pay in full by the due date any of the taxes listed in this chapter, or other taxes imposed by the town shall result in forfeiture of the exemption of that tax for the remainder of the current year upon a finding by the administrator that such delinquency is significant.

(Code 1997, § 43-8; Ord. of 4-20-1998)

Sec. 43-9. Nonwaiver.

This article shall not be construed to waive the requirement of any application, permit, or approval from the town as mandated by other Code sections. Nothing in this chapter shall be

Chapter 23. -Technology Zone

Sec.-1. Purpose

The Town Council finds that the creation of a local technology zone, with incentives for growth, will foster the development, maintenance and expansion of commercial, tourist and industrial businesses engaged in the development and implementation of technology to the Town.

Sec.-2. Administration

This chapter shall be administered by the Town Manger or his/her designee (Administrator). The Administrator shall determine and publish the procedures for obtaining the benefits created by this chapter and determining whether a business is a qualified technology business. The final incentive package shall be approved by the Town Council.

Sec.-3. Definitions

Business Type (Technology):

1. Qualified Technology Manufacturing Business: A business engaged in the activity that constitutes the technology-driven research or production of advanced materials, automation and computer software including but not limited to robotics, computer hardware and software, *marine products*, the manufacture of high tech products or any other similar activity which is deemed appropriate for a technology zone as defined in another jurisdiction of the Commonwealth, and as found as such by the Town Council or by the administrator or his/her designee.
2. Qualified non-manufacturing Applied Technology Business: A business engaged in the application, upgrading, repair or installation of computer and technology equipment and software in any business sector including but not limited to transportation, food equipment and marine installations or any other similar activity deemed appropriate for a technology zone as *defined in another jurisdiction of the Commonwealth*, and found as such by the Town Council or by the administrator or his/her designee.

Existing business means a business that is actively engaged in the conduct of trade or business in the Town prior to the implementation of the technology zone.

New Business means a business not previously located and actually doing business in the Town.

Qualified Business:

1. A business must create and maintain a minimum of 25 new full-time employees for a manufacturing business and a minimum of 5 new full-time employees for at least a one-year period.
2. Each new employee must be compensated at twice the wage rate of the currently-defined federal minimum wage.
3. The business must make a new verified minimum capital investment on the property either in building improvements or of machinery and tools of \$1,000,000 to qualify as a manufacturing *business* and \$100,000 as a non-manufacturing *business*. Land purchase does not count towards the capital investment.

Sec.-4 Boundary Area:

1. The Technology Zone - the entire area of the Town of Cape Charles is designated a Technology Zone pursuant to 58.1 - 3850 of the Code of Virginia.

Sec.-5 Incentives and Enforcement:

1. Economic Stimulus Grants for qualified businesses.
 - a. Up to 100% of the amount of new or increased machinery and tools tax paid to the Town.
 - b. Up to 100% of the amount of the net increase in Real Estate Tax paid to the Town.
 - c. Up to 100% of the amount of BPOL Tax paid to the Town.
 - d. Up to 100% of the Facility and Connection fees paid to the Town for a manufacturing facility employing 25 or more persons.
 - e. Up to 100% of the Building Permit fee paid to the Town.
2. The stimulus grant incentives are offered for up to five years starting with the tax year of the required initial investment.
3. A contract will be established between the Town and the applicant to specify the amount of the Qualified Investment, the amount of the Stimulus Grant, and the terms of authentication of the investment and the terms of the grant

Sec.-6 Waiver

Unless expressly stated herein, this chapter shall not be construed to waive the requirement of any ordinances, regulations, and policies that require permits and approvals for land use and construction. Additionally, unless stated otherwise herein, nothing in this chapter shall be construed as waiving the right of the Town of Cape Charles to enforce its ordinances, regulations, or policies or to collect taxes, fees, fines, penalties, or interest imposed by law on a qualified technology or tourism business or upon real or personal property owned or leased by a qualified business.

Notes:

1. The incentives are described as grants. This means the applicant pays the actual cost at the time the fee is due and once the criteria have been satisfied, a credit is given to the account.
2. When a business plans to locate in Cape Charles, an application would be made for the Technology Zone grant and the business applicant would specify how the business plans to meet the criteria and an agreement is made with the Zoning Administrator or Town Manager. If the incentive is real estate tax abatement, depending on the timing the tax may be paid and the grant given in the year following the review in item #1.
3. Both Cape Charles and Northampton County have existing programs for tax relief on rehabilitated buildings. The incentives for Technology could be handled in a similar fashion.

Technology Zone Costs

Scenario

A new business or a new location of a business is interested in establishing itself here in Cape Charles. This business will buy real estate, build a building or facility and will buy equipment with which to perform its service. This business will repair, update and possibly manufacture products with the latest technology in a particular industry.

Example:

1. A computer service company updating old computers for reuse or resale.
2. A marine industry installing and/or maintaining marine technology equipment.
3. A product manufacturer of electronic equipment assembling a product from imported parts.

This company invests \$3,000,000 in real estate and business. They buy \$1,000,000 in repair and maintenance equipment to do the work and they hire 20 people, 15 earn two times minimum wage and 5 earn less. In the first year the company does \$1,000,000 in services.

Assumptions:

1. The net real estate value increase is \$2,000,000.
 - a. Tax \$3656 annually (\$18,280 - 5 years)
2. The value of the new heavy equipment is \$800,000
 - a. Tax \$800 annually (\$4000 - 5 years)
3. The value of tools is \$200,000
 - a. Tax \$200 annually (\$1000 - 5 years)
4. The business gets credit for hiring 60% of the requirement (25).
5. The business would pay \$20,000 (\$12,350) in facility and connection fees.
6. The business would pay \$-----in building permit fees.
7. The business would pay \$3600 in BPOL tax (\$18,000 - 5 years).
8. Five years value >\$46,850.

The incentives are in the form of a grant equal to an amount already paid by the business when the criteria are authenticated.

Tourism Zone Costs

Service businesses pay a higher BPOL tax rate than retail businesses. The service rate is .36/\$100 rather than .20/\$100 of gross receipts.

The categories are:

1. Retail - .20/\$100 of gross receipts
2. Real Estate/Financial - .50/\$100 of commissions
3. Repair/rental - .36/\$100 gross income
4. Wholesale - .05/\$100 purchases

Scenario 1 - Watercraft Rental

4 watercraft purchased at \$20,000

4 watercraft @ \$100 per hour x 8 hours/day x 7 days/week x 12 weeks = \$268,000 gross sales.

BPOL Tax = \$967.68 for the season at the rental rate

BPOL Tax = \$536.00 for the same gross sales of retail merchandise

Machinery and Tool tax -\$200

The business would rent space so no real estate tax, building permits, facility fees, connection fees, etc. would be involved

Scenario 2 - Water taxi

1 water taxi purchased at \$30,000

Service income = \$2/person x 12/trip x 20 trips/day x 90 days = \$43,200 gross sales

BPOL Tax = \$155 for the season

Machinery and Tool Tax = \$300 for the season

PROCLAMATION IN MEMORIAM

REMEMBERING THE LATE MELVIN REEDER DUDLEY, JR.

April 7, 1939 - June 30, 2011

WHEREAS, death has ended a life of great service of a valued and very trusted citizen of the Town of Cape Charles; and

WHEREAS, Mr. Dudley purchased a home in the Town of Cape Charles in 1994 and became a permanent resident of the Town in 1999 after retiring from Comdial Corporation in Charlottesville, VA after 40 years of service; and

WHEREAS, Mr. Dudley served on the Mayor's Committee on Historic Guidelines and helped develop the current Cape Charles Historic District Guidelines which was adopted by Town Council in December 2001. Mr. Dudley was appointed to the original Historic District Review Board on January 8, 2002 and served on the committee until his resignation on November 22, 2010 citing health reasons; and

WHEREAS, Mr. Dudley served on the Cape Charles Town Council from June 4, 2007 to June 30, 2008 completing the term vacated by Ms. Mary Harris; and

WHEREAS, Mr. Dudley served on the board of directors of the Citizens for Central Park, the Northampton County Electoral Board and was a member of the Northampton County Chamber of Commerce. Mr. Dudley was also a very active member of Trinity United Methodist Church; and

WHEREAS, Mr. Dudley gave tirelessly to causes to improve the Town of Cape Charles and quality of life for all its residents. Mr. Dudley was truly loved by his family, his church and his community; and

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Cape Charles, I do hereby extend this proclamation in memoriam to the family of Melvin Dudley, Jr., with sincere gratitude for his life of service to this community.

Adopted by the Town Council of Cape Charles on this 11th day of August, 2011.

Mayor Dora Sullivan

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: IT Support Services Contract		AGENDA DATE: August 11, 2011
	SUBJECT/PROPOSAL/REQUEST: Award contract for IT Support Services		ITEM NUMBER: 7B
	ATTACHMENTS: None		FOR COUNCIL: Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

In September 2010, Town Council authorized advertising a Request for Proposal (RFP) for an IT Contractor for a contract term of two years. The RFP was advertised in the Eastern Shore News on July 2, 2011 as well as on the Town's website. Several local IT Services providers were also contacted regarding the RFP. The deadline for proposal submission was July 18, 2011.

DISCUSSION:

Proposals were received from Bay Creek Communications and Betis Group. The proposals were reviewed by the IT Services Committee, comprised of Town Manager Heather Arcos, Councilman Mike Sullivan, Town Planner Tom Bonadeo and Town Clerk Libby Hume. The Committee evaluated the proposals using a weighted scoring system and interviewed both contractors asking for clarification of certain items contained in the proposals. After the finalization of the scoring process, it has been determined that the best qualified contractor to provide IT Services to the Town is Bay Creek Communications.

A confidentiality agreement will be prepared and included as part of the IT Services contract.

RECOMMENDATION:

Authorize the Town Manager to execute a two-year IT Services contract with Bay Creek Communications.



TOWN OF
CAPE CHARLES

AGENDA TITLE: - Request for Proposals – Local Town Attorney

AGENDA DATE:
August 11, 2011

SUBJECT/PROPOSAL/REQUEST: Approve advertising for a local town attorney.

ITEM NUMBER:
7C

ATTACHMENTS: None

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

In July of 2009, the Town Council advertised for a local Town Attorney to provide a variety of services to the Mayor, Town Council and Town Manager. Paul G. Watson IV was re-appointed as the local Town Attorney for a period of two years and his contract will expire on September 1, 2011.

DISCUSSION:

Staff is requesting authorization to advertise a Request for Proposals for a Local Town Attorney for a two-year contract. The re-advertising for a local Town Attorney follows our procurement policies and procedures.

RECOMMENDATION:

Authorize the Town Manager to advertise a Request for Proposals for a Local Town Attorney.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Virginia Department of Health (VDH) Planning and Design Grant.		AGENDA DATE: August 11, 2011
	SUBJECT/PROPOSAL/REQUEST: Adopt resolution authorizing application for a VDH Planning and Design grant for correction of disinfection byproducts.		ITEM NUMBER: 7D
	ATTACHMENTS: Proposed Resolution		FOR COUNCIL: Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

In December 2006 the Environmental Protection Agency issued its final action for the Stage 2 Disinfectants and Disinfection Byproducts Rule. Since that time community water systems have been testing for the byproducts that are created from chlorination of drinking water. These byproducts are total trihalomethanes (TTHMs) and haloacetic acids (HAA5s). Beginning in August of 2009 we began sampling and testing quarterly at 3 sites to compile a running annual average for these byproducts. We have exceeded the acceptable limit several times. We have started to flush the distribution lines more frequently to control the levels of byproducts.

VDH requested that we create a Preliminary Engineering Report (PER) to discuss actions that might be taken to reduce the byproducts in our drinking water. We applied for and were awarded a VDH Planning and Design Grant last year to fund this effort. However, we were not able to use the funds since the procurement process for our current engineering consulting firm did not specifically solicit Disadvantaged Business Enterprises (DBE), which is a requirement of VDH. We have completed the PER and submitted it to VDH for review. We will need to design and engineer improvements to our treatment process after approval by VDH.

DISCUSSION:

We are now in the process of re-competing our waterworks engineering contract through competitive negotiation procedures. The Request for Proposals has been advertised in DBE-focused media. Proposals are due on August 22, 2011.

VDH has recently announced the opportunity to apply for the next round of competitive Planning and Design Grants of up to \$30,000. The application is due on August 26, 2011. These funds could be utilized for designing and engineering the improvements for the reduction of chlorination byproducts in our drinking water. We will have the new engineering contract in place to execute the funds should we be awarded the grant. We request the Council's approval to apply for this grant and for the Town Manager to be granted the authority to sign such documents as may be required for said grant.

RECOMMENDATION:

Staff requests a roll call vote on the attached Resolution to authorize the Town Manager to apply for a VDH Planning and Design Grant and sign any and all documents pertaining thereto.

RESOLUTION 20110811

**AUTHORIZING THE APPLICATION FOR A GRANT FROM THE
VIRGINIA DEPARTMENT OF HEALTH**

WHEREAS, the Town of Cape Charles is undertaking design, engineering and construction of water treatment improvements to minimize disinfection byproducts; and

WHEREAS, these improvements are needed to comply with Virginia Department of Health and U.S. Environmental Protection Agency limits for these contaminants; and

WHEREAS, the Virginia Department of Health has funds available for Planning and Design Grants for improvements to community waterworks; now

THEREFORE BE IT RESOLVED by the Town Council of Cape Charles, this 11th day of August 2011, that the Town Manager be authorized to apply for a Planning and Design Grant from the Virginia Department of Health to design and engineer water treatment improvements related to disinfection byproducts, and that the Town Manager be authorized to sign any and all documents to accept and administer such funding.

Adopted by the Town Council of Cape Charles on August 11, 2011.

By: _____
Mayor

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Delinquent Tax Collections		AGENDA DATE: August 11, 2011
	SUBJECT/PROPOSAL/REQUEST: Delinquent Real Estate Tax Collections Contract from James W. Elliott		ITEM NUMBER: 7E
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT(s): Jo Anna Leatherwood, Town Treasurer	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

In the past, Council has directed the Town Treasurer to research options for the Town to collect delinquent real estate taxes.

DISCUSSION:

James W. Elliott has been handling the collection of delinquent real estate taxes for Northampton and Accomack County as well as some of their towns. Mr. Elliott's fees are a portion of the amount of taxes owed and are deducted from the proceeds of the tax sale. If the proceeds are not sufficient to pay his fees, the Town would be responsible to pay the difference.

A list of the properties that qualify for tax collection has been prepared as of July 31, 2011 and there are 30 properties with assessed values over \$100K with the total amount due, including penalty and interest, of \$50,012.

The properties valued under \$100K can be sold after 2 years. Currently there are 6 properties that fit this category with a total amount due of \$2,859.

There is a three-step process as follows:

1. A "Demand Letter" is sent to the owner and carries a fee of \$50.00 or 10% of all taxes, penalties and interest collected, whichever is greater.
2. After 30 days of non-payment, official proceedings are initiated. If the owner redeems the property by paying the outstanding balance in full, the attorney collects a minimum parcel fee of \$375 or 25% of all taxes, penalties and interest collected, whichever is greater.
3. If the property is sold, the attorney collects a minimum fee of \$750.00, or a greater fee may be awarded at the discretion of the Northampton County Circuit Court.

The Town is responsible for all costs, service fees, notary fees, deposition costs, appraisal fees, Circuit Court Clerk fees, Specials Masters fees and Special Commissioners and Guardians ad Litem appointed by the Northampton County Circuit Court. The Attorney shall make every effort to recover for the Town all of these costs whenever permitted by Law.

The contract may be terminated with thirty (30) days' notice in writing from either party.

RECOMMENDATION:

Staff recommends that Council authorize the Town Manager to execute the contract with James W. Elliott to represent the Town in the collection of delinquent real estate taxes.



TOWN OF
CAPE CHARLES

AGENDA TITLE: PNC Bank Tax Anticipation Loan

AGENDA DATE:
August 11, 2011

SUBJECT/PROPOSAL/REQUEST: Review and Discuss the
PNC Bank Tax Anticipation Loan

ITEM NUMBER:
7F

ATTACHMENTS: None

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT(s):
Jo Anna Leatherwood,
Town Treasurer

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

At the suggestion of former Councilman John Burdiss, the Town obtained a PNC Bank Tax Anticipation Loan in the amount of \$500K in FY 2010/2011 to help offset the costs of maintenance issues caused by years of neglect. Any monies borrowed against this loan would have to be paid back in June of each fiscal year. The fees for this process last year were \$5K in legal fees.

DISCUSSION:

Fortunately, the Town did not draw any funds from this note so no repayment was needed. The Town's revenue projections for last year were on target and the maintenance projects were completed within the budgeted funds.

The loan is up for renewal with a cost of another \$5K in legal fees. The loan proceeds have not been included in the FY 2011/2012 budget. Staff believes that this contingency loan is no longer necessary and the Town has an ample credit rating to obtain a loan at a later date if needed.

RECOMMENDATION:

Staff does not feel that this loan is needed for this fiscal year and recommends that Council assess the need for additional funds during the annual budget preparation meetings and take action at that time if necessary.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Zoning Ordinance Modifications		AGENDA DATE: August 11, 2011
	SUBJECT/PROPOSAL/REQUEST: Zoning Ordinance Modifications and Joint Public Hearing with Planning Commission		ITEM NUMBER: 7G
	ATTACHMENTS: Proposed Section 4.0.B. of the Zoning Ordinance		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT(s): Tom Bonadeo, Town Planner	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Over the past several months, the Planning Commission has been working on modifications to several sections of the Zoning Ordinance. Council had requested that the Commission to revisit the issue of Home Occupations with the possibility of simplifying the process. Also, at a recent zoning inquiry, it was discovered that the definition of Agriculture in the Zoning Ordinance was unclear.

DISCUSSION:

Home Occupations:

- “Home Occupation” would be moved from Section 3.2.C. – Conditional Uses to Section 3.2.B. – Permitted Uses. This would read:
 7. Home Occupation in accordance with Section 4.0.
- Section 4.0.B – Home-Based Occupation was revised to require zoning clearance for any home occupation. The applicant would complete a questionnaire and sign an affidavit requesting a home occupation. The zoning administrator would review the questionnaire to determine whether the requested home occupation met the guidelines or whether the application would have to go through the Conditional Use process. The affidavit would be retained in the zoning file along with any other planning related documents. Should complaints arise after zoning clearance is granted, the affidavit would be used to substantiate initial compliance and if the requirements have been violated, the zoning clearance could be revoked. The proposed changes to the Zoning Ordinance are attached.

Definition of Agriculture:

In Section 2.9, the current definition reads as follows:

“AGRICULTURE means the tilling of the soil, the raising of crops, horticulture, forestry, gardening, the keeping and raising of livestock and fowl, and including the process of any products produced on the premises, such as milk, eggs, and the like.”

Removing the words “horticulture” and “gardening” would keep the definition rural as is the intent of the R-E Zone.

RECOMMENDATION:

Staff recommends reviewing the proposed modifications and schedule a joint public hearing with the Planning Commission for September 22, 2011. This date is the scheduled date for the September Town Council Work Session.

ARTICLE IV

General Regulations Applicable to All Districts

Section 4.0 Home-Based Occupation

A. Statement of Intent

1. The purpose of this section is to allow home-based occupations in all districts that allow residential dwellings provided that the home-based occupation meets the requirements in 4.0.B below.

B. HOME-BASED OCCUPATION: The conduct of a business in a residence or on its premises is permitted providing the following characteristics are followed:

1. Is the home-based occupation business clearly incidental and subordinate to the residential use of the dwelling (YES)?
2. Is any change required to the exterior of the dwelling (NO)?
3. Will there be any storage of goods, products, equipment, solid waste or other similar items stored outside the house to a greater extent than that associated with normal neighborhood characteristics (NO)?
4. If any accessory buildings on the property used for the home-based occupation, do they meet the requirements of the zone (YES)?
5. Will the home-based occupation create noise, dust, vibration, smoke, smell, glare, electrical interference, fire hazard, or other hazard or nuisance to any greater or more frequent extent that would normally be expected in the immediately adjacent neighborhood if no home-based business existed (NO)?
6. Will the pedestrian and commercial delivery traffic generated by the home-based occupation be greater than normal traffic in the neighborhood (NO)?
7. Will any excessive parking requirements be met using off street parking (YES)?
8. If the home-based occupation meets the above requirements and the Home-Based Occupation Affidavit is signed, zoning clearance may be granted. If the home-based occupation does not meet the above requirements, a conditional use permit will be required.
9. Nothing herein precludes compliance with any Federal, State, or Local regulatory agency requirements.