



# TOWN COUNCIL

## Regular Meeting

January 12, 2012

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 Report
  - H. Planning Report
  - I. Police Department Report
6. Old Business
  - A. Wastewater Treatment Plant Status
  - B. PSA / Regional Wastewater System Update
  - \*C. Harbor Area Development Certificate for The Hungry Crab, LLC
7. New Business
  - \*A. 2012/2013 Virginia Port Authority Grant Request
  - \*B. 2012/2013 Northampton County Funding Request
  - \*C. Schedule Public Hearing – Sale of Former School
  - \*D. Schedule Public Hearing – Subdivision Ordinance Modifications
  - \*E. Schedule Joint Public Hearing with Planning Commission – Demolition of Structures
  - F. Adaptive Reuse in R-1 Zone
8. Announcements
  - January 13, 2012 – Town Offices closed for Lee-Jackson Day
  - January 16, 2012 – Town Offices closed for Martin Luther King Jr Day
  - January 18, 2012 – Harbor Development Stakeholder Meeting @ 2PM
  - January 19, 2012 – Town Council Work Session @ 6PM - tentative
  - January 26, 2012 – Town Council Work Session @ 6PM
  - January 31, 2012 – Town Council Work Session @ 6PM
  - February 9, 2012 – Town Council Regular Meeting @ 6PM
  - February 16, 2012 – Town Council Work Session @ 6PM
  - February 26, 2012 – Town Council Work Session @ 6PM
9. Adjourn at 8:00 P.M.



**DRAFT**  
**TOWN COUNCIL**  
**Regular Meeting**  
**St. Charles Parish Hall**  
**December 8, 2011**  
**6:00 p.m.**

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon and Councilmen Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett arrived at 6:03 p.m. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. The Department Heads were also in attendance along with 8 members of the public.

Vice Mayor Bannon gave the invocation and Mayor Sullivan led the recitation of the Pledge of Allegiance.

**PUBLIC COMMENTS:**

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

**CONSENT AGENDA:**

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

The Town Council reviewed the minutes of the November 10, 2011 Public Hearing, the November 10, 2011 Regular Meeting, and the November 21, 2011 Work Session.

Councilwoman Natali noted the minutes from the November 10, 2011 Regular Meeting showed that Councilman Evans abstained from the vote on the October 27, 2011 Special Meeting since he was not in attendance, but the motion did not reflect his abstention.

**Motion made by Councilman Sullivan, seconded by Councilman Veber, to approve the minutes of the October 11, 2011 Executive Session and the October 27, 2011 Special Meeting as presented and the October 13, 2011 Public Hearing and the October 13, 2011 Regular Meeting as corrected. The motion was approved by unanimous consent.**

**REPORT PRESENTATIONS:**

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

Mayor Sullivan informed Council and the attendees that she and Heather Arcos met with the president of a credit union who expressed their intent to open a branch in Cape Charles and hopefully, the Town can work with them so that as one bank closes its doors, another one could open. Councilman Veber thanked Mayor Sullivan for her help and effort in finding a bank to relocate to Cape Charles.

Town Manager Heather Arcos reported the following: i) This year's Progressive Dinner was a success and the Chamber of Commerce did an outstanding job in organizing the event; ii) The Town was expecting to receive the plans for the new Bay Creek Beach Club any day; and iii) The Central Park Grand Illumination was breathtaking. A huge thanks to the Citizens for Central Park and the Public Works staff for all their hard work in making the event happen.

Councilman Bennett asked about the revisions made to the Harbor Bath House plans from Boytos & Boytos. Tom Bonadeo responded as follows: i) There were some changes to the interior floor plan to increase the usable space within the building and the location of the doors

were adjusted; ii) Two windows were added; iii) The handicap ramp was modified adding railings for safety; iv) A countertop was added vs. having freestanding sinks; v) Several outlets were added around the exterior of the building; and vi) An anti-skid epoxy floor would replace the ceramic tile which was proposed. The project, with these modifications, was still within the approved budget.

**B. Treasurer's Report:**

The Treasurer's report dated November 30, 2011 showed \$642,210 in the Bank of America checking account and \$1,143,364 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$1,785,574. Treasurer Jo Anna Leatherwood went on to report the following: i) She talked to the County regarding the Mason Avenue property with delinquent real estate taxes and the County had still not received payment and were unsure about the timeframe for tax sale; ii) This year's personal property tax billing was the first year with prorated tax amounts and she has received a positive response from the residents; iii) She received six court-ordered real estate assessment adjustments which would impact the amount of tax revenue; and iv) December 16<sup>th</sup> was Jennifer Scott's last day. Tammy Teague would be assuming Jennifer's duties as well as continuing with the utility billing. She would monitor Tammy's progress to ensure that service to the customers did not suffer.

Councilman Bennett asked about the \$1,438 paid to Bow Wow Pet Waste Products. Jo Anna Leatherwood explained that this cost was to purchase bags for the doggie potty stations located around Town. Heather Arcos added that this expense was part of the Litter Grant.

Councilman Evans asked if the Town could put a lien on the property on Mason Avenue to ensure payment of our delinquent taxes in case it went to tax sale. Jo Anna Leatherwood responded that the Town could proceed legally after January 5, 2012 when the delinquency to the Town would be three years back.

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

**C. Recreation Report:**

Community Events/Recreational Coordinator Jen Lewis reported the following: i) Dessert was served at Heritage Acres on December 17<sup>th</sup> and the residents were very thankful. Councilman Sullivan assisted in serving; ii) Last Tuesday, Mega Bingo was held at Heritage Acres from 1:00 – 5:45 PM. 61 games of Bingo were played with 32 participants; and iii) The Progressive Dinner was very successful. A lady who participated this year in a group has already called and left a voicemail message asking about making reservations for next year.

**D. Library Report:**

Librarian Ann Rutledge reported the following: i) On December 11<sup>th</sup>, the Bed & Breakfasts in Town would be holding a Cookie Tour from 2:00 – 4:00 PM with donations being requested for the Library; and ii) The Library was selling holiday tote bags for \$2 each with proceeds going toward the Library Building Fund; iii) The Library was holding "Food for Fines" during the month of December where customers bringing in a canned goods donation would receive \$1 credit toward any outstanding fines with a maximum of \$10. All donations would go to the Food Pantry; and iv) A gentleman used to come into the Library every day to use a computer to look for jobs. As a result of the computer usage, he found a job in Chincoteague. Staff will miss seeing him but were happy that he was able to find a job.

**E. Harbor Report:**

Harbor Master Smitty Dize stated that he did not have any additional information to add to his written report.

Councilwoman Natali asked about the Clam Slam. Smitty Dize explained that The Cape Charles Clam Slam was a new festival beginning next year. This year's Buy Boat Reunion was such a

success, he wanted to continue with a festival for the first weekend in August and decided on the Clam Slam since clams were a large industry on the Eastern Shore.

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber reported the following: i) The Public Utilities crew had been training at the new Wastewater Treatment Plant (WWTP); and ii) There were issues with the 14-day Clean Water Testing for the new WWTP and the engineers were suspending the test until the issues could be resolved. The testing will restart at Day 8.

Councilman Bennett asked about the paving of the crosswalks on Mason Avenue which were now more like speed bumps vs. crosswalks. Dave Fauber responded that the final walk-through had not been completed but this issue would be brought up.

Councilman Bennett asked about the status of the Public Works Maintenance Building. Dave Fauber stated that the siding was installed and the roof and doors were scheduled for installation this week. The construction should be completed by the end of next week.

G. *Code Enforcement:*

Heather Arcos informed Council that Code Enforcement Officer Jeb Brady was out sick and asked if there were any questions regarding his written report. There were no questions.

H. *Planning Report:*

Town Planner Tom Bonadeo reported the following: i) He met with FEMA and the Virginia Department of Emergency Management regarding damages from Hurricane Irene for the second time. The Town received preliminary approval for \$35K for beach replenishment and should be receiving final confirmation in about two weeks. FEMA was complimentary on the Town's paperwork; and ii) The Town was hoping to get mitigation assistance to extend the breakwater along the beach, but the request was denied citing that the cost for mitigation would have been approximately \$200K vs. the cost for beach replenishment at approximately \$35K. The Town was researching options.

Councilman Bennett asked where the Sinclair Tower was being installed. Tom Bonadeo stated that the new tower was being installed about 50' south west of the existing tower and would allow 4G wireless service as well as the opportunity for competitors. The tower was a 200' monopole and the foundation was 10' in diameter, 44' deep and used 16 tons of concrete.

**OLD BUSINESS:**

A. *Cape Charles Volunteer Fire Company:*

Heather Arcos informed Council that the Cape Charles Volunteer Fire Company (CCVFC) was requesting assistance to pay their annual equipment loan payment of \$14,567.56 which was due on December 13, 2011. The Town budgeted \$30K in a contingency fund for Council to approve disbursement of funds and to date Council had approved and paid \$8,191 towards insurance premiums.

Ms. Hollye Carpenter, Treasurer of the CCVFC, distributed a list of vehicles belonging to the fire company noting the ages of the vehicles and added that the vehicles have reached an age where significant repairs would be necessary. Several of the trucks need new tires and one tanker was permanently out of service due to safety issues. The roof of the building leaks and the back wall near the kitchen was separating from the building. Ms. Carpenter went on stating that the last quantity of turnout gear was purchased over five years ago and additional turnout gear was needed to replace older gear and to outfit new members. The cost for the coat and pants for one fire-fighter was approximately \$1,500 and helmets, gloves, etc. were also needed for an additional cost per person. The CCVFC could easily justify 10-12 new sets of turnout gear. Ms. Carpenter addressed the following expenses: i) \$400-\$500 per month in fuel; ii) \$4K for heat for the months of January through April; iii) \$14,500 for the annual equipment loan payment for which five years remain; and iv) \$18K annually for insurance premiums. Ms. Carpenter stated

that \$11K was raised from their letter drive, which was very positive, and \$8K was raised from other fundraisers but the CCVFC was struggling financially and needed government assistance. If the Town did not initiate a fire tax or provide annual donations, the fire company could not sustain itself.

Councilwoman Natali asked about the information and requirements made by Council in April 2011. Ms. Carpenter stated that all information had been provided and requirements had been met with the exception of the 2010 audit which should be completed by the end of next week.

Councilwoman Natali stated that the CCVFC served more than just the Town of Cape Charles and asked whether funding was provided by Northampton County. Ms. Carpenter stated that the County provided \$23K to each fire company in the County and levied a fire tax which provided \$7,500 in revenue which was divided amongst the five fire companies. The County also paid the fire training center fees. The total amount provided by the County was approximately \$25K annually.

Councilwoman Natali asked whether there were any plans to increase fundraising so the Town would not continually be asked to support the fire company. Ms. Carpenter stated that Mayor Sullivan and Heather Arcos were working on an auxiliary to help with the fundraisers.

Mayor Sullivan asked why the CCVFC went for years without asking for assistance but was now stating that they were struggling and asked if the spending had increased. Ms. Carpenter responded that it was a combination of a decrease in donations, increase in repair and maintenance costs of the trucks and a general increase in costs. The CCVFC applied for a grant which should be awarded by February 2012 and were hoping to replace a rescue truck and obtain a rescue pumper.

Councilman Veber asked whether the CCVFC and the Cheriton Fire Company had thought about sharing equipment, combining their efforts and working together since they were probably in a similar situation. Ms. Carpenter stated that there was no duplication of equipment between the two companies and the vehicles in each department complimented each other. The Cape Charles ladder truck was the only one in Northampton County. Another ladder truck was in Onancock. Cheriton was struggling with their \$1M building. All the fire companies in the County were struggling and needed volunteers as well. Cape Charles had a good group of volunteers and new members were coming in.

Councilman Bennett asked whether the level of revenue and the level of expenses had been compared to determine how much money was needed and what was expected from the fire tax. Ms. Carpenter stated that the CCVFC needed to look at equipment replacement and other extra expenses and an amount could not be determined. \$30K was a great help and paid their insurance and equipment loan payments, but hopefully, no unexpected expenses come up.

Dave Fauber stated that the FEMA representatives looked at the crack along the back wall of the CCVFC building and were researching information for consideration as earthquake damage. FEMA was also looking at the damage to the former school for similar coverage.

**NEW BUSINESS:**

**A. *Resolution to Commemorate and Support the Bicentennial of the American War of 1812:***

Mayor Sullivan stated that a letter was received from the Virginia Commission on the Bicentennial of the American War of 1812 announcing the commemoration of the bicentennial in the Commonwealth and to invite the Town to participate in and support the bicentennial programs and activities.

**Motion made by Councilman Sullivan, seconded by Councilman Evans, to adopt Resolution #20111208 - To Commemorate and Support the Bicentennial of the American War of 1812 in Virginia. Mayor Sullivan moved to adopt Resolution #20111208 as noticed and forwent**

**reading of the Resolution. The motion was unanimously approved. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.**

**B. *Eastern Shore Hazard Mitigation Plan:***

Tom Bonadeo stated that FEMA required localities to adopt a Hazard Mitigation Plan and the Eastern Shore of Virginia localities, with the help from the Accomack-Northampton Planning District Commission (ANPDC), wrote and adopted a Mitigation Plan in 2005. The plan was required to be updated every five years in order to maintain a FEMA-approved status. Cape Charles was only a portion of the plan and the pages regarding Cape Charles were included in the agenda packet for Council review.

Councilman Sullivan noted that the second paragraph of page 205 referred to Onancock vs. Cape Charles and asked whether the stated numbers were for Onancock or Cape Charles. Tom Bonadeo responded that he would point this out to the representative from the ANPDC and get it corrected.

Tom Bonadeo continued to review the various sections of the plan with Council and noted that the Town's participation in the Community Rating System provided a 5% discount in flood insurance to residents of Town.

**Motion made by Councilman Sullivan, seconded by Councilman Evans, to adopt Resolution #20111208A - To Adopt the 2011 Eastern Shore Hazard Mitigation Plan. Mayor Sullivan moved to adopt Resolution #20111208A as noticed and forwent reading of the Resolution. The motion was unanimously approved. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.**

**C. *Wireless Broadband Testing:***

Tom Bonadeo informed Council that the Broadband Network was going live this month in various towns on the Eastern Shore. Eastern Shore Communications, LLC was conducting tests in Parksley, Onancock and Exmore to determine the practicability of providing wireless broadband service to customers in those towns and requested an opportunity to conduct a test of wireless service using the water tower as an antenna base. The Broadband Network was already available at the water tower. A successful test would mean the possibility of additional services to more citizens and a potential income stream from antenna site rental.

Tom Bonadeo introduced Messrs. Ron Van Geign and Mark Henry from Eastern Shore Communications, LLC, who stated that the testing was going well and showed Council the antenna that would be placed on the water tower. Mr. Van Geign went on to state that one antenna would be placed facing the Historic District and one antenna would be placed facing Bay Creek for the test and would be dismantled after testing was completed.

Several Council members expressed concern regarding the color of the antennae stating that the water tower was black and the antennae were white. Dave Fauber agreed with the concerns and added that many people take pictures of the water tower all the time and the white antennae would interfere with the appeal of the tower. Mr. Henry stated that he would check with the manufacturer to see if the antennae could safely be painted black.

Councilwoman Natali asked about the duration of the test period. Mr. Van Geign stated that it would be approximately 4-6 weeks for installation of the antennae and volunteers, such as the Cape Charles Coffee House, were needed to test the system. Vice Mayor Bannon suggested the Library as a test site. Tom Bonadeo added that staff would be working with Eastern Shore Communications to find remote locations for testing.

**Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to allow Eastern Shore Communications, LLC to conduct a wireless broadband test on the water tower with Town staff supervision. The motion was approved by unanimous consent.**

Chief Brown asked Mayor Sullivan if he could take a moment to introduce the Town's new police dog, Arros, who was waiting outside with his handler, Officer Jim Pruitt. Arros was generously donated to the Town by the Town of Chincoteague and the Accomack County Sheriff's Department. Arros was six years old and weighed 100 lbs. and not an attack dog and could be used in schools and on the streets. The Town had received agreements from neighboring localities for Arros' services as well.

*D. Proclamation for Alston Joynes Godwin's 100<sup>th</sup> Birthday:*

Mayor Sullivan read the Proclamation for Alston Joynes Godwin's 100<sup>th</sup> Birthday.

**Motion made by Councilman Evans, seconded by Councilwoman Natali, to adopt the Proclamation for Alston Joynes Godwin's 100<sup>th</sup> Birthday. The motion was approved by unanimous vote with the Council congratulating Ms. Godwin on this momentous occasion. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.**

**ANNOUNCEMENTS:**

- December 10, 2011 – Cape Charles Volunteer Fire Company's Tool Mania
- December 14, 2011 – Town Council Executive Session @ 5:30 PM
- December 16, 2011 – Cape Charles Employee Christmas Luncheon @ 12 PM
- December 23 & 26, 2011 – Town Offices Closed for Christmas Holiday
- January 2, 2012 – Town Offices Closed for New Year's Holiday
- January 12, 2012 – Town Council Regular Meeting @ 6 PM
- January 14, 2012 – Epiphany Party, 7 PM at the CCVFC. Everyone was invited. Bring your least favorite Christmas present and your checkbook.

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

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Mayor Sullivan

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Town Clerk



**DRAFT  
TOWN COUNCIL**

**Executive Session  
Town Hall  
December 14, 2011  
6:00 p.m.**

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

**Motion made by Councilman Bennett, seconded by Vice Mayor Bannon 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' or industry's interest in locating or expanding its facilities in the community.

Specifically: Potential New Business

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

Specifically: Unsolicited Confidential Proposal

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

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

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

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Mayor Sullivan

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Town Clerk

**Town Manager Report**  
**Highlights**  
**December 9, 2011 – January 5, 2012**

**Harbor Development Update**

- Bath House Project:
  - The contract with Boytos & Boytos has been finalized and we look forward to start of construction.
- Restaurant:
  - The Town is working with Jon Dempster of Hungry Crab LLC regarding the plans for the “Shanty” restaurant.
  - The preliminary plans were reviewed by the Harbor Area Review Board and they are recommending approval of the certificate with a few comments which were incorporated in the Code Official’s review of the plans. This is an agenda item for Council review.
- A stakeholder meeting has been scheduled for January 18<sup>th</sup> to provide an update of the various projects at the Harbor. Bayshore Concrete, Bay Coast Railroad, Landmark Holdings, South Port Investors, Gallagher Associates, the U.S. Coast Guard, Senator Ralph Northam and Delegate Lynwood Lewis have been invited to attend this meeting.

**Cape Charles Tall Ship Initiative /Conj. OPSAIL 2012**

- The Tall Ship Committee held several meetings in December; The Tall Ships Sultana and Appledore V are under contract with a possible third ship. The Operations Committee (Town staff) continues to work on traffic flow, street closures, and parking, along with activities. A formal presentation will be given to Council at the February 9<sup>th</sup> Council meeting by ESVAF and Staff. The Tall Ship Committee is finalizing a schedule of events for the weekend of June 8<sup>th</sup> and 9<sup>th</sup> of this year. The ESVAF website, tallshipscapecharles.com, is up and running.

**Public Works Maintenance Building**

- The Public Works building is still under construction. The roof has been completed and the contractor is currently working on the gutters and doors. The building is planned to be completed by the 12<sup>th</sup> of January.

**Central Park**

- The flag poles have been installed and a new Town flag designed. A huge thank you to Bayshore Concrete for donating the flag poles and the Citizens of Central Park for assistance in the installation.
- VDOT is reviewing a change order to begin the engineering/surveying and planning for the next phase of trail construction on North Peach Street. Upon receipt of VDOT’s approval, the plan will be forwarded to Council for final approval. Funding for this portion of the plan is included in this year’s budget.
- The BMP work will continue through the end of January. Staff will be working on a solution following the work being done to allow the water to drain at a faster pace.

**Future Plans for the Library**

- The Library expansion project will be reviewed by Council during their FY 2012/2013 budget preparations.

**Cape Charles High School**

- An unsolicited proposal for the school building has been received and was reviewed by Council in December. This item is an agenda item and a detailed update will be provided to Council. A public hearing must be scheduled as required by the Code of Virginia.

**Broadband Project/Computer Lab**

- The grant for this project is being closed out.
- We are working with Bay Creek Communications for an affordable connection for the Town’s locations. The connection of the Computer Lab is a high priority. We are hopeful to have the locations online within a couple of weeks.

- The success of the Computer Lab Operations Plan depends solely on volunteers. Ann Rutledge has been working with the school system and college and has some great ideas. The lab classes and training will be a work in progress and we are eager to get the Computer Lab operational and for classes to begin.

**Technology Zone**

- Legal counsel reviewed the draft ordinance and made several recommendations. A Town Council Work Session will be scheduled to discuss the recommendations of legal counsel.

**NMA Federal Credit Union:**

- NMA Federal Credit Union will be opening up a branch office in Town but a location has not yet been determined.

**Cape Charles Business Association:**

- The Cape Charles Business Association held a public forum on 11/17. The new Board members are local business owners and residents who believe that by working together with the local governments and organizations, like the Chamber of Commerce and Tourism Commission, the citizens and business owners of Cape Charles can enhance their quality of life and improve the economy by attracting more residents, businesses and visitors to our Town. Their website is [www.capecharles.biz](http://www.capecharles.biz).

**Bay Creek:**

- Staff is working with Bay Creek on their subdivision plan review. No plans for construction have been submitted for review as yet.

**South Port Investors Project:**

- A marketing presentation will be given to the Town Council on the Yacht haul-out facilities project. A meeting is tentatively scheduled for the 19<sup>th</sup> of January at 6 p.m. at the Town Hall. Please check [www.capecharles.org](http://www.capecharles.org) for confirmation of the meeting.

**Route 184 Landscaping:**

- The Town is still working with VDOT and Bay Creek in order to move forward with the landscaping plan for the entrance into Town from Route 13.

**Public Utilities Clerk / Accounting Clerk:**

- With the departure of Jennifer Scott in December, the Accounting Clerk and Utilities Clerk positions have been combined. Tammy Teague is performing the duties of both positions and is splitting her time upstairs and downstairs. A sign has been placed on the Utility office window directing customers upstairs. A bell has been placed on the counter downstairs for anyone not able to go up the stairs. So far, this process has been working nicely.

**Budget FY2013**

- Staff is working on the upcoming budget year. Our first budget work session will be on the 31<sup>st</sup> of January to discuss Capital needs by Fund.

**Topics for Upcoming Work Sessions:**

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

## **Recreation Department January Council Report**

### 1. Committee Updates

- a. There were no meetings in December for the New Roots Garden or Birding Festival. The New Roots Garden will begin 2012 meetings on January 9 and the Birding Festival will start the year off on January 10.
- b. The Tall Ships Committee will meet Tuesday, January 10. At that time the committee will try to work out a schedule of events for the Tall Ship weekend. Town of Cape Charles employees continue to meet with Joan Prescott and Dave Steward to work out the details in town such as parking, security, medical assistance, etc. The internal committee is scheduled to meet again January 19.
- c. The Town of Cape Charles will meet with the MS Bike committee on January 10 to prepare for this year's MS Bike Race.

### 2. Activities – December was a very busy month for everyone.

- a. The Progressive Tour kicked off the Holiday Season on December 2. There were additional tours added to accommodate the interest in the event.
- b. December 3, Santa came to town on the Santa Train and the Grand Illumination was held later that weekend.
- c. The town sponsored a Mega BINGO at Heritage Acres on December 6. There were over 60 games played and everyone went home with a prize.
- d. December 9-11 Santa returned to Cape Charles and was available for pictures at the Christian School. Tool Mania was held December 10 followed by a Cookie Trail on December 11 sponsored by our local Bed and Breakfast. The Cookie Trail raised funds and reading materials for the library.
- e. Jen met with a small committee on December 15 to discuss potential events in Cape Charles sponsored by the Arts Enter. Events will be planned to bring people in town during our "off season". A grant opportunity was also discussed. Jen will update as details are available.
- f. There were activities for kids at the library December 19-22. Ornaments were made and our long awaited gingerbread houses were put together. The fun continued on December 27 and 29 with many fun crafts at the library.

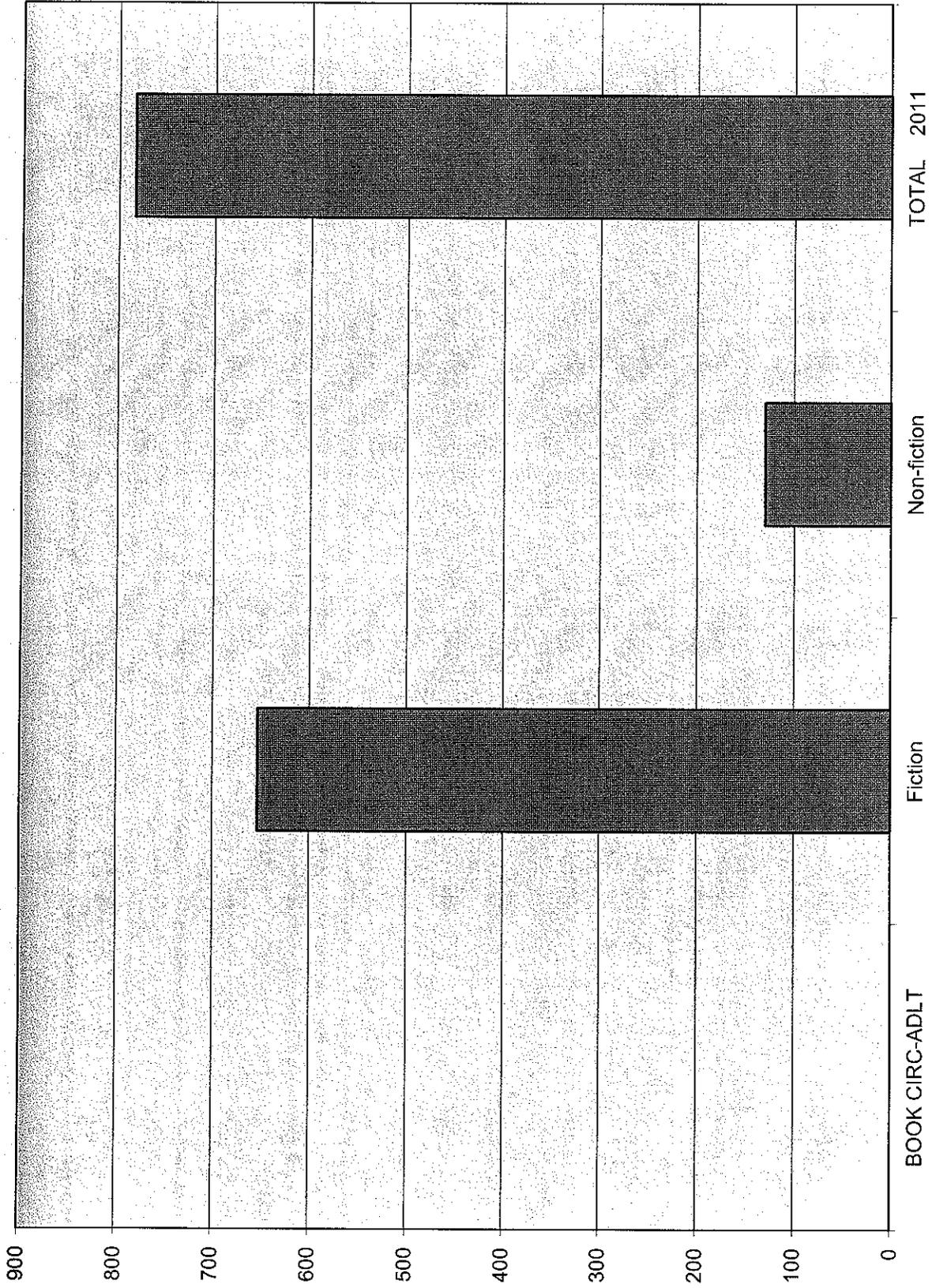
Please check out the town website for the 2012 schedule of events. This will be updated on a regular basis.

**Cape Charles Memorial Library**  
**December 2011**  
**Monthly Report Presented by Ann Rutledge**

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 28 children and caregivers attended this month. A total of 69 people attended the **Arts and Crafts** programs held on Wednesday at 4:00 and the special programs held during the holiday school break. The Crafts programs were presented by Jen Lewis and the final craft was a gingerbread house that was enjoyed by all.
2. On December 11 the **B & B Holiday Cookie Trail** was held by five participating B & B's to raise funds and to collect children's materials for the library. It was a very successful event and we collected \$219.00, 6 DVD's for children, 1 adult DVD, 2 children's CD's and 5 books. Thanks to all who participated.
3. We also received donations this month of additional new DVD's by Library Friends Marita Patterson and Alice Morehouse. Also a big thank you to Jen Lewis and Marita Patterson for helping us cover the Library this month during meetings and sickness.
4. The displays for the month of December featured books for children on Christmas and a display for adults of Christmas novels and nonfiction titles about Christmas.
5. For additional information about Library programs and library related information check out the Cape Charles Memorial Library's **Facebook** page!

Cape Charles Memorial Library

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV.	DEC	YTD
<b>INCOME:</b>							2011						
Donations	\$2.00	\$5.00	\$3.00	\$2.00	\$5.00	\$6.00	\$5.00	Lib.Fund	Lib.Fund	Lib.Fund	Lib.Fund	Lib.Fund	\$28.00
Copier/Prt	\$60.90	\$23.90	\$55.00	\$107.50	\$74.00	\$96.00	\$104.50	\$116.30	\$95.00	\$50.80	\$42.95	\$46.40	\$873.25
TOTAL	\$62.90	\$28.90	\$58.00	\$109.50	\$79.00	\$102.00	\$109.50	\$116.30	\$95.00	\$50.80	\$42.95	\$46.40	\$901.25
Deposit	\$62.90	\$28.90	\$58.00	\$109.50	\$79.00	\$102.00	\$109.50	\$116.30	\$95.00	\$50.80	\$42.95	\$46.40	\$901.25
<b>BOOK CIRC-ADLT</b>													
Fiction	653	556	695	719	659	714	657	643	717	598	441	453	7,505
Non-fiction	130	130	151	148	138	153	176	175	197	171	121	106	1,796
<b>TOTAL 2011</b>	<b>783</b>	<b>686</b>	<b>846</b>	<b>867</b>	<b>787</b>	<b>867</b>	<b>833</b>	<b>818</b>	<b>914</b>	<b>769</b>	<b>562</b>	<b>559</b>	<b>9,291</b>
Books Circ. 2010	685	708	633	658	610	857	962	959	825	774	722	683	9,076
<b>BOOKS CIRC-JUV</b>													
Fiction	487	356	465	600	474	578	637	616	394	348	307	387	5,589
Non-Fiction	150	149	136	154	133	102	121	71	114	106	111	43	1,390
<b>TOTAL 2011</b>	<b>637</b>	<b>505</b>	<b>601</b>	<b>754</b>	<b>547</b>	<b>680</b>	<b>758</b>	<b>687</b>	<b>508</b>	<b>454</b>	<b>418</b>	<b>430</b>	<b>6,979</b>
Books Circ. 2010	463	452	531	579	486	776	808	831	631	611	685	559	7,412
<b>TOTAL BOOK 2011</b>	<b>1420</b>	<b>1191</b>	<b>1447</b>	<b>1621</b>	<b>1334</b>	<b>1547</b>	<b>1591</b>	<b>1505</b>	<b>1422</b>	<b>1,223</b>	<b>980</b>	<b>989</b>	<b>16,270</b>
<b>TOTAL BOOK 2010</b>	<b>1148</b>	<b>1,160</b>	<b>1,237</b>	<b>1,237</b>	<b>1,096</b>	<b>1,633</b>	<b>1,770</b>	<b>1,790</b>	<b>1,456</b>	<b>1,385</b>	<b>1,407</b>	<b>1,242</b>	<b>16,561</b>
<b>Attendance 2011</b>	<b>1,072</b>	<b>1048</b>	<b>1236</b>	<b>1,334</b>	<b>1,045</b>	<b>1,438</b>	<b>1,473</b>	<b>1,355</b>	<b>1,042</b>	<b>1,448</b>	<b>793</b>	<b>795</b>	<b>14,079</b>
Attendance 2010	742	732	995	1,060	1535	1,392	1,833	1,805	1,324	1,252	1,151	825	14,646
<b>Programs 2011</b>	<b>7</b>	<b>7</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>16</b>	<b>14</b>	<b>9</b>	<b>9</b>	<b>10</b>	<b>9</b>	<b>12</b>	<b>108</b>
Programs 2010	4	7	7	5	4	9	16	12	8	6	7	2	87
<b>Prog. Attend 2011</b>	<b>274</b>	<b>90</b>	<b>50</b>	<b>51</b>	<b>88</b>	<b>327</b>	<b>399</b>	<b>144</b>	<b>106</b>	<b>249</b>	<b>114</b>	<b>97</b>	<b>1,989</b>
Prog. Attend 2010	8	60	41	22	29	155	155	244	123	267	110	20	1,234
<b>Internet use 2011</b>	<b>471</b>	<b>401</b>	<b>483</b>	<b>612</b>	<b>572</b>	<b>842</b>	<b>771</b>	<b>683</b>	<b>485</b>	<b>482</b>	<b>339</b>	<b>358</b>	<b>6,499</b>
Internet use 2010	428	385	375	713	941	746	746	853	632	572	478	423	7,292
<b>Library Cards 2011</b>	<b>4</b>	<b>12</b>	<b>6</b>	<b>19</b>	<b>10</b>	<b>11</b>	<b>30</b>	<b>11</b>	<b>17</b>	<b>11</b>	<b>23</b>	<b>14</b>	<b>168</b>
Library Cards 2010	8	8	15	15	17	45	30	36	17	13	14	12	230



# Harbor Report

## December, 2011.

### Maintenance

1. Scheduled boat maintenance.
2. Continued re-screwing rubber pile bumpers (Inner Harbor)
3. Cut old lines off of pilings
4. Re-Screwed deck boards around the inner harbor

### Upcoming, Scheduled Maintenance

1. Replace water valves on CG Dock (will do when water is shut off)
2. Replace the lost signage on the breakwaters, (Three are Missing)

### Capital Projects:

1. Capital projects are moving along, we received the plans for the infiltration trench and are reviewing. Also we should soon have everything in place to sign a contract with Boytos & Boytos for the construction of the Bath House. Walkways will be constructed after the infiltration trench is completed.

### Other:

1. Harbor will re-open on weekends in March.
2. Follow us on Face Book (**Cape Charles Town Harbor**)
3. We received the report from Eaton on the electrical fire last month and are working with the contractor and design firm to correct possible future problems and replace the existing pedestal.
4. All water is now shut off around the harbor.

### Incidents: None

### Notes:

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

**Tall Ships Cape Charles** - Visit Tall Ships at the harbor in June – More details to come.

**Inaugural Cape Charles Clam Slam** – The first weekend of August – More Details to Come.

# Harbor Report December, 2011.

**Business:**

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

	<u>Rentals</u>	<u>December</u>	<u>November</u>	<u>11/12</u>	<u>10/11</u>
1. Nightly:		0.6	2.2	3.3	1.6
2. Weekly:		0.5	5.2	4.5	7.0
3. Month/Quart:		3.0	0.0	1.8	8.1
4. Seasonal:		1.0	11.0	10.3	7.1
5. Annual:		40.0	41.9	44.7	32.8
6. Total Rentals,		45.1	60.3	64.6	57.8

**Wharf Fees by Pounds:**

	<u>December</u>	<u>November</u>	<u>11/12</u>	<u>10/11</u>
1. Crabs:	0	57,690	302,310	1,419,795
2. Fish:	0	16,664	216,102	534,616
3. Conchs:	4,745	26,390	31,655	90,317.5
4. Horse Shoes:	0	0	5,296	7,960
5. Gravel:	0	0	0	1,000,000
6. Clams	0	0	0	18,000
7. Oysters	0	0	0	12,000
8. Conch Pots	0	0	0	14,000
9. Crab Pots	0	0	0	121,920
10. Lg. Trap Piles	0	0	0	0
11. Sm. Trap Piles	0	0	0	21,280
12. Total Pounds:	4,745	100,744	555,363	3,239,888.5

<u>Waiting List:</u>	<u>11/30</u>	<u>Registered</u>	<u>Removed</u>	<u>12/31</u>
1. 60ft Slips:	2	0	0	2
2. 50ft Slips:	2	0	0	2
3. 45ft Slips:	8	1	0	9
4. 36ft Slips:	6	0	0	6
5. 30ft Slips:	19	0	0	19
6. 24ft Slips:	20	1	0	21
7. 20ft Slips:	10	0	0	10
<b>Total</b>	<b>67</b>	<b>2</b>	<b>0</b>	<b>69</b>

William Smith Dize Jr.  
Harbor Master  
January 3, 2012

# **PUBLIC WORKS**

## **December 2011**

### **Dump Fees**

- **Oyster Landfill:** 8 trips, \$177.03, 3 Tons
- **Sludge-** 2700 lbs.
- **Work Orders Completed:** 5
- **Work Orders Open:** 39

### **Staff Report**

- Advertised for open public works position and received 10 applications.

### **Completed Projects**

- Roped off hazardous areas around the old school. The stone façade around the windows is separating from the building in some areas creating an unsafe condition.
- Planted pansies around town.
- Reopened golf cart path. We will clean the path up and install some new shells as soon as work is completed at the WWTP entrance.
- Work on Mason Avenue lights.
- Grand Illumination in Central Park.
- Progressive Dinner.
- State and Town Flags for Park.
- Sand removal along Bay Avenue, sand fence repairs.
- Replaced light bulbs in Central Park.
- Winterized park irrigation system.

### **In Progress**

- The new Public Works Maintenance Building is being erected.
- A new French drain in the south east quad of central park is being installed to a depth of about 15 feet.
- Picking up Christmas Trees.

### **Upcoming Projects**

- Repairs to old school. Possible FEMA assistance for earth quake damages.

### **Special Events**

# PUBLIC UTILITIES

## December 2011

### Work Orders Completed

- Miss Utility Tickets: 13

### Staff Report

- Training at New WWTP is under way.

### Completed Projects

- Replaced flexible tubing with PVC pipe to chemical feed pumps in the water plant.

### New WWTP

- Clean water testing is completed.
- Operations Building:
  - Ceiling grid is 95% complete.
  - Lighting installation is 95% complete.
  - Painting to be completed this month.
  - Shelving and countertops are 98% complete. Flooring is 80% complete.
  - Louvers are installed.
  - Tile has been installed and is 95% complete.
  - Sidewalks have been poured.
  - Fire alarm system has been installed and is 95% complete.
  - Telephone service has been installed.
  - Landscaping around building is 75% complete.
  - Furniture has been delivered and set up.
  - Computer work stations are installed in control room.
  - HVAC is 90% complete.
- Headwork's :
  - Coarse screen and fine screens are in service and have passed the 14 day reliability test.
  - Process piping is 99% insulated.
  - Duct work is 98% complete.
  - Louvers are complete.
  - Lighting is 99% complete.
  - Sampler has been installed.
  - Flow channels and stop gates are in service.
  - Gas detectors are installed and functioning.
  - Sidewalks are complete.
  - Landscaping around building is 90% complete.
  - Computer control systems have passed the 14 day reliability testing.
- Reactor Tank:
  - Has clean water installed and has passed the 14 day clean water reliability testing.
  - Blower canopy roofing to be installed this month.

- Membrane Tank:
  - Roofing 98% complete.
  - Process piping is 98% insulated.
  - Fourteen day reliability testing has finished.
  - Seven day membrane testing has passed.
- Process Building:
  - Roof erection is complete. Fire suppression system is 99% installed. The louvers are installed. Ductwork is 90% complete. Chemical room piping is 98% complete. Fourteen day clean water testing has finished. Sidewalks are installed. Grading around building to continue.
- UV Structure:
  - Currently is 100% operational.
  - Sidewalks are complete.
  - Plant water piping being heat traced.
- Waste Sludge:
  - Tank air blowers have been tested.
  - Piping insulation and heat tracing is ongoing.
  - Sidewalks are complete.
- Solids Process Building:
  - Sludge pumps have been heat traced and tested.
  - Concrete pipe supports are installed.
  - Pipe insulation is currently 90% complete.
  - Louvers are installed.
  - Dumpster has been delivered.
  - Forklift has been delivered.
  - Sidewalks are complete.
  - Safety shower and hot water heater have been installed and piping is being insulated.
- Reactor Distribution Box 100% operational.
- Carbon storage tank chemical fill station is 95% installed. Chemical feed piping and pumps have been tested.
- Black topping of Bayshore Road is complete. Concrete section of roadway is complete.
- Site work:
  - Backfilling around the Operations Building has begun.
  - Backfilling around Headwork's, Reactors, Solids, and Waste Sludge Holding Tank Buildings.
  - Rain gardens have had some excavation work completed.
  - Main road has been graded and back filled with stone base.
  - Landscaper has installed 90% of the trees.
  - Site fencing is currently being installed.
- Scada system is currently being tested and training is ongoing.
- More testing and training is scheduled for this month.
- 90 day solids train reliability testing to begin this month.

### **Mason Ave Force Main**

- Project 99% complete.

### **In Progress**

- Awaiting response from DEQ for our Ground Water withdrawal permit. (Month 46)
- Collecting flow data looking for sources of inflow and infiltration in the Plum Street Pump Station Basin sewer mains. Current flow meter location is Mason Avenue. MH #2.
- Replacing 50 Water Meters in Town.(50% Complete)
- Engineering for connection to Keck Wells. Task order has been signed with GHD to prepare a Preliminary Engineering Report (PER). Working on easements and right of way issues to bring line across RR, Bay Creek and VDOT properties. The survey is complete for the most direct route across the spoil site and a new survey is under way for the alternate route which would take the line to the east of the spoil site.

### **Upcoming Projects**

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

Code Enforcement  
Month of December FY 2012

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

Permits this month: 6	
Permits this year: 335	Total permits last year: 200
Total construction this month: \$78,000	
Total construction this year: \$7,794,505	Total construction last fiscal year: \$3,967,519
Permit fees this month: \$1,088.40	
Total permit fees this fiscal year: \$123,352.18	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: \$88.25	
Total Fire Dept. levies this year: \$5,814.00	Total Fire Dept. levies last fiscal year: \$3,282.54
State levy this month: \$17.65	
Total state levies this year: \$1,163.80	Total state levies last fiscal year: \$664.67
Miscellaneous Revenue: \$0	

**Existing Structures Code Enforcement Cases:**

Total Cases: 26	
New this month: 0	
Closed this month: 0	
Rental Inspections: 0	
Rental C.O's Issued: 0	
Rental Inspection fees collected: \$0	
Grass cutting enforcement: 0	
Grass cutting: 6	
Enforcement fees charged this month: \$0	
Enforcement fees charged this year: \$10,659.56	Fees charged last fiscal year: \$7,351.98
Enforcement fees collected: \$42.21	
Enforcement fees collected this year: \$2,206.33	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) (Completed)**

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

Month of December FY12

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

Hours spent working on project this month: 12

*Key Notes:*

- Working with contractor on a possible drainage solution for BMP areas
- Flag Poles are complete and a Town flag has been created. Thanks to Public Works for a great job.
- The entire park was mulched in time for grand illumination.

**Other items of note:**

1. Completed 28 inspections
2. Conducted 1 zoning clearances
3. Completed 1 courtesy residential inspections
4. Conducted 2 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Made site inspections throughout the month on the New Waste Water Treatment Plant Project.
10. Working on Harbor Bath house project.
11. Working with contractor on proposed Harbor Restaurant.
12. Code Enforcement case on Randolph Avenue has been issued a permit to a contractor to abate all violations by April 1, 2012.
13. Code Enforcement case on Plum Street has been turned over to attorney. Attorney sent out a 14 day letter stating that the owner(s) comply with all prior directives or that the issues would proceed to court.
14. Working on design layout and parking plan for west dock area in harbor.
15. Planning Department and Code Enforcement met with Bay Creek to look at a preliminary site plan for the proposed Beach Club.

01/03/12

# Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value	
83A3-0100-091	PB110096	Building	12/19/2011	110 Blue Heaven Road	Closing in Screened Porch	\$98.00	\$10,000	
083A3-0100-62	PF110005	Fire Suppresio	12/16/2011	235 Mason Avenue	Monitored Fire Alarm System for R-1 Bulldo	\$145.60	\$8,000	
083A3-0100-62	PF110004	Fire Suppresio	12/16/2011	235 Mason Avenue	Upgrading Existing System to fit new room	\$397.60	\$28,000	
	PB110097	Building	12/28/2011	426 Randolph Avenue	Repair to abate building code violations	\$179.20	\$17,000	
	PB110095	Building	12/13/2011	550 Randolph Avenue	Tear off/reroof	\$198.00	\$10,000	
	PB110094	Building	12/06/2011	611 Randolph Avenue	Porch Repair	\$70.00	\$5,000	
<b>Total Permits:</b>						<b>6</b>	<b>\$1,088.40</b>	<b>\$78,000</b>

Per Dates Issued Range from: 12/01/2011 to 12/31/2011



## Revenue Totals by Category/Items

From: 12/01/2011 to: 12/31/2011

<b>Miscellaneous</b>		
After fact permit Admin fee	1	\$100.00
Fire Dept Fee	6	\$88.25
<b>Miscellaneous totals</b>	<b>7</b>	<b>\$188.25</b>
<b>State Tax</b>		
STATE TAX.	6	\$17.65
<b>State Tax totals</b>	<b>6</b>	<b>\$17.65</b>
<b>Valuation</b>		
comm > \$10k	1	\$355.00
Valuation Com 2.5K >	1	\$130.00
Valuation Res \$2.5K - 10K	3	\$237.50
Valuation Res > \$10K	1	\$160.00
<b>Valuation totals</b>	<b>6</b>	<b>\$882.50</b>
<b>Grand Totals</b>	<b>19</b>	<b>\$1,088.40</b>

# Planning Commission Report for Town Council

**From:** Tom Bonadeo  
**To:** Town Council  
**Date:** January 12, 2012  
**Subject:** Report for Planning Department

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## Planning Commission Meeting – January 3

1. The Planning Commission held its regular monthly meeting Tuesday January 3.
2. The Planning Commissioners worked on the final draft of the Sign Ordinance. Using the International Zoning Code Sign Ordinance as a starting point. The final document will be ready for public hearing in the next month or so.
3. The Commission also worked on Section 8 of the Zoning Ordinance dealing with the demolition of structures in the Historic District. Final recommendations were reviewed and additions to the zoning ordinance are scheduled for public hearing.
4. The Planning Commission also reviewed and adaptive reuse addition to the R-1 Ordinance. This would allow the adaptive reuse of “unusual” historic structures on a case by case basis. These structures are in the R-1 Zone and are contributing structures to the National Historic District. These structures were built mostly as schools and churches and are impractical to serve as single family homes. Using the conditional use process, these buildings could be adapted to be used as residences while still meeting parking requirements and not disrupting the residential neighborhood. These buildings qualify for Historic Tax Credits and real estate tax freezes which make them financially viable.
5. The Planner is working on:
  - a. The Design-Build Project for the Harbor Bathhouse. Staff and the contractor will be meeting January 4<sup>th</sup> to finalize the contract.
  - b. Zoning compliance reviews and enforcements.
  - c. Beach fencing additions for the winter
  - d. Adaptive reuse projects for Historic structures
  - e. Plans for Route 184 and Route 13 landscaping with VDOT
  - f. Easements for new water lines connecting the new wells to the system.
6. The Broadband Circuits have been ordered to connect 2 Plum Street and the computer lab to the network. A plan is being reviewed for connection to the Harbor for administrative purposes and for transient boaters using the slips. A wireless test will also be conducted by Eastern Shore Wireless Inc., over the next few months.
7. The restaurant building at the Harbor has passed Harbor Area Review Board with some qualifications. The lease, building permits and Harbor Development Certificate are nearly finalized.
8. The new Sinclair Tower is ready for the final phase of construction. The foundation was poured and concrete strength test at 7 and 14 days have gone well and the final 28 day test exceeded requirements. Heavy gravel has been laid to support the crane and tower stacking should be under way this month.

## Historic District Review Board Meeting – No December Meeting

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Cape Charles Police Department		<b>AGENDA DATE</b> JANUARY 12, 2012
	<b>SUBJECT/PROPOSAL/REQUEST: DECEMBER 2011</b> Monthly Law Enforcement Statistic		<b>ITEM NUMBER</b>
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action ( ) Information ( X )
	<b>STAFF CONTACT (s):</b> Charles Brown Chief of Police	<b>REVIEWED BY:</b> Heather Arcos Town Manager	

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

Calls for Service in Cape Charles: 47

Calls for Service Outside of Cape Charles: 15

10-13 Calls

(A) By Dispatch: 62

(B) By Phone via Officer/Trooper: 00

(C) In Person 00

Felony Arrests: 00

Misdemeanor Arrests: 00

DUI Arrests: 00

Traffic Summons Issued: 17

Traffic Warnings Issued: 02

Parking Tickets Issued: 01

Assisted Northampton County Sheriff's Office: 11

Assisted Virginia State Police: 02

Assisted Other Local Police: 00

Assisted Other Federal Agencies 02

Assisted Fire & Rescue: 05

Assisted VDOT: 00

Hours of Training Received & What Type?



TOWN OF  
CAPE CHARLES

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

**AGENDA DATE:**  
January 12, 2012

**SUBJECT/PROPOSAL/REQUEST:** Update on construction.

**ITEM NUMBER:**  
6A

**ATTACHMENTS:** WWTP transition plan.

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

**STAFF CONTACT(s):**  
Bob Panek

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

### **BACKGROUND:**

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

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

### **DISCUSSION:**

As of the December 2011 progress meeting, construction is about 200 days behind schedule. We are about 102% into the length of the contract. Details of construction progress are contained in the Public Utilities report. Clean water testing of the complete system has been completed. Wastewater treatment is now scheduled to begin the week of January 23. We plan to gradually switch flow from the old plant as reliability is proved out. The Department of Environmental Quality (DEQ) has approved the Preliminary Engineering Report for decommissioning the old plant and an Invitation for Bids has been advertised. The schedule for transition to the new plant and demolition of the old plant is attached. After demolition, the polishing pond will be drained and closed.

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

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

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

About \$13.1M has been billed to date, all of which has been reimbursed from WQIF and VCWRLF. This is about 87% of the contract value. An additional invoice of approximately \$400K is in process. An additional change order of about \$44K for miscellaneous items is also in process.

### **RECOMMENDATION:**

Provided for information only.

January 3, 2012

**Transition**  
**New WWTP Start Up**  
**Old WWTP Demolition**

Jan. 7, Saturday – Advertise IFB for demolition.

Jan. 17, Tuesday – WMS construction progress meeting.

Jan. 23, Monday – Deliver sludge to seed bio-reactors.

Jan. 23, Monday – Demolition bids due.

Jan. 24, Tuesday – Start up new WWTP with flow from Bay Creek.

Feb. 9, Thursday – Award demolition contract at Town Council Meeting.

Feb. 20, Monday – JCB connects Fig St. force main extension to new Mason Ave. force main and 6” force main to Manhole #2. All flow to new WWTP (4 weeks from start up). Visual inspection of force main segments not pressure tested.

Feb. 20, Monday – Shut down old WWTP, begin decanting and cleaning of tanks and piping.

Mar. 2, Friday – Complete cleaning of tanks and piping.

Mar. 5, Monday – Notice to Proceed with demolition.

Apr. 13, Friday – Complete demolition.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Public Service Authority (PSA) & Regional Wastewater System.

**AGENDA DATE:**  
January 12, 2012

**SUBJECT/PROPOSAL/REQUEST:** Provide an update on the PSA and potential regional wastewater system.

**ITEM NUMBER:**  
6B

**ATTACHMENTS:**

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

**STAFF CONTACT (s):**  
Bob Panek

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

### **BACKGROUND:**

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

### **DISCUSSION:**

The revision of the Southern Node (Cape Charles & Cheriton) Preliminary Engineering Report (PER) is currently on hold. The PSA surveyed about 300 residential and commercial properties outside the boundaries of Cheriton and held an additional community meeting to gauge interest before finalizing the service area. The consulting engineering firm completed an analysis that indicates that the grant/loan ratio would be more favorable if the initial service area was confined to Cheriton. The PSA Chairman met with the Cheriton Town Council to review the data and discuss the need for a mandatory connection ordinance to improve the viability of the project. The Town council plans to consider this at their January meeting. The PSA will also provide a recommendation to the Board of Supervisors. After the service area is finalized the PER will be revised.

The PER for the first phase of the Northern Node, Exmore and the Nassawadox medical community, has been completed. This project will cost about \$11.3 million. The PSA's FY 2012 financial assistance application has been approved by the State Water Control Board: \$4.0 million, 0% interest, 30 year term. The balance of the project cost must be provided by grants and private capital contributions.

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

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

### **RECOMMENDATION:**

Provided for information only.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Harbor Area Development Certificate – The Hungry Crab, LLC

**AGENDA DATE:**  
January 12, 2012

**SUBJECT/PROPOSAL/REQUEST:**

Harbor Development Certificate – Hungry Crab LLC

**ITEM NUMBER:**  
6C

**ATTACHMENTS:**

Harbor Area Review Board Package

**FOR COUNCIL:**

Action (x)  
Information ( )

**STAFF CONTACT (s):**

Tom Bonadeo, Town Planner

**REVIEWED BY:**

Heather Arcos, Town Manager

### **BACKGROUND:**

Town Council earlier requested proposals to construct and operate a seafood based restaurant at the west dock portion of the Town Harbor. The proposal from The Hungry Crab LLC was accepted by Council and plans were submitted to The Harbor Area Review Board (HARB) for the approval of the architectural design of the building, site work and landscaping.

### **DISCUSSION:**

The HARB reviewed the package and recommended approval of the overall design with some concerns to be recognized. The building is to be built to resemble a harbor work building with a metal roof and wood board and batten siding. The building will have native plants as landscaping features and the floor elevation would be one foot above the flood elevation.

The HARB expressed concerns in the following areas:

1. The proposed color (barn red) was of some concern to the Board. While we do not “regulate” colors, the Board would like to see the color be more brown/red and weathered. The applicant said he would comply with the request.
2. The applicant did not propose a well-defined window treatment. The plan showed only screens and the presentation suggested internal shutters and there was some question about the water resistance of this methodology. The Board would like to have seen a more complete window treatment.
3. The submitted plan did contain a plot plan as required but did not show elevation drawings. The building floor, the surrounding ground, the ADA parking area and front entry ramp were not shown in relationship to one another. The area drainage depends on these elevations and the view of the building was not completely represented as the drawing showed the ground and the floor at the same elevation. The ADA requirements for ramps and parking could be problematic if the elevations are not considered. The view of the building will also be different as the floor and the ground are actually 18” different.
4. The subject of elevation was discussed at length because the construction methodology of a pole building does not require a foundation wall. A foundation wall would make the building appear taller by about 18”. The Board’s concern was that this be addressed in the final plans.

### **RECOMMENDATION**

Staff recommends the approval of a Harbor Development Certificate subject to the inclusion of items 1 through 4 in the plans submitted for building permits.

## Harbor Area Review Board Staff Report

**From:** Tom Bonadeo  
**Date:** December 20, 2011  
**Item:** 5B – Architectural Review of Restaurant Building - Harbor  
**Attachments:** Drawings, plans, proposal and photos

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### Redevelopment Plan Specifics

The Town Council issued an RFP in September for the lease of property at the Harbor for the purpose of building a restaurant. The proposal was opened at a Special Meeting in late September and was accepted at the October Council meeting. A portion of the proposal for the Shanty Restaurant is attached to compare the accepted proposal plan with the plans and pictures presented.

### Discussion

The plans presented are for the building to be located at the western end of the Town docks. This is the area where most harbor parties have been held. The bath house building will be located just off the blacktop at the eastern edge of the same area.

The proposal depicts a “shanty” type of building and the plans and pictures describe the look and feel of this type of building. The Town Harbor is also known as a “working harbor” consisting in a mix of commercial and recreational activities.

The proposal covers the required items in the Architectural Guidelines.

1. Roofing for the building will be metal “5v crimp” material. This material is proposed as natural in finish and will weather to a dull steel color. Highly reflective roof material is not recommended. Pre-painted colors are available but may detract from the “shanty” premise of the proposal. The roof also provides substantial overhangs and exposed rafter tails as recommended in the guidelines.
2. Siding is proposed to be wood board and batten. The applicant is working with a local harvester to obtain material from the mill. This siding is proposed to be painted red as shown in the attached pictures of some local structures. The paint product is designed to provide some amount of weathering soon after application.
3. The walkway to the building is proposed to be a wooden deck, in keeping with the guidelines and the rest of the harbor. The delineation of the roadway, walkway and parking if proposed to be post and rope in front of the building.
4. The landscaping will be native plants, grasses and shrubs for screening purposes. This screening will hide the delivery area from the front view of the building.
5. The Shanty will provide two ADA compliant parking spots adjacent to the front walk of the building. These will be paved to meet the ADA requirements. The Town will provide the parking area between the blacktop and the restaurant. I will be covered in shells. Parking will be along the north boundary of the property and

- the interior of the area, allowing for a "cul-de-sac" road for emergency access. Staff will provide a visual map of the area at the meeting.
6. The western side of the building has an outside deck that is not covered. This area will be available for restaurant seating. This deck appears to be at the floor level of the restaurant. This wooden deck is in keeping with the deck the Town will be building along the bulkhead.

The proposal is in keeping with the Cape Charles Harbor Area Design Guidelines and the proposal accepted by Town Council in October.

**Recommendation**

Staff recommends the approval of the proposed materials and design to the Town Council.

A BUSINESS PLAN  
PREPARED BY JONATHAN DEMPSTER

FALL 2011



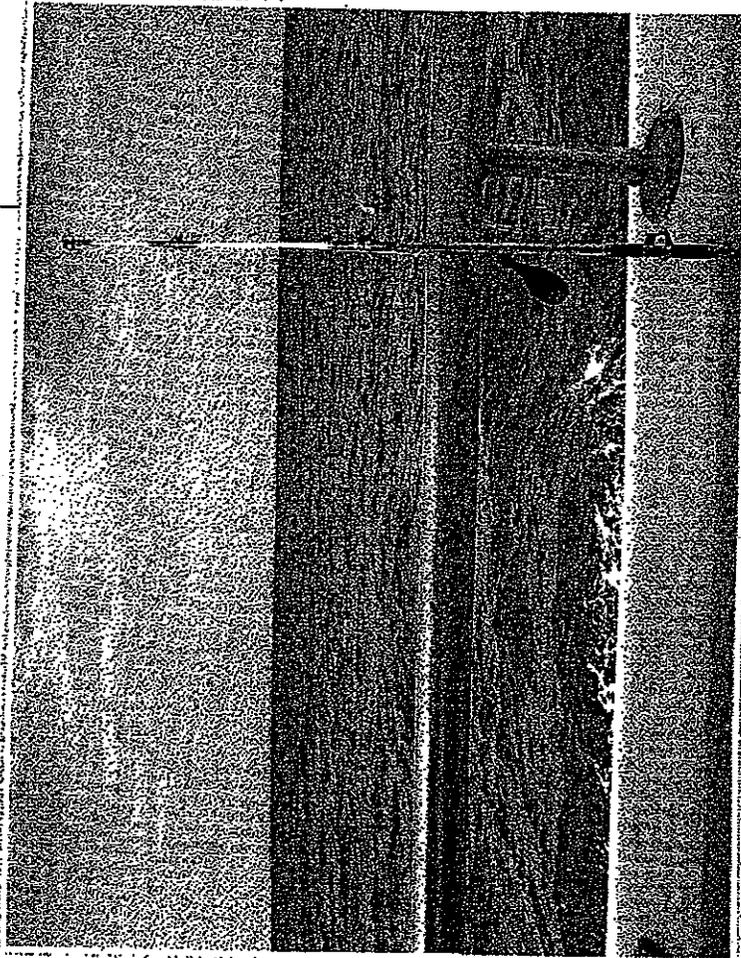




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COURTESY



## Concept

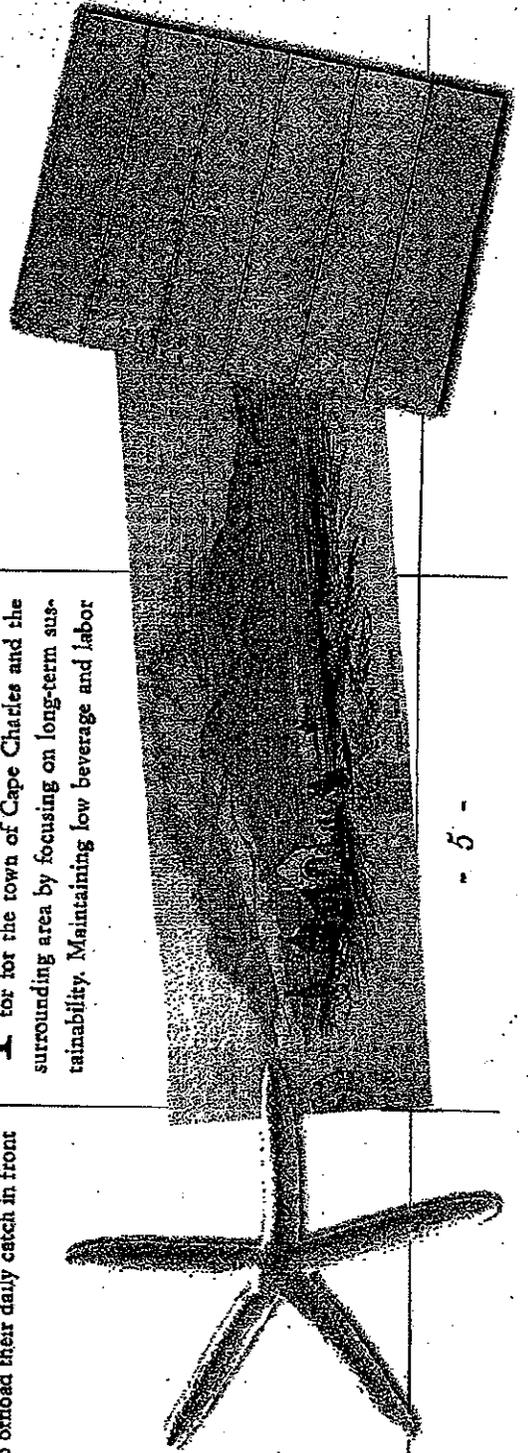
The "Hungry Crab" LLC will own and operate "The Shanty", a single unit, open air, 100 seat eatery, bar and seafood market offering locally caught seafood in Cape Charles, VA, for both on and off premise sales. The unit will operate on a seasonal basis from mid April through the end of October. The Shanty will feature a raw bar and focus primarily on steamed and fried varieties of local seafood emphasizing local Oysters, Clams and Chesapeake Bay Blue Crab, served in baskets on wooden tables covered in newspaper. Making a mess will be encouraged! The Shanty will promote local business by purchasing seafood and produce locally and by hiring watermen to offload their daily catch in front

of patrons. Promoting the local industry, investing in our community and providing the freshest seafood available will be the cornerstone of our business. "The Shanty" will provide patrons the opportunity to sit and eat locally caught seafood within the very harbor that fishes the area, featuring the sun setting over the Chesapeake Bay on a nightly basis. The décor will feature items and artifacts that promote the history of Cape Charles, the Chesapeake Bay and its unique ecosystem. The emphasis is on feeling local and having fun!

The Shanty will be an economic generator for the town of Cape Charles and the surrounding area by focusing on long-term sustainability. Maintaining low beverage and labor

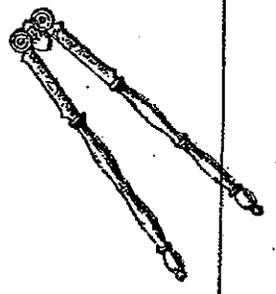
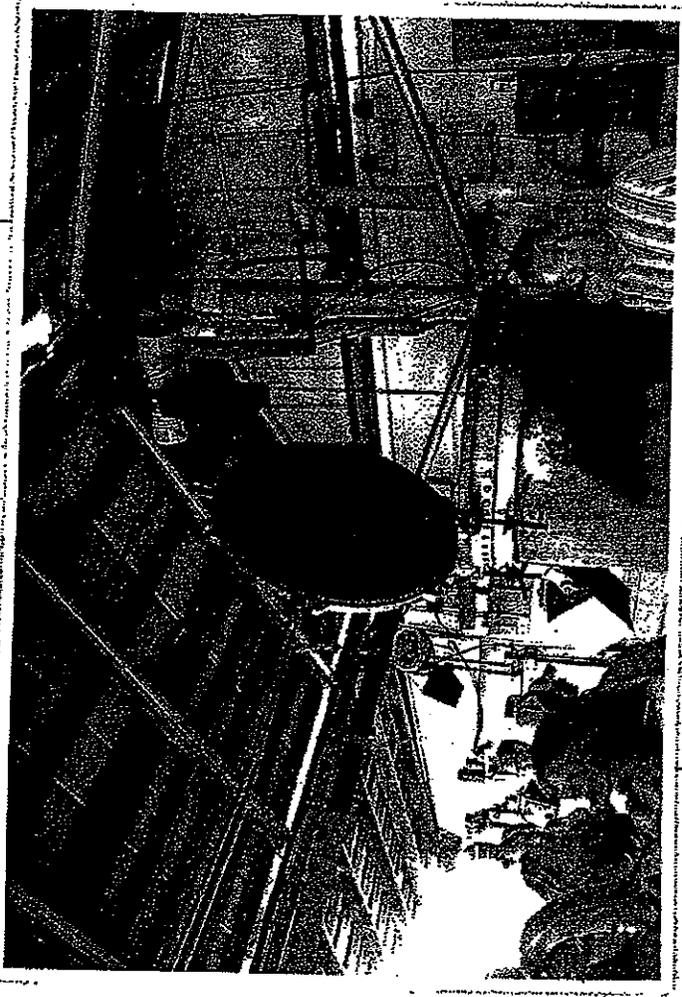
costs by focusing on draught beer with a limited bar and serving through an "order counter", will allow for higher purchase prices of locally caught seafood.

In addition to the restaurant, the building will also house a market featuring local seafood, prepared sides and off premise beer and wine sales. The market will be the only one of its kind in the area and will be bolstered by coupling its buying power with the restaurant. The two businesses will support one another both with inventory and staff.



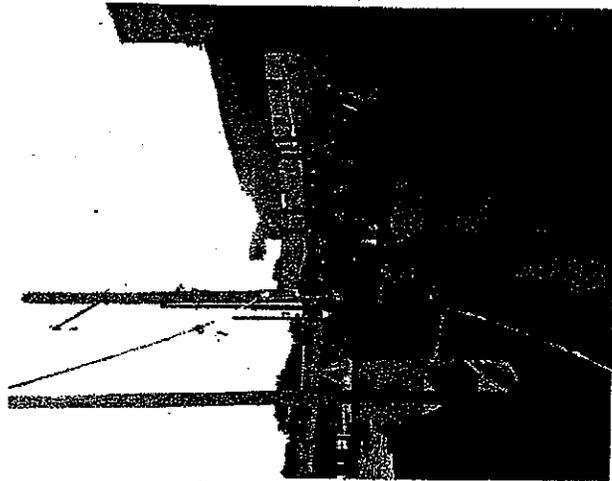
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## Mission Statement

The company's goal is that of long-term financial success by means of hospitable service, with an outstanding product, in a truly authentic atmosphere. Our priorities will be to hold us as owners accountable for setting our staff up for success, and to constantly maintain the two following goals...



1. The highest standards of "enlightened hospitality". Meaning we will exemplify for our employees how to create the ultimate "guest experience", so that our employees will become an extension of our vision, and carry on throughout their time of employment with a feeling of ownership and pride. Conveying these traits to each and every guest that is welcomed through our doors is fundamental to our success. We will achieve this by placing our priorities in this order, The Employee, The Guest, The Community, The Vendors and The Investors.

2. Exploring each avenue of joint venture with the town of Cape Charles will be a priority, as well as working with the Chamber of Commerce in order to help cater or host Harbor Parties and other events. We will consider ways to be eco-friendly and to always



be involved and help improve our community. Community service by staff members will be required so as to constantly show our commitment to being involved in our neighborhood.

The responsible and ethical achievement of these goals by all involved parties will give our business a meaning and purpose beyond our basic financial goals. Which will ultimately be the main reasons for our long-term sustainability.



## Facility

“The Shanty” will be a single story, 100-seat eatery, to include a 15-seat bar, indoor and outdoor seating, and a performance area for local music. Designed to meet the specifications of the Cape Charles “Harbor Plan” the building will be post and beam featuring a tin roof. Hinged windows will remain up in comfortable weather in order to give all guests the feeling of being “on the water”. Patio Mist systems will be used to keep guests cool and enjoying a unique experience during hot summer months. The seating will be designed to encourage “family style” eating. An outdoor patio will wrap around from the West to the Southern side of the restaurant with water views. The siding will coincide with recent and future developments of the town harbor facilities to make for a cohesive appearance. The market will be housed within the restaurant featuring a display case for prepped items and a cooler for beverages.



Today's Special



## shan·ty

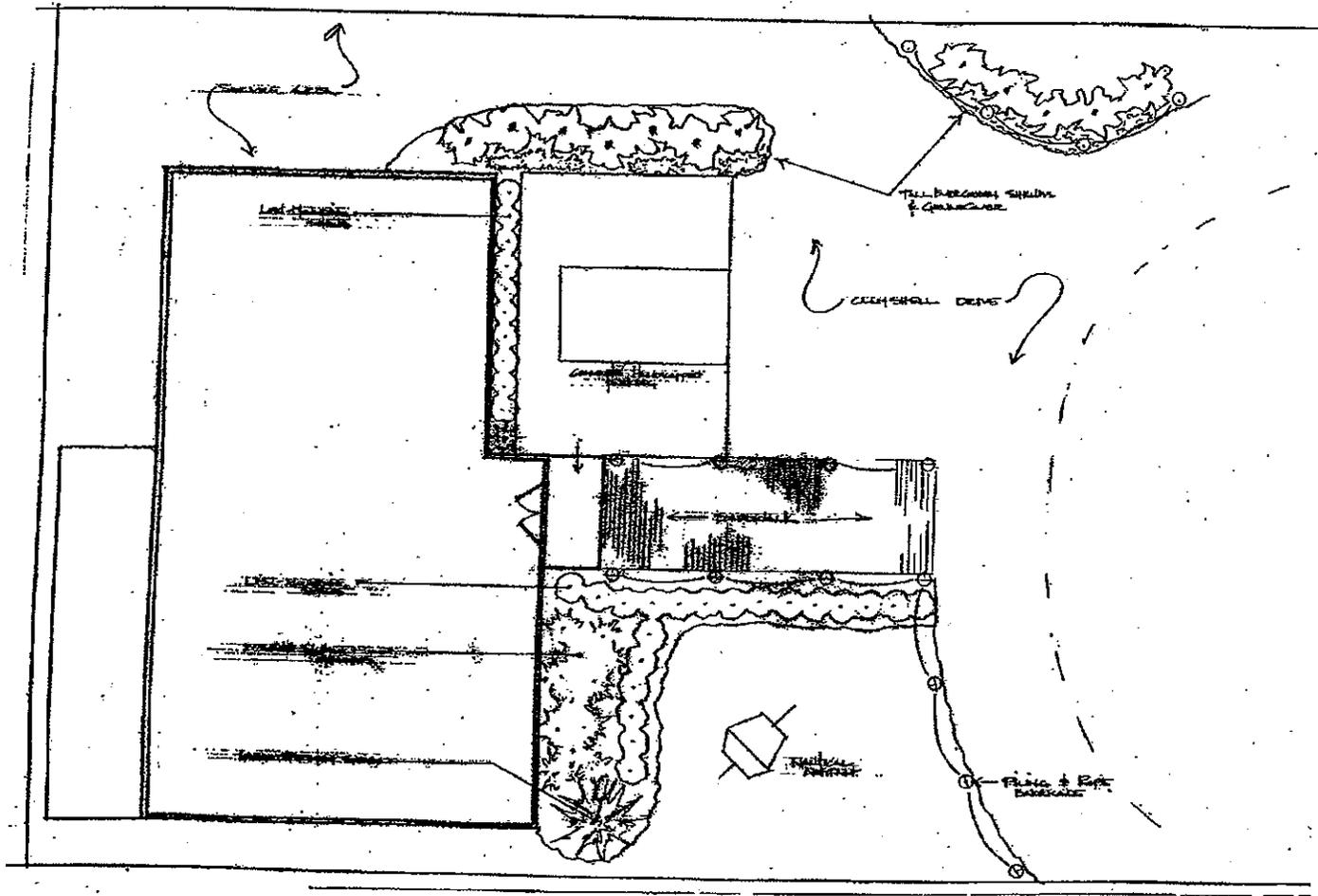
noun

1. A crudely built hut, cabin, or house.

A working mans building through and through. Skinned in board and batten siding similar to the first sheds constructed by Alexander Cassatt on Casatt's Row to the tin roofing popularized by train stations, farm buildings and fish houses, this structure brings back the taste of times past.

Open to the elements on three sides, the covered dining area will allow the sights and smells of the harbor to penetrate the building. The hand crafted stencil of a Chesapeake Bay Blue Crab will be featured on the siding, surrounded by hanging buoys and crab pots, showing our passion for the history and tradition of the Eastern Shore. The nautical décor on the exterior of the building will hint to the simple and authentic eastern shore menu inside. From steamed crabs and crab cakes to oysters and clams the menu will please both the locals looking to support our local watermen and farmers and the tourists who visit in search of fresh seafood.

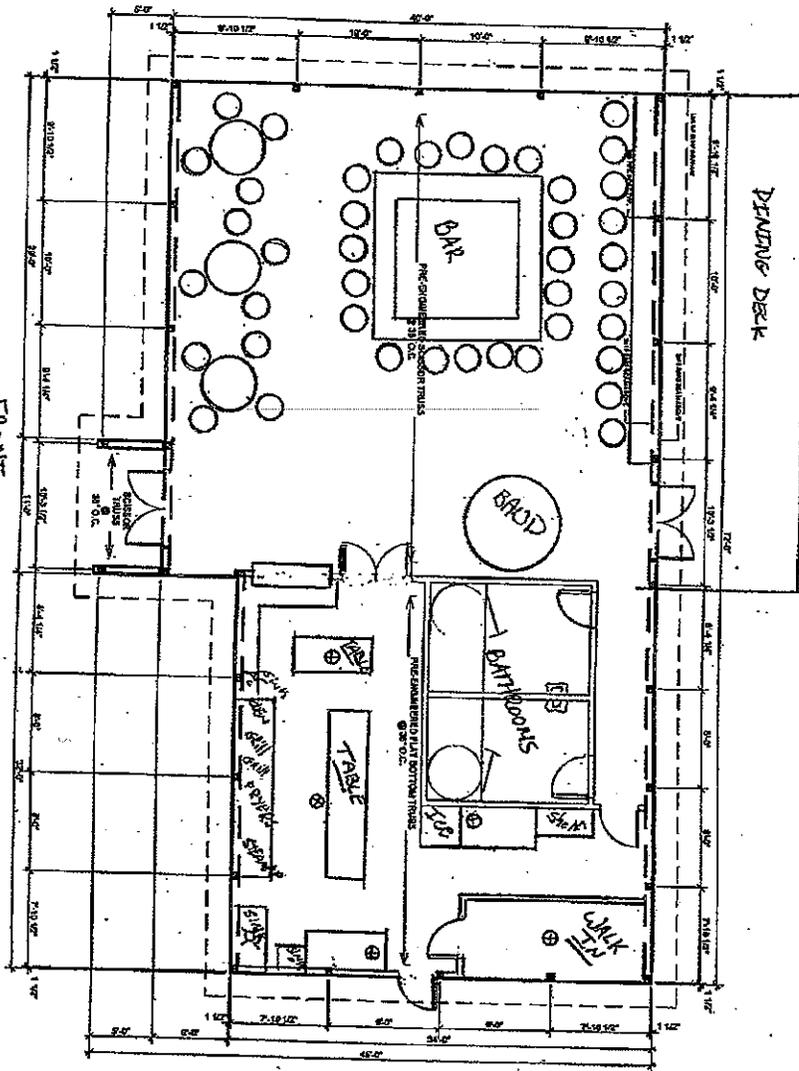
Large overhangs, clamshell paths, salt treated wooden boardwalks, native seaside plantings and a dockside manner will all serve to make us a focal point on the water that represents our commitment to our community. It won't be long before the "Shanty" is seen as one of those structures that attracts patrons not just for its food but for its feel.





**POLE BUILDING LAYOUT PLAN**

FRONT



THIS IS A THREE PLACEMENT DRAWING ONLY. These papers are designed as standard building documents to be incorporated into the building contract by the specifier of the building system. The individual sheets shall be for the architect's use only and shall not be used for construction. The specifier is responsible for providing the building system, and the specifier is responsible for the overall structure. The specifier is responsible for providing the building system, and the specifier is responsible for the overall structure. The specifier is responsible for providing the building system, and the specifier is responsible for the overall structure.

SHOP DRAWINGS APPROVAL

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_



**Truss Tech, Inc.**  
 Accomack Industrial  
 Airport Park  
 18541 Parkway  
 Malva, VA 23410  
 (757) 787-3014

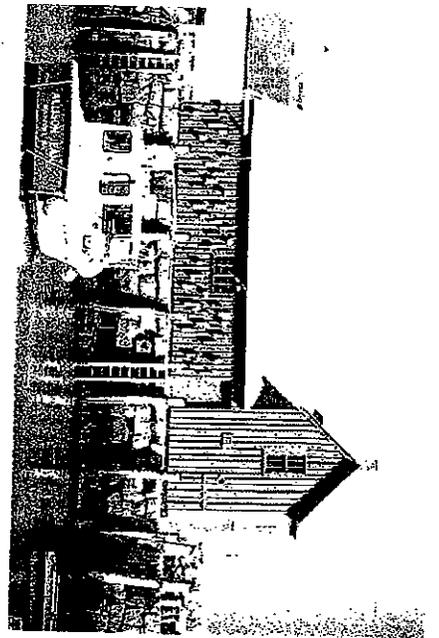
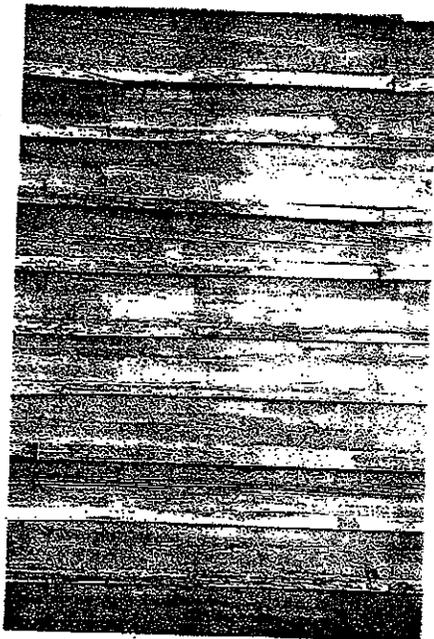
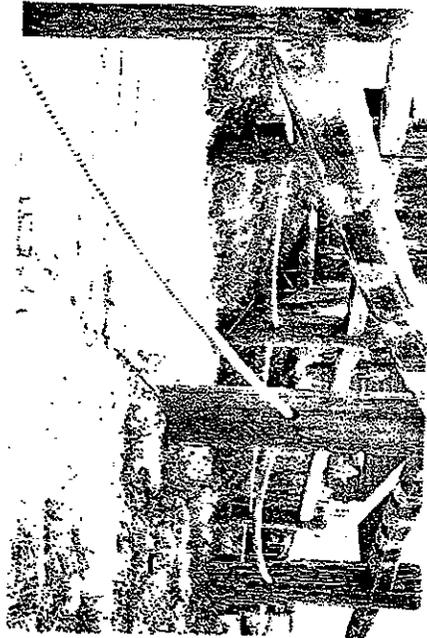
Client: QUALITY STRUCTURE, LLC.		Job Title: NEW BAR	
Address: _____		Site Information: _____	
Project: _____	Spec: _____	Telephone: _____	Fax: _____
Contract: BEAN INGRAM	Date: 4/28/2011	Drawn By: VED	Job: R111C18
Scale: NTS			

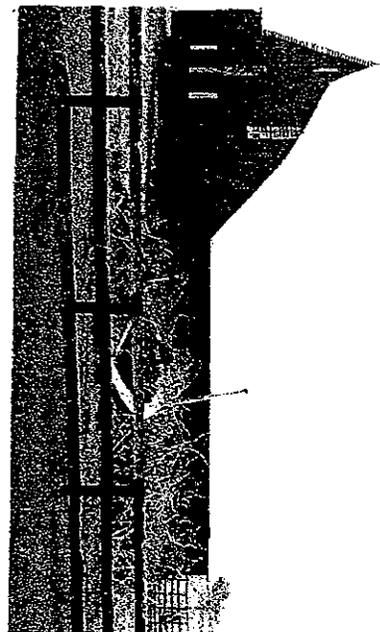
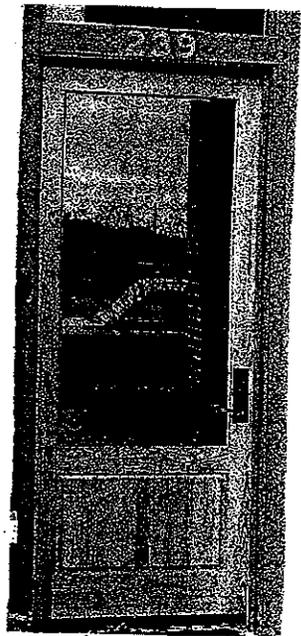
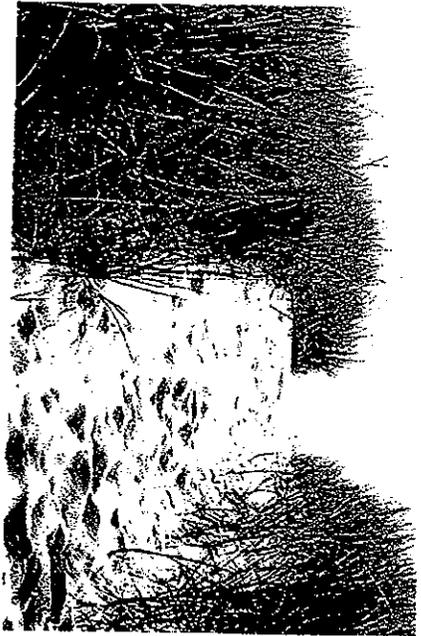
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 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Virginia Port Authority Grant Request (FY13)		<b>AGENDA DATE:</b> January 12, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Authorize Mayor Sullivan to Sign Letter of Request		<b>ITEM NUMBER:</b> 7A
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/>
	<b>STAFF CONTACT (s):</b> Heather Arcos/Smitty Dize	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

Every year during the General Assembly session, staff goes before the Virginia Port Authority (VPA) to ask informally for grant funds to be appropriated to continue to improve our Harbor as part of the Harbor Redevelopment Plan. A date has not been set as of yet.

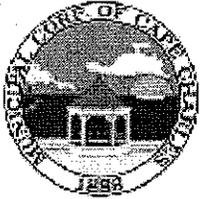
**DISCUSSION:**

The VPA requires a letter signed by the Mayor of the Town before February 22, 2012 to officially accept our request. By signing the letter, we are stating that if the VPA approves the Town's request, the project will be a part of the FY2012/2013 budget year. The Town match for the grant funds if awarded will be 25% of the project; up to \$166.7K.

This year, the Town would like to request \$500K towards the next phase of the offshore breakwater located at the entrance of the Harbor. The permits are approved and two out of five offshore breakwaters have been completed. The estimated project cost is roughly \$800K for Phase 3 with Phase 4 and 5 estimated to be higher. Even with a \$500K grant and a Town match of about \$167K, an additional \$133K (private or public funding) will be required to execute the project. The VPA will notify the Town of a possible award of funds in May of this year. The project will be reviewed during the upcoming budget process for FY 2013.

**RECOMMENDATION:**

Authorize the Mayor to send a letter requesting \$500,000 in grant funding to complete Phase 3 of an offshore breakwater from the Virginia Port Authority.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Northampton County Funding Request		<b>AGENDA DATE:</b> January 12, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Letter to Northampton County requesting funding for FY 2012/2013		<b>ITEM NUMBER:</b> 7B
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Heather Arcos	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

Each year, the Town submits a letter to Northampton County for a contribution request for the next Fiscal Year budget. Typically, the Town requests funding assistance for the Cape Charles Memorial Library and the 4<sup>th</sup> of July celebration. Last year, the Town requested \$20K for the Library and \$5K for the 4<sup>th</sup> of July celebration.

**DISCUSSION:**

Due to the current economy and known reductions in revenues from the State and other anticipated reductions, Northampton County plans to submit a budget equal to or less than the current year's approved budget. The Town has received \$15K from the County over the last several years towards the Cape Charles Memorial Library budget of \$98K in FY 2011-2012.

On November 8, 2011, a letter was sent to the Board of Supervisors requesting assistance for the 2012 4<sup>th</sup> of July celebration. No response to date.

For Fiscal Year 2012/2013, the Town plans to request funding assistance as follows:

- Cape Charles Memorial Library Operating – \$20K of a \$100K budget
- Cape Charles Library Expansion Planning - \$20K
- New Cape Charles Computer Training Lab Operations - \$20K
- July 4<sup>th</sup> 2012 fireworks display - \$7K of a \$15K budget
- Public Beach Operations - \$10K of a \$75K budget
- Offshore Breakwater - \$75K out of a \$800K project

**RECOMMENDATION:**

Staff recommends discussion and requests Council's input on any additional projects to include in this year's request to Northampton County.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Sale of Former School		<b>AGENDA DATE:</b> January 12, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Set public hearing for sale of the former Cape Charles School.		<b>ITEM NUMBER:</b> 7C
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Bob Panek	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

Echelon Resources, Inc. has submitted an unsolicited proposal for the purchase and redevelopment of the former Cape Charles School property at the southwest corner of Madison Avenue and Plum Street. This would be an historic rehabilitation and transformation of the property into approximately 16 market-rate Live/Work units to be available for lease. One alternative would make available for lease to the Town a significant space within the building for public use. The sale of the property to Echelon Resources would be at a negligible price to ensure the financial viability of the project. The details of the purchase are being negotiated and the necessary revision to the zoning ordinance is in process.

**DISCUSSION:**

The Code of Virginia (Sec. 15.2-1800) authorizes localities to sell, at public or private sale, its real property. The Code also requires a public hearing be held prior to such disposal of real property. The Code (Sec. 15.2-2100) also requires such sale to be made pursuant to an ordinance passed by a recorded affirmative vote of three-fourths of all the members elected to Council.

**RECOMMENDATION:**

Set a public hearing for sale of the former Cape Charles School property.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Schedule Public Hearing – Subdivision Ordinance Revision		<b>AGENDA DATE:</b> January 12, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Add exceptions to the definition of subdivision to allow boundary adjustments		<b>ITEM NUMBER:</b> 7D
	<b>ATTACHMENTS:</b> Recommended change to zoning ordinance		<b>FOR COUNCIL:</b> Action        ( x ) Information (    )
	<b>STAFF CONTACT (s):</b> Tom Bonadeo, Town Planner	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The Planning Commission has reviewed the subdivision ordinance and recommended a modification to the definition to except certain actions from the full subdivision requirements. The following would be exceptions to the ordinance:

1. Boundary adjustments between adjoining landowners where new lots are not created.
2. Release of some mortgages.
3. Division of a parcel by eminent domain.
4. Division for the purpose of conservation.

These areas now require compliance with the full subdivision ordinance requirements.

**DISCUSSION:**

The attached modification to the ordinance was reviewed by the Planning Commission and a public hearing was also held. The Commission recommends the modification to benefit transactions that are not really subdivisions in the strict sense of the definition and create costly paperwork with no value.

**RECOMMENDATION**

Schedule a public hearing to receive input on the proposed modification to the ordinance.

Modification to Appendix A – Subdivision Ordinance

Section 2 – Definitions

**SUBDIVIDE** means .....The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided; except that the following division of the land shall not be deemed a subdivision:

1. The sale and exchange of parcels between adjoining landowners where such separation does not create addition building sites and where all new sites are compliant with the ordinance.
2. The release of a portion of the security of any mortgage or deed of trust which would otherwise constitute a subdivision of land shall be subject to the provisions of this ordinance.
3. The division of any parcel occasioned by an exercise of eminent domain by a public agency.
4. The division of land made solely for bona fide natural resource conservation purposes.

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Schedule a Joint Public Hearing – Demolition of Structures		<b>AGENDA DATE:</b> January 12, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Text change to Section 8.22 Demolition of Structures		<b>ITEM NUMBER:</b> 7E
	<b>ATTACHMENTS:</b> Recommended change to zoning ordinance		<b>FOR COUNCIL:</b> Action        ( x ) Information (    )
	<b>STAFF CONTACT (s):</b> Tom Bonadeo, Town Planner	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The Planning Commission has reviewed the recommended text changes to Section 8.22. These changes are to better inform the Historic District Review Board and Town Council concerning the demolition of dangerous structures.

The ordinance allows the removal of structures that are dangerous to public safety. It does not require much notification. Town staff also has required certification by a structural engineer licensed in Virginia to authenticate the condition of the building.

The objective of the text change is to incorporate notification requirements and current staff procedures so that Council can be assured that demolition is being carried out only on those structures that are safety hazards and cannot be practicably repaired.

**DISCUSSION:**

The attached modification to the ordinance was reviewed by the Planning Commission and a joint public hearing was requested with Town Council.

**RECOMMENDATION**

Schedule a joint public hearing on February 7, 2012 with the Planning Commission to receive input on the proposed modification to the ordinance.

**Text Change to Section 8.22 Hazardous Buildings or Structures**

**Nothing in this article shall prevent..... However, such razing or demolition shall not be commenced without the following:**

- 1. Written approval of the Town Manager**
- 2. Letter stamped by a Structural Engineer, licensed in Virginia stating the structural problems that render the building a hazard and not practicably rebuild able.**
- 3. Written concurrence by the Zoning Administrator and Code Official with the engineers report.**
- 4. Notification of the Historic District Review Board and Town Council.**
- 5. Reconstruction plans for the property shall meet the requirements of the ordinance.**

 <p>TOWN OF CAPE CHARLES</p>	<b>AGENDA TITLE:</b> Adaptive Reuse		<b>AGENDA DATE:</b> January 12, 2012
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Review proposed modifications to the Zoning Ordinance regarding Adaptive Reuse		<b>ITEM NUMBER:</b> 7F
	<b>ATTACHMENTS:</b> Draft text change to zoning ordinance		<b>FOR COUNCIL:</b> Action ( ) Information ( X )
	<b>STAFF CONTACT (s):</b> Tom Bonadeo, Town Planner	<b>REVIEWED BY:</b> Heather Arcos, Town Manager	

**BACKGROUND:**

The Planning Commission is working on a text change to the R-1 zoning ordinance for the Adaptive Reuse of contributing Historic Structures and structures over 50 years old. A structure over 50 years old may be eligible for "Historic" status independent of another National Historic District.

The change would have the following effects:

1. Buildings that were built for a specific use other than R-1, such as churches, schools, offices and other businesses, could be considered for other uses than single family residential.
2. The adaptive reuse would be a modification of an existing permitted, accessory or conditional use in a form not generally allowed in the zone.
3. These would be required to follow the other requirements of the ordinance such as parking and landscaping.
4. The uses must be compatible with the existing uses and would be considered on a case by case basis using the Conditional Use (CUP) process.
5. The reuse would save historic buildings, preserve the existing fabric of the district and make use of the Tax Credits and other incentives that are not readily available to the residential owner or public entity.

**DISCUSSION:**

The attached modification to the ordinance will be reviewed at the next Planning Commission meeting and it is expected to be ready for a Joint Public Hearing with Council in March.

**RECOMMENDATION**

For information only and comments to staff are invited.

## Adaptive Reuse

Text Addition to the R-1 Zone, Section III of the Zoning Ordinance

### Section 3.2.C.7

7. Adaptive Reuse of existing structure is a new use different than the intended use for which the structure was originally constructed. The Reuse is generally a permitted, accessory or conditional use with an adaptation such as density or size that is greater than the ordinance allows.

The Reuse would require a conditional use permit (CUP). The following additional requirements must also be met:

1. The use must be compatible with the permitted uses in the zone.
2. The Reuse plan must meet the table of parking and landscaping standards (unlike reuse in the C-1 Zone where parking requirements are on a case by case basis).
3. Replacement and new utility services shall be placed underground.
4. The structure shall be a contributing structure to the Cape Charles National Historic District or at least 50 years old and the exterior of the structure must be restored in accordance with the Cape Charles Historic District Guidelines.