

TOWN COUNCIL

Regular Meeting

June 9, 2011

St. Charles Parish Hall

Immediately Following the Public Hearing

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Public Comments (3 minutes per speaker)
4. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
5. Report Presentations
 - A. Town Manager
 - B. Treasurer's Report
 - C. Recreation Report
 - D. Library Report
 - E. Harbor Report
 - F. Public Works/Public Utilities Report
 - G. Code Enforcement
 - H. Planning Report
6. New Business
 - A. Fiscal Year 2010 Audit Report
 - *B. Fiscal Year 2011/2012 Proposed Budget
 - *C. Harbor Bath House Design Build
 - *D. USDA Grant Application for Police Car
 - *E. Cape Harbor Conditional Use Permit Extension 2011
7. Old Business
 - *A. Town Code Modification – Golf Cart Ordinance
 - *B. Tall Ships Initiative
8. Announcements
 - June 18, 2011 – Cape Charles Harbor Party
 - June 23, 2011 – Town Council Work Session @ 6PM
 - July 2, 2011 – Cape Charles Volunteer Fire Dept 4th Annual Seafood Festival
 - July 3, 2011 – July 4th Activities – Fireworks at Dusk
 - July 4, 2011 – Town Offices Closed in Observance of Independence Day
 - July 14, 2011 – Town Council Regular Meeting @ 6PM
 - July 16, 2011 – Cape Charles Harbor Party
 - July 28, 2011 – Town Council Work Session @ 6PM
9. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL

Work Session

Town Hall

April 28, 2011

6:00 p.m.

At approximately 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 and Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also present were Town Manager Heather Arcos and Treasurer JoAnna Leatherwood. Other department heads in attendance were Public Works/Public Utilities Director Dave Fauber, Harbor Master Smitty Dize and Consultant Bob Panek. There were no members of the public in attendance.

Mayor Sullivan announced the business for the evening would be to continue the review of the proposed operating and capital budgets for FY 2011-2012 as well as the estimated revenue for all funds.

Town Manager Heather Arcos suggested that Council begin with the review of the General Fund Revenue and proceeded to review the following areas: i) BPOI & Franchise Tax; ii) Real Estate Taxes; iii) Property Taxes; iv) Motor Vehicle License Fees; v) Admissions Tax; vi) Transient Occupancy Tax; vii) Meals Tax; viii) Telephone Utility Tax; ix) Building Permits; x) Zoning & Misc. Permits; xi) Penalty & Interest – RE & PP Tax; xii) Fines & Parking Tickets; xiii) Other Payments NH County; xiv) Loan Proceeds; xv) Litter Grant; xvi) VDOT T-21 Trail; xvii) CDBG Broadband Grant; xviii) Byrne Grant; xix) Law Enforcement Grant HB 599; and xx) Grant Revenue – Other which included the \$8K pass through for the Fire Department and \$5K for Arts Enter.

Council went on to review the 2012 Tax Rate & Budget Calculation. There was much discussion regarding the County's real estate assessments, schedule for reassessment and assessment adjustments that were made by the County throughout the year.

Heather Arcos moved on to review the Expense Summary by Fund with Revisions from the April 12th work session and accompanying notes. The Public Officials Liability coverage was explained and the Council agreed to keep the \$2M in the budget if possible. Heather Arcos continued to review the various changes by department.

The Revenue & Expense Summary by Fund was reviewed.

Council went on to review the Public Utility Rate Review. There was much discussion regarding the proposed rate calculations and deferment of various capital projects to keep the water rate increase as low as possible. The proposed rate calculation for wastewater was also reviewed. After much discussion, Councilman Bennett asked that more explanation be provided regarding the proposed rates.

Heather Arcos moved on to review the Project Financing Forecast regarding the Cape Charles Multi-Use Trail, Broadband, Harbor Improvements, and Public Utilities regarding water and wastewater.

Councilman Bennett stated that he would like to see the minutes and the motion for funding from when the Council authorized the floating slips. Heather Arcos stated that originally the Harbor Improvement Project was put out to bid as one project, but after receiving the initial bids, the

Town split the project into two phases. Councilman Bennett stated that he understood but believed that the motion was specific regarding funding.

There was some discussion regarding the recent projects where bids had come in higher than estimated by the engineers. Bob Panek stated that the engineers were using cost figures from other areas to determine project estimates but he felt that due to the isolation of this area, the actual costs were higher on the Eastern Shore. Several members of Council agreed.

There was some discussion regarding the budget timeline and whether additional meetings needed to be scheduled in order to finalize the proposed budget. It was agreed that another meeting should be scheduled. Mayor Sullivan asked that dates be circulated to Council tomorrow.

Council went on to discuss the Cape Charles Volunteer Fire Department and their request for \$30K. Heather Arcos stated that Council needed to talk in detail regarding the future needs of the fire department. Councilman Bennett stated that he appreciated all that the fire department did for the citizens of Town and the County, but wondered how it was that the board just discovered this shortfall. Mayor Sullivan added that there was another non-profit organization also going through a rough time and felt that their board members did not discuss the issues like we did on the Town Council. In most of these groups, only one or two members made the decisions. If the Town were to give money to these organizations, something needed to be put in place to protect the Town's investment. Councilman Veber stated that some years ago, the Fire Department was more active but it seemed that the current members were interested only in fighting fires, not raising money, nor did they know how to raise money. The Council praised Nick Braatz for doing the research and making his presentation to Council regarding their needs but all were surprised to hear that Nick Braatz had resigned as President. There was much discussion regarding this issue and the financial difficulties faced by the Fire Department.

Mayor Sullivan stated that she thought the meeting minutes should be verbatim so all Council discussion could be captured in writing. Mayor Sullivan added that Lynne Lochen gave a great presentation and asked that her presentation be done verbatim. Heather Arcos stated her agreement regarding Ms. Lochen's comments, but did not think that all minutes needed to be verbatim. Vice Mayor Bannon and Councilman Evans agreed that the minutes should not be verbatim and stated that there were recordings of each meeting if anyone wanted to listen to them.

Councilman Evans stated that he felt more discussion was needed regarding the Fire Department and their request. Councilman Evans added that he would also like to meet regarding the necessity of a railroad crossing to the Harbor and that Cape Charles had a perfect opportunity in that Governor McDonnell had appointed Thelma Drake as Director of Rail and Public Transportation and that we needed to contact her for her assistance.

Motion made by Councilman Sullivan, 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
Public Hearing
St. Charles Parish Hall
May 12, 2011
6:00 p.m.

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Evans and Sullivan and Councilwoman Natali. Councilmen Bennett and Veber were not in attendance. 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 7 members of the public.

Mayor Sullivan announced the evening's public hearing was to hear public comment regarding a Conditional Use Permit Application for a Home Occupation at 548 Madison Avenue.

PUBLIC COMMENTS:

There were no public comments to be heard and no written comments were submitted prior to the hearing.

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

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
May 12, 2011

Immediately Following the Public Hearing

At 6:05 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Evans and Sullivan and Councilwoman Natali. Councilmen Bennett and Veber were not in attendance. Also in attendance were Town Manager Heather Arcos, Consultant Bob Panek, Town Planner Tom Bonadeo and Town Clerk Libby Hume. The majority of the Department Heads were also in attendance along with 9 members of the public.

Vice Mayor Bannon asked for a moment of silence led the Pledge of Allegiance.

PUBLIC COMMENTS:

Stefani Hadden, 109 Monroe Avenue:

Ms. Stefanie Hadden addressed the Council regarding the leveling of sand dunes to install a volleyball court at the beach stating that she and the other residents to whom she had spoken were unaware of these plans to create a permanent volleyball court on the beach. Ms. Hadden stated that she thought it was a bad thing to destroy an existing dune which was performing as it should, to put in a volleyball court. She added that she thought beach volleyball was a great activity but she had a problem with the destruction of our fragile, skinny beach to put in a permanent volleyball court and asked what permanent meant. She continued to state that she was especially disturbed to hear that bleachers were also being installed. Cape Charles beach did not have room for a volleyball program and she did not understand where it was coming from. This is not Virginia Beach and we did not have a thousand feet of beach to work with and she was concerned about the Town so easily mowing down a sand dune to create this volleyball court. She had heard that it was a man-made dune so it was okay to disturb it, but she did not understand where that was coming from either. She was told that the Wetlands Board approved it but she still did not think this was a good idea. We just had to accept the fact that we had a very tiny, fragile beach here in Town. It was a public beach but it was not big enough for a volleyball program. What would be next? Horseshoe courts and corn hole games on the beach? We should not disturb the beach. It should be left for swimming and water activities and picnicking. Ms. Hadden added that she thought it was unfortunate that this project had already begun without everybody knowing about it. There should have been a sign posted on the beach to notify everyone of what was happening, especially for the homeowners who just bought the house across the street. She did not think the new homeowners were aware of what had happened and if she were those people, she would be upset because a lot of people parked there for beach volleyball in the evenings and they brought lots of friends. This was a big event and she did not think we have room to encourage a bigger volleyball program. This was not a broad beach where we had plenty of room. Plus, the public was not given an opportunity to suggest other alternatives, like Butler's Bluff beach or the Bay Creek beach. It set a bad precedent when the Town destroyed our dunes without public comment, which was why she was here tonight. Ms. Hadden stated that she was not in favor of this and she was also not in favor of moving the beach access through the volleyball court. It would cause all kinds of problems because it was a very congested area when they were playing volleyball. People brought big cars full of stuff and kids. She did go down to look at the spot and it did appear to be big enough for a volleyball court but it certainly was not. She did not think the Town should be encouraging a beach volleyball program. We could not do it all and we should not be trying to do it all to entertain every single soul who lived here and came here. We could not provide an activity for everybody. This was a beach. It was a beautiful, skinny beach.

Mayor Sullivan stated that she learned that the Town's Recreation Program would also use the court for summer programs for the Town and the children. Heather Arcos added that the Town had a volleyball program last summer and the attempt this year was to relocate the volleyball court to a location that would not take up so much of the beach. This area was a flat area and there were still dunes there to protect the beach.

Ms. Hadden asked whether the other dune would be torn down. Heather Arcos responded that no other dunes would be disturbed. The Town was utilizing a dune that had built out and a space that would not take away from the beach.

Ms. Hadden continued to state that she was worried about the other existing dunes and did not want to see a Cape Charles Volleyball Tournament where hundreds of people would be competing. It was just a bad idea. She went on to ask about the bleachers and what they would be constructed of and where they would be located and whether people would be all over the dune. Heather Arcos stated that the bleachers were used last year at the south end of the beach and that staff was discussing the possibility of putting them in this area or maybe leaving the area as it was so people could bring chairs, etc. Tom Bonadeo added that the bleachers had already been put in place and would remain for the summer. In the winter, they would be removed and new snow fence would be installed to gather more sand. Each spring and fall, snow fence would come and go as the seasons and the winds require so the dunes would not be diminished.

Ms. Hadden asked about the relocation of the beach access adding that she was informed that the Town would eventually close off this access. Tom Bonadeo stated that the beach access would not be closed off and nothing else would change.

Mayor Sullivan thanked Ms. Hadden for her comments and apologized that she did not have enough time to get back to her before she spoke this evening.

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

CONSENT AGENDA:

Mayor Sullivan announced several changes to the agenda as follows: i) New Business was moved prior to Old Business; ii) New Business item 7D was added - Building Safety Month Proclamation; and iii) Old Business item 6E would not be an action item.

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

The Town Council reviewed the minutes of the April 12, 2011 Work Session, the April 14, 2011 Public Hearing, the April 14, 2011 Regular Meeting, the April 20, 2011 Work Session, the April 27, 2011 Work Session, the May 4, 2011 Executive Session, the May 4, 2011 Work Session and the May 5, 2011 Work Session.

Councilwoman Natali stated that on page 5 of the April 14, 2011 Regular Meeting minutes, the second paragraph from the bottom, she had asked Ms. Bozza how many other towns contributed funding to support the Eastern Shore of Virginia Tourism Commission and she thought Ms. Bozza responded that the Town of Onancock had given additional money the first year but only the Town of Cape Charles had continued to donate additional money to the Commission on a yearly basis and asked Libby Hume to listen to the recording and make the appropriate corrections to the minutes to reflect this discussion.

Motion made by Councilwoman Natali, seconded by Councilman Evans, to approve the minutes for the April 12, 2011 Work Session, the April 14, 2011 Public Hearing, the April 20, 2011 Work Session, the April 27, 2011 Work Session, the May 4, 2011 Executive Session, the

May 4, 2011 Work Session and the May 5, 2011 Work Session as presented and the April 14, 2011 Regular 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) She commended the Mayor and Council for all their hard work on the budget for FY 2011/2012. The budget was balanced without a tax increase. The minimum usage for water and wastewater was increased \$6. A Public Hearing would be held at 6:00 PM on June 2nd at the Town Hall and the advertisement would be in next Wednesday's newspaper; ii) Regarding the volleyball court, the Town Manager report stated that there would be two volleyball courts installed, but this was changed and there would only be one court; and iii) Copies of the Press Release for the Tall Ship visit on June 2 through June 7 were on the table if anyone wanted a copy. Everyone involved was working hard to pull everything together. On Friday, June 3rd, from 1:00 p.m. to 4:30 p.m., there would be free public tours of the ship. There would also be sailing opportunities for adults and children.

B. *Treasurer's Report:*

The Treasurer's report dated April 30, 2011 showed \$2,121,405 in the Bank of America checking account and \$994,668 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$3,116,072. Treasurer Jo Anna Leatherwood stated that there was nothing exceptional to explain regarding this month's report.

Motion made by Vice Mayor Bannon, seconded by Councilman Evans, to accept the Treasurer's Report as presented. The motion was approved by unanimous consent.

C. *Recreation Report:*

Mayor Sullivan stated that Community Events/Recreational Coordinator Jen Lewis was not in attendance this evening and asked if Council had any questions regarding her report. Heather Arcos added the following: i) Teen Night was scheduled for tomorrow evening beginning at 7:00PM at Central Park for a game of glow stick tag; ii) Jen was working on a cheerleading camp, adult and youth tennis lessons and other fund camps for the summer; and iii) The Garden Committee was focusing on raising funds to begin their project. Vice Mayor Bannon commented on the amount of money needed, which was estimated between \$12K-\$15K. Mayor Sullivan added that the Town had donated the land for the garden project and the Cape Charles Rotary Club had donated \$2K. The remainder of the funds would be raised from donations from other groups and individuals. The garden would be located by Rayfield's Pharmacy.

D. *Library Report:*

Librarian Ann Rutledge informed Council that some great summer activities had been planned such as magicians, storytellers, movies, etc. The current book display was pirate-themed to coincide with this weekend's events. The Friends of the Library were holding a book sale on June 11th. A professional face painter had been hired and the kids would be making ice cream art.

E. *Harbor Report:*

Harbor Master Smitty Dize reported the following: i) The new slips would be open available for rental tomorrow, May 13th. The electric should be connected tomorrow and the water line should be connected within the next couple of weeks. An inspection was conducted this morning and a couple of minor issues were discussed; ii) The Black Drum tournament was scheduled for next weekend at the Town Harbor; iii) The Kalmar Nyckel was scheduled to arrive on June 2nd; and iv) Advertisements have been purchased in *Prop Talk* and *Spin Sheet* magazines which reach approximate 200K boaters on a monthly basis. Heather Arcos added that the Town received a \$10K grant for this advertising.

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber reported the following: i) A notification regarding the level of Trihalomethanes (THMs) in our drinking water was mailed to all residents. The last results for THMs were 2 parts per million over the acceptable limits. The water was safe for drinking. The Town would begin conducting quarterly flushes of the water system vs. semi-annually to help reduce these numbers; ii) The maintenance of the water tank had been completed and the tank was refilled and would be reconnected on May 13th. The Public Utilities staff worked hard to get the work completed by the end of May; and iii) The Mason Avenue Force Main project was moving along on target.

G. *Code Enforcement:*

Code Enforcement Officer Jeb Brady reported the following: i) Many residents may have seen the increased number of dumpsters on the street in Town. This was a good thing because construction was getting busy with renovations of older homes, retrofits and additions. People were taking a greater interest in fixing up older homes in Town. Some of the properties were foreclosures and people were taking advantage of the historical tax credits to fix them up. There were five applications to be reviewed by the Historic District Review Board this month. Also, a large commercial project renovating the former Cape Charles Hotel on Mason Avenue has begun and the project cost was estimated at approximately \$1.5M; and ii) The final walk-through was performed for the work at Central Park. There were still several issues to be resolved. A new company had been working for the past three weeks on the fountain to repair the leak in the pool. The final touches should be done on May 13th and the fountain should have water in it within the next week.

H. *Planning Report:*

Town Planner Tom Bonadeo reported the following: i) The Cape Charles Hotel had a new name and would be called Hotel Cape Charles. The company doing the renovations did a lot of work in the Richmond area; and ii) Five items would be reviewed by the Historic District Review Board. Most of the applications were for retrofits of existing homes in the Town.

Vice Mayor Bannon stated that 16 homes had been sold around his property over the past one and a half years. Councilman Evans added that the Fig Street Inn opened on May 6th with two available rooms for now.

NEW BUSINESS:

A. *National Safe Boating Week Proclamation:*

U. S. Coast Guard Auxiliary Flotilla Commander John Carey informed the Council that nationwide there were over 736 fatalities with 543 drownings. Approximately 84% of those who drowned were not wearing life jackets. Virginia ranked 6th in the nation for the total number of boating deaths and 10th in the nation for boating accidents. In 2009, there was over \$35M in property damage caused by recreational boating accidents. The week of May 21 – 27, 2011 had been named National Safe Boating Week.

Mayor Sullivan read Proclamation 20110512 Proclaiming May 21 – 27, 2011 as National Safe Boating Week.

Motion made by Councilman Evans, seconded by Councilman Sullivan, and unanimously approved to adopt Proclamation #20110512 Naming the Week of May 21 – 27, 2011 as National Safe Boating Week. Roll call vote: Bannon, yes; Evans, yes; Natali, yes; Sullivan, yes.

B. *National Police Week Proclamation:*

Mayor Sullivan stated that in 1962, President John F. Kennedy signed Public Law 87-726 designating May 15th as Peace Officers' Memorial Day and the week in which May 15th fell as National Police Week. In honor of all law enforcement officers, the Town would adopt a proclamation for Peace Officers' Memorial Day and National Police Week.

Mayor Sullivan read Proclamation 20110512A Proclaiming May 15, 2011 as Peace Officers' Memorial Day and the week of May 15 – 21, 2011 as National Police Week.

Police Chief Charles Brown added that the Town had a fallen officer killed in the line of duty in the late 1800s who would be honored later this month.

Motion made by Councilman Sullivan, seconded by Vice Mayor Bannon, and unanimously approved to adopt Proclamation #20110512A In Honor of National Police Week. Roll call vote: Bannon, yes; Evans, yes; Natali, yes; Sullivan, yes.

C. Northampton County Tourism Infrastructure Grant:

Heather Arcos stated that on November 9, 2010, the Town Council approved submission of a grant proposal to the Eastern Shore of Virginia Tourism Commission requesting \$7,500 for a Golf Cart and Bike Trail to provide safe access for golf carts and bicyclists to travel between the Bay Creek Golf Community and the Historic District. The grant application was submitted on November 19, 2010. On May 2, 2011, a letter was received from the Tourism Commission notifying us that the Town was awarded \$7,500 for the Golf Cart and Bike Trail project. There was no match for this grant and the Town would be performing the work in-house and had until the end of June to complete the project.

Councilwoman Natali asked what would happen if the Town was not completed with the project by the deadline. Heather Arcos responded that the Town could ask for a time extension in order to complete the project.

Motion made by Councilman Evans, seconded by Vice Mayor Bannon, to authorize the Town Manager to sign the contract accepting the grant funds as detailed in the contract. The motion was approved by unanimous consent.

D. Building Safety Month:

Mayor Sullivan stated that in a nationwide effort through the International Code Council, May 2011 had been named "Building Safety Month: An International Celebration of Safe and Sensible Structures." Mayor Sullivan asked for examples of safety issues. Jeb Brady stated that life and property loss, electrical and structural issues, structural collapse of decks, etc. The State of Virginia was being proactive and several localities have increased their inspections of existing decks to ensure structural safety. Mayor Sullivan added that she felt that the Town's enforcement efforts were much better than they used to be.

Councilwoman Natali asked if there was a need for the Town to inspect the existing decks. Jeb Brady responded that any upper level decks were newly constructed and he felt confident that they had been constructed to Code.

Mayor Sullivan read Proclamation 20110512B Proclaiming the Month of May 2011 as Building Safety Month.

Motion made by Vice Mayor Bannon, seconded by Councilman Evans, to adopt Proclamation #20110512B Proclaiming the Month of May 2011 as Building Safety Month. Roll call vote: Bannon, yes; Evans, yes; Natali, yes; Sullivan, yes.

OLD BUSINESS:

A. Wastewater Treatment Plant Construction Update:

Consultant Bob Panek stated that a detailed review of the construction was outlined in the Public Utilities Report and that he had brought two books of pictures if Council wanted to view them. If the Council wanted a tour of the construction site, please let him know. Bob Panek went on to state that the May construction progress meeting was held this Tuesday and the contractor was approximately 75 days behind schedule vs. 54 days as stated in the Staff Report.

\$9.1M had been billed to date and he was expecting another bill for \$1M to be received soon. One requirement for the zero interest loan from the Virginia Clean Water Revolving Loan Fund was for Council to adopt a new sewer ordinance, which was done in February 2011. The new ordinance was forwarded to the Department of Environmental Quality (DEQ) and it had been approved.

Councilwoman Natali asked whether the proposed Golf Cart and Bike Trail along Old Cape Charles Road would affect the construction entrance for the wastewater treatment plant. Bob Panek responded that there should be no issues with the construction of the golf cart trail and a sign would be posted that trail users would have to stop at the intersection.

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

Bob Panek informed Council of the following: i) The Preliminary Engineering Report (PER) for the first phase of the Northern Node was completed and under review by the PSA. The financial applications had not yet been submitted but would be discussed at the next PSA meeting; ii) The PER for the Southern Node had been completed and the State Water Control Board had approved a DEQ zero interest loan for the \$11M project. Because of community opposition, the PER was being revised to reduce the service area, and project cost, to remain within the boundaries of Cheriton; iii) The Regional Wastewater System Project was moving along slowly, but was moving; and iv) The PSA had three vacancies. Two committees were established to assume responsibility and move forward with the projects. The PSA had a positive meeting in April with the County Board of Supervisors and a summary of the meeting was included in the agenda packet.

Vice Mayor Bannon congratulated Bob Panek on being elected president of the PSA.

C. *Town Code Modification – Golf Cart Ordinance:*

Tom Bonadeo stated that at last month's Council meeting, staff was directed to review the seat belt requirement for the equipment list and he had found the following after a review of ordinances of other golf cart communities: i) Gated golf communities that allowed cart use on their private roads did not always require seatbelts; and ii) Communities where carts were allowed on public streets required seat belts leaving their use up to the operator. He did not find any localities that did not require seat belts. The current ordinance included seat belts in the required equipment list. There was also discussion at last month's meeting regarding the inspection stations and their availability along with the Town's ability to issue a sticker on the weekend. The ordinance stated that inspection could be performed by an inspection station approved by the Town and the police department could be approved to inspect if the other sources were not available and also issue the sticker is so designated. Tom Bonadeo stated that only one small change was made to the proposed ordinance removing the cost of the decal from Section 42-31. Everything else remained the same from what was reviewed last month.

Motion made by Councilman Evans, seconded by Councilwoman Natali, to schedule a Public Hearing for the earliest possible to hear comments regarding the proposed modifications to the Golf Cart Ordinance. The motion was approved by unanimous consent.

D. *Conditional Use Permit for Home Occupation at 548 Madison Avenue:*

Tom Bonadeo stated that the Planning Commission received a Conditional Use Permit (CUP) application from Ms. Miriam Elton to operate a home business bakery from her property on 548 Madison Avenue. A public hearing was held earlier this evening and no comments were heard.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to approve the Conditional Use Permit for 548 Madison Avenue to operate a home business. The motion was approved by unanimous consent.

E. *Technology Zone:*

Tom Bonadeo explained that he had noted Tourism Zone in parentheses since the two zones were very similar and due to the cost of conducting a public hearing, etc., suggested that these two proposed zones be worked together. A first draft of a possible ordinance was included in the agenda packet for Council review and was based on the Planning Commission studies which were presented to Council at an earlier meeting. Tom Bonadeo recommended that Council review the draft ordinance and schedule a work session to discuss the Tourism Zone. Tom Bonadeo added that this information could potentially be shared with the County and it would be great if the County would also supported these zones since residents of Cape Charles paid about 2/3 tax to the County and 1/3 tax to the Town.

Heather Arcos asked Council if they had any questions regarding the proposed Technology Zone. There were none.

OTHER BUSINESS:

Mayor Sullivan introduced Mr. Doug Walker as the new President of the Cape Charles Volunteer Fire Company and Mr. Grover Sowers as Vice President and welcomed them to the meeting adding that this was a good, fresh start and that they needed to get together to discuss some ideas.

Chief Brown stated that between now and June 30th, the Cape Charles Police Department would be conducting checks for seatbelt and child safety seat violations as part of the State Buckle-Up Campaign. The police department would be setting up safety check points coming into Town for two days per week for the next five weeks. The police department conducted a pre-survey seatbelt check on May 3rd. The State of Virginia averages 87% seatbelt usage but Cape Charles averaged 69% usage. Please buckle-up and have children in safety seats and pass the word.

Vice Mayor Bannon asked what percentage of the fine the Town received from speeding tickets. Chief Brown stated that the Town received 80% of the fine, not including court costs. The Town did not receive anything from seat belt violations but the Town did get 80% of the fine for child safety seat violations. Chief Brown added that Cape Charles did have one corporal that was nationally certified on child safety seats.

Councilwoman Natali asked whether golf carts were included in the seat belt campaign. Chief Brown stated that there was a predicament regarding golf carts in that some cases, there may be six people riding in a golf cart with four seat belts. This was difficult to address but if the police officer felt that it was a safety issue, he would be able to stop the golf cart and issue a summons.

Chief Brown commented that some golf cart owners were modifying their golf carts making them less stable. Mayor Sullivan asked how many golf cart accidents have occurred in Town and cited two crashes that she was aware of. Chief Brown responded that he was not sure if these accidents cited by Mayor Sullivan occurred in the past year. Chief Brown added that if a resident witnessed unsafe golf cart usage, to please notify the police department by contacting the dispatcher at 678-0458.

Vice Mayor Bannon asked whether the police department patrolled Bay Creek and whether they could issue tickets in the development. Chief Brown stated that the officers could not issue tickets unless they were enforcing a criminal ordinance, not traffic. An individual could be charged with reckless driving or a DUI since they were covered in the criminal code.

Mr. Ron West stated that another safety issue was the use of personal water craft by children under the age of 14 which was illegal.

Vice Mayor Bannon asked whether the Town needed to budget for the purchase of a boat for the police department to patrol the Harbor. Chief Brown responded that he had had this discussion

with the Harbor Master and this could be coming in the future with the increased boat traffic and the proposed watercraft rentals at the Harbor.

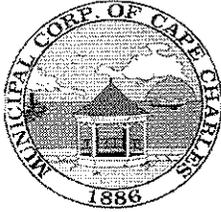
ANNOUNCEMENTS:

- May 14, 2011 – Pirates Carnival at Central Park, 10AM – 2PM
- May 14, 2011 – Presentation re: Pirates at the Cape Charles Museum, 2PM
- May 14, 2011 – Citizens for Central Park Pirates & Wenches Ball, 7PM at the Fire Hall
- May 15-16, 2011 – Boating Safety Class at Town Hall
- May 20-22, 2011 – Lower Chesapeake Bay Black Drum Classic @ Cape Charles Harbor
- May 26, 2011 – Town Council Work Session @ 6PM
- May 30, 2011 – Town Offices Closed for Memorial Day
- June 2-7, 2011 – Tall Ship of Delaware Kalmar Nyckel coming to Cape Charles. There would be lots of events including a possible Elizabethan Festival.
- June 4-5, 2011 – Bike MS – Virginia’s Ocean to Bay Ride
- June 9, 2011 – Town Council Regular Meeting @ 6PM
- June 23, 2011 – Town Council Work Session @ 6PM

Motion made by Councilman Evans, seconded by Vice Mayor Bannon, and unanimously approved to adjourn the Town Council Regular Meeting.

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Work Session / Executive Session
Town Hall
May 26, 2011
6:00 p.m.

At 6:02 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 Sullivan and Veber and Councilwoman Natali. Councilman Evans arrived at 6:05 p.m. Councilman Bennett was not in attendance. Also present were Town Manager Heather Arcos and Town Clerk Libby Hume. There were no members of the public in attendance.

Mayor Sullivan announced the business for the evening would be to discuss the financial assistance request from Cape Charles Volunteer Fire Company (CCVFC).

Town Manager Heather Arcos explained that the CCVFC had requested financial assistance in the amount of \$30K and a joint work session was held with members of the CCVFC Board of Directors on April 20th. Council briefly discussed the request at their May 5th Budget Work Session, a \$30K contingency was included in the proposed FY 2011/2012 budget and it was agreed that another work session be held to further discuss the request. Heather Arcos went on the state that, at this meeting, she hoped to determine the payment structure and responsibilities of the CCVFC to the Town and its citizens and added that at a minimum, the Town should pay the insurance premium and equipment loan payments as invoiced vs. giving the fire company a lump sum payment.

Councilman Sullivan stated that he did not think that there was anyone on the Council that did not think we should help the fire company but we need full accountability of where the funds go. The insurance premium invoices should be presented to the Town Treasurer and the Town should pay the insurance premiums for the fire company for the next fiscal year.

Heather Arcos stated that the equipment loan payment was \$14K and the insurance premiums were \$18,500 annually which totaled \$32,500.

Vice Mayor Bannon added that if the Town gave the CCVFC \$30K, something needed to be in place to protect the Town in case things fail. Councilman Evans added that the lack of effort to do anything in the community frightened him and noted that the Cheriton Volunteer Fire Department held regular dinners and bake sales, etc. to raise money.

Heather Arcos stated that she had spoken to Hollye Carpenter, the new treasurer of the CCVFC, and she had tightened down on the spending and asked whether Mayor Sullivan's offer was still open to head the auxiliary to help funds.

Councilwoman Natali stated that if the auxiliary raised funds, the money should be kept by the auxiliary. Mayor Sullivan added that the auxiliary had a spreadsheet to keep account of all funds raised.

Heather Arcos stated that the Mayor's boot idea was tremendous and had helped with donations. Mayor Sullivan stated that she was the person who emptied the boots and had been keeping track of the funds raised.

Vice Mayor Bannon stated that he was having difficulty discussing this issue in open session and felt that in order to fully discuss the possible investment of Town funds, further discussion should be conducted in closed session.

At 6:12 p.m. Council opted to go into Executive Session.

Motion made by Councilwoman Natali, seconded by Councilman Veber 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 6: Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

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: Assistance to Cape Charles Volunteer Fire Company

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

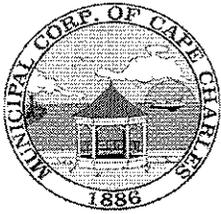
Motion to certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered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

Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to pay the first quarter payment of the fire company's insurance which was due in July with an additional request for quarterly financial statements, a membership list, performance of an annual audit per the By-Laws of the CCVFC, and the scheduling of a work session in July with the CCVFC Board. The motion was approved by unanimous consent.

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

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Public Hearing
Town Hall
June 2, 2011
6:00 p.m.

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett was not in attendance. Also in attendance were Town Manager Heather Arcos, Town Treasurer Jo Anna Leatherwood and Town Clerk Libby Hume. There were no members of the public in attendance.

Mayor Sullivan announced the evening's public hearing was to hear public comment on the proposed Fiscal Year 2011/2012 Budget and read the public hearing advertisement that was published in the Eastern Shore News on May 13 and 25, 2011.

Town Manager Heather Arcos reviewed the significant items in the budget as follows: i) There would be no real estate tax rate increase; and ii) The base tier minimum utility rates would have a net increase of \$6.69. The water rate would increase by \$11.38 but the wastewater rate would decrease by \$4.69. This was due to the inclusion of approximately \$93K of the water tower debt service in the wastewater rate in previous years. This issue was discovered recently and reallocated to the correct account. Capital Items passed by fund were as follows: i) In the General Fund were the Cape Charles Multi Use Trail Design and Construction Plan was a total of \$96K, the Public Works building to complete the installation was \$24,795, and a new gator for Public Works; ii) Utilities included the hookup of the two wells to the water plant and a new control panel for the water plant. For wastewater, there was an I&I carryover of \$325K, replacement of a backup generator at \$35K, and the continued project of the new wastewater treatment plant construction at \$6.1M; iii) Harbor Improvements include the Bath Houses at \$343,977 and walkways around the west docks at \$20K with a total of \$7,641,425.

Heather Arcos informed Council that their updated budget books would be ready next week.

PUBLIC COMMENTS:

There were no public comments to be heard and no written comments were submitted prior to the hearing.

Mayor Sullivan stated that she was within \$2 of her minimum water usage and now the bills would be increased.

Mayor Sullivan went on to state that Heather Arcos was doing an outstanding job with a round of applause from the Council members in attendance.

Heather Arcos stated that the Utility Clerk position was going from a full-time to part-time position and the hours would be Tuesdays, Wednesdays and Thursdays from 8:00 AM – 5:00 PM. We would keep the schedule consistent for the public. The days and times would be

evaluated and adjusted if needed. A notification will be published in the Gazette along with the budget information.

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

Mayor Sullivan

Town Clerk

DRAFT

Town Manager Report
Highlights
May 13, 2011 – June 1, 2011

Memorial Day Weekend Recap

- There were several activities in Town over the Memorial Day weekend which brought in visitors:
 - Bay Creek in Bloom
 - Picnic in the Park
- The weather was perfect which brought visitors to the beach.

Cape Charles Beach

- The Public Works crew did a great job in cleaning the beach in preparation for the holiday weekend.
- The handicap access from the boardwalk to the bathrooms was completed in time for the weekend.
- Sand restoration efforts were also completed.
- Several high school students helped plant sea grass along the beach as part of their community service requirement for graduation.

Landscaping at Cape Charles Entrance at Route 13

- The Public Works crew planted flowers under the Welcome Sign.
- We are waiting for VDOT approval of the landscaping plan proposed by Bay Creek and upon approval, planting should begin in the fall.

Harbor Development Update

- Monthly meetings are held with the contractor and the Town is pleased with their quality of work.
- The construction of the floating slips at the Harbor is almost complete.
 - The electrical work is complete with the exception of the installation of several circuit breakers. The parts had to be ordered and upon receipt they will be installed.
 - The water line pressure check has been completed. A final inspection will be performed on the utilities on June 10, 2011.
- The Town is changing the approach for the Bath House to a Design-Build project. This is an agenda item and will be explained in more detail at the meeting.

Northampton County Tourism Infrastructure Grant Application Update

- The contract has been signed for the Infrastructure Grant to construct the Golf Cart and Bike Trail to provide safe access for golf carts and bicyclists to travel between the Bay Creek Golf Community and the Historic District. Work on this project should begin soon.

Mason Ave. Forcemains and Sewer Project Update

- Work continues on the Mason Avenue Forcemains and Pump Station Upgrade. The work has now moved to the grassy area along Mason Avenue.

Pump Station Emergency Generators

- The contractor will begin the installation of Emergency Generators at two Pump Station locations.

Central Park Trail Project Update

- Central Park Trail project is almost complete and the punch list items are being finalized.
- The drainage of the BMP will continue to be monitored and the Town is working with the consulting firm on a solution.

Technology / Tourism Zone

- A work session will be scheduled to further discuss the Tourism Zone. The ordinance will be finalized to set a Public Hearing after the Tourism Zone work session.

Virginia Tourism Corporation Marketing Leverage Program

- The Town, Northampton County, Bay Creek, Sunset Beach Resort, the Chamber of Commerce and YMCA Camp Silver Beach are partnering to apply for the Marketing Leverage Grant as a regional marketing effort. The Grant deadline is June 28, 2011. The targeted audience is Hampton Roads. Lynne Lochen is working closely with the committee. The Town's role will be supported by the Renewal Program/Business Association and the Town will direct the Renewal Contribution of \$2500 to this marketing effort. The details and approach are still being worked out to submit an application by the end of June. Katie Nunez will take the lead and administer the grant application and funding if approved. An update will be provided at the Council meeting.

Tall Ship Visit

- The first Tall Ship is tied up at our new floating docks until June 7, 2011. The *Kalmar Nyckel* will be offering deck tours and sailing excursions during her visit.
- The Cape Charles Renewal Program is sponsoring an Elizabethan Fair – Recreation of 16th Century Life on June 4 & 5 at Central Park.

Topics for Upcoming Work Sessions:

- Town Code Modifications:
 - Animal Ordinance
 - Nuisance Ordinance
 - Sanitation Ordinance
- Future plans for the Cape Charles Memorial Library
- Personnel Policy Review by Section

Recreation Department
Council Report
June 2011

1. The Get Fit Club had its final session on May 20. With the help of the Rotary the session ended with a cook out. The kids had fruit, vegetables, turnkey burgers and turkey hot dogs. The children presented the Rotary with a poster displaying what everyone had learned in the six weeks they participated in the program.
2. The final session of Gold was May 31. The kids were treated to ice cream to end the session. The kids enjoyed the lessons provided by First Tee and the town will schedule another session.
3. Teen Night was held May 13. The kids played glow stick tag in the park. The number of teens coming out to these events is growing. Next months event will be a picnic in the park.
4. The Memorial Day Family Picnic held in Central Park hosted between 200 -250 people. People relaxed on the lawn enjoying good music, food and family time. Events for the kids included corn hole, football, bubbles and hula hooping.
5. Cheerleading will begin on June 20 and will be held Monday and Wednesdays starting at 6:00 pomp. This will be a six week session.
6. UPCOMING EVENTS:
 - Festival in Central Park June 4 and 5
 - Library book sale on June 11 with face painting and ice cream for the kids
 - Pick Ball
 - Tennis
 - Volleyball
 - New Roots Community Garden Grand Opening
 - Birding Festival
 - Movies in Central Park

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

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of children and caregivers 68 attended this month.
2. The book displays for this month featured books for children and adults on **Going on a Picnic** and **Memorial Day**. We also have a book display on **Organic Gardening** to help you grow pesticide free!
3. The **Library Board** met on May 10 at 5:00 at the Library. The **Friends of the Library** met on May 1 at Sullivan's to process just over 1900 fundraising letters for their annual fundraising. Thanks to all who helped in this massive job.
4. On May 11 the **Friends of the Library** sponsored a bus trip to the **Harrington Casino**.
5. In support of the folding of **1000 Cranes 4 Peace** at the Cape Charles Coffee House each Friday to help support the tsunami relief for Japan the Library has a display of books on origami and a sample of origami cranes.
6. On Saturday, June 11 from 10 a.m. to 2 p.m. the **Friends of the Cape Charles Memorial Library** are sponsoring a professional face painting artist and an eatable art activity in conjunction with a **Book Sale** outside the Library, located at 500 Tazewell Avenue in Cape Charles. At 10:30 a.m., Donna of **Picasso Face Art** will be in the Library to do free face painting for children. The face artistry will run until 1:30 p.m. Between 11 a.m. and 1 p.m., Lisa from the Freedom Farm Dairy and more will bring **Sandy's Candy** to the front steps of the library. For more information, check the Friends of the Cape Charles Memorial Library's Facebook page or call the library at 331-1300.
7. The **2011 Summer Reading Program, Amazing Tales at Your Library** will begin on June 15 with the movie Tangled at 5:00 at the Library. Each week Storytime will feature a tale of castles, kings and queens, knights and dragons. Special programs during the summer include magicians, a storyteller, and nature programs from the **Virginia Living Museum**. All special programs are funded by the Friends of the Cape Charles Memorial Library. Check out the Library as it turned into a castle of magic and fantasy!
8. For additional information about Library programs and library related information check out the Cape Charles Memorial Library's Facebook page!

Harbor Report

May, 2011.

Maintenance

1. Staff continued working on flower beds and garden
2. Staff replaced a couple of fuel fittings.
3. Staff re-nailed dock boards and will continue into May.
4. Staff continued with basic upkeep.

Upcoming, Scheduled Maintenance

1. Continue basic maintenance.
2. Number all new slips

Capitol Projects:

1. Somerset Paving and Marine Released the slips too us on May 13, we are currently still awaiting water at this time.
2. Continuing to work on bath house project.

Other:

1. The Harbor is now open Monday – Thursday (8am to 6pm) Friday – Sunday + Holidays (7am to 7pm).
2. Follow us on Face Book (**Cape Charles Town Harbor**) Pictures of the slip construction will be posted weekly.
3. Staff was extremely busy Memorial Weekend as everyone was very pleased with our services.
4. Kendal Scott and Joe Fauber were hired as seasonal employees and began work on May 15th.

Incidents:

Notes:

8th Annual Buy Boat Reunion, August 5th, thru the 8th 2011.

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

Harbor Report

May, 2011.

Business:

Average docking per day/night by category:

| <u>Rentals</u> | <u>May</u> | <u>April</u> | <u>10/11</u> | <u>9/10</u> |
|-------------------|------------|--------------|--------------|-------------|
| 1. Hourly: | 0.5 | 0.0 | 0.5 | 0.0 |
| 2. Nightly: | 4.4 | 0.4 | 1.3 | 1.4 |
| 3. Weekly: | 11.0 | 20.8 | 6.8 | 7.6 |
| 4. Monthly: | 0.0 | 0.0 | 9.6 | 11.9 |
| 5. Quarterly: | 1.0 | 0.0 | 1.0 | 0.0 |
| 6. Seasonal: | 10.0 | 3.2 | 6.6 | 8.5 |
| 7. Annual: | 40.9 | 63.3 | 31.9 | 25.5 |
| 8. Total Rentals, | 67.8 | 87.7 | 57.7 | 55.0 |

Wharf Fees by Pounds:

| | <u>May</u> | <u>April</u> | <u>10/11</u> | <u>9/10</u> |
|--------------------|------------|--------------|--------------|-------------|
| 1. Crabs: | 295,155 | 715,365 | 1,247,985 | 1,429,920 |
| 2. Fish: | 3,750 | 18,500 | 508,416 | 501,141 |
| 3. Conchs: | 8,905 | 24,895 | 80,632.5 | 73,580 |
| 4. Horse Shoes: | 0 | 0 | 0 | 63,280 |
| 5. Gravel: | 0 | 0 | 1,000,000 | 0 |
| 6. Clams | 0 | 0 | 0 | 0 |
| 7. Oysters | 0 | 0 | 0 | 0 |
| 8. Conch Pots | 0 | 14,000 | 14,000 | 0 |
| 9. Crab Pots | 0 | 112,500 | 121,920 | 0 |
| 10. Lg. Trap Piles | 0 | 0 | 0 | 414,000 |
| 11. Sm. Trap Piles | 0 | 0 | 21,280 | 0 |
| 12. Total Pounds: | 307,810 | 885,260 | 2,994,233.5 | 2,481,921 |

| <u>Waiting List:</u> | <u>4/30</u> | <u>Registered</u> | <u>Removed</u> | <u>5/31</u> |
|----------------------|-------------|-------------------|----------------|-------------|
| 1. 60ft Slips: | 3 | 0 | 1 | 2 |
| 2. 50ft Slips: | 3 | 0 | 2 | 2 |
| 3. 45ft Slips: | 15 | 0 | 6 | 9 |
| 4. 36ft Slips: | 8 | 0 | 2 | 6 |
| 5. 30ft Slips: | 23 | 0 | 0 | 23 |
| 6. 24ft Slips: | 20 | 0 | 0 | 20 |
| 7. 20ft Slips: | 9 | 1 | 0 | 10 |
| Total | 82 | 1 | 11 | 72 |

William Smith Dize Jr.
 Harbor Master
 June 1, 2011

PUBLIC WORKS

May 2011

Dump Fees

- **Oyster Landfill** –7 Trips Work Orders Open:
- **Sludge**- 0 Tons Work Orders Completed:

Staff Report

Completed Projects

- Worked a very busy Memorial Day Weekend.
- Installed sand on the North end of the Beach.
- Installed walk way at beach bathrooms.
- Replaced lights on fishing pier.
- Installed new door knobs on beach bathrooms.
- Installed beach volleyball court.
- Planted flowers at welcome sign on highway.
- Installed bunting at central park gazebo.
- Installed golf cart signs on 184 and Old Cape Charles Rd.

In Progress

- Preparing road patches for asphalt. Repairs will be complete when asphalt plant opens.

Upcoming Projects

Special Events

- Buy Boats coming to Cape Charles Harbor Aug 5-8
- MS Bike Race (June)
- Tall Ship June 2nd

PUBLIC UTILITIES

May 2011

Work Orders Completed

- Miss Utility Tickets:

Staff Report

Completed Projects

- Completed drain down and interior painting of the water tower.

New WWTP

A progress report will be handed out at the meeting.

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 38)
- Working with DEQ to finalize Keck Well Aquifer Plan. Collecting data for response to DEQ review letter on the Keck Well Aquifer Test Plan.
- 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.
- Mason Ave. pump station and force main improvements.
- Install of new metering system for chemical feed pumps at the water plant.
- Annual inspection of sewer pods in Bay Creek and Marina Village 75% complete. (Vacuum System).

Upcoming Projects

- Draw down and yield testing on Keck Wells for DEQ.
- PER for connection to Keck Wells.

Code Enforcement
Month of May FY 2011

Building Permits Issued/Permit Fees Collected:

| | |
|--|--|
| Permits this month: 29 | |
| Permits this year: 195 | Total permits last year: 200 |
| Total construction this month: \$744,430 | |
| Total construction this year: \$4,141,270 | Total construction last fiscal year: \$3,967,519 |
| Permit fees this month: \$8,791.05 | |
| Total permit fees this fiscal year: \$97,623.41 | 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: \$753.67 | |
| Total Fire Dept. levies this year: \$3,623.92 | Total Fire Dept. levies last fiscal year: \$3,282.54 |
| State levy this month: \$150.73 | |
| Total state levies this year: \$725.77 | Total state levies last fiscal year: \$664.67 |
| Miscellaneous Revenue: None | |

Existing Structures Code Enforcement Cases:

| | |
|---|---|
| Total Cases: 27 | |
| New this month: 1 | |
| Closed this month: 0 | |
| Rental Inspections: 0 | |
| Rental C.O's Issued: 0 | |
| Rental Inspection fees collected: \$0 | |
| Grass cutting enforcement: 15 | |
| Grass cutting: 13 | |
| Enforcement fees charged this month: \$1,950 | |
| Enforcement fees charged this year: \$2,779.56 | Fees charged last fiscal year: \$7,351.98 |
| Enforcement fees collected: \$63.93 | |
| Enforcement fees collected this year: \$2117.77 | 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 May FY11

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

Hours spent working on project this month: 15

Key Notes:

- Substantial Construction is complete
- Fountain Issues are being resolved
- Working with Firm to alleviate drainage problems.
- Final Bill has been submitted to Town for payment
- Still resolving some minor issues with contractor and subcontractors

Other items of note:

1. Completed 49 inspections
2. Conducted 1 zoning clearances
3. Completed 6 courtesy residential inspections
4. Conducted 1 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. Met with Town Manager and Treasurer on upcoming Budget Cycle.
12. Performed inspections of electrical systems at new docks.
13. New Code Enforcement case on Tazewell Avenue that is an immediate danger to the public. Received a call from a contractor today about tearing down rear addition.
14. Jeb Brady attended mandatory training in Portsmouth on Energy Conservation both in Residential and Commercial Construction.

| Address | Type | Permit # | Date | Work Description | Permit Fee | Value |
|-----------------------|--------------|----------|-----------|----------------------------------|------------|-----------|
| 204 Bay Avenue | Gas | PG110005 | 5/11/2011 | New Gas Piping for Residence | \$58.80 | \$3,000 |
| 212 Bay Avenue | Mech. | PM110017 | 5/16/2011 | 2 new air-to-air heat pumps | \$192.25 | \$19,330 |
| 4 Bay Vistas Way | Shallow Well | PU110002 | 5/12/2011 | Shallow Well | \$100.00 | \$800 |
| 500 Bayshore Road | Fire Supp. | PF110001 | 5/16/2011 | Dry Chem System for WWTP | \$0.00 | \$8,000 |
| 118 Fig Street | Electrical | PE110022 | 5/12/2011 | Replacing 200 amp panel | \$56.00 | \$2,000 |
| 500 Fig Street | Building | PB110031 | 5/5/2011 | Permit to obtain C.O. | \$56.00 | \$2,500 |
| 410 Harbor Avenue | Building | PB110034 | 5/13/2011 | Tear off/roof back addition | \$56.00 | \$1,000 |
| 115 Heron Point Drive | Building | PB110035 | 5/23/2011 | Work to finish out for C.O. | \$638.40 | \$99,000 |
| 115 Heron Point Drive | Electrical | PE110024 | 5/27/2011 | Finish Electrical to obtain C.O. | \$56.00 | \$2,500 |
| 115 Heron Point Drive | Plumbing | PP110013 | 5/11/2011 | Plumbing to finish residence | \$56.00 | \$2,500 |
| 115 Mason Avenue 202 | Building | PB110033 | 5/12/2011 | Porch Repair | \$81.20 | \$7,000 |
| 235 Mason Avenue | Building | PB110029 | 5/23/2011 | Alteration to Build Out R-1 | \$4,326.80 | \$356,500 |
| 235 Mason Avenue | Plumbing | PP110009 | 5/23/2011 | Plumbing for R-1 Buildout | \$1,719.20 | \$136,000 |
| 627 Monroe Avenue | Electrical | PE110021 | 5/10/2011 | Adding 5 new circuits | \$56.00 | \$400 |
| 614 Randolph Avenue | Electrical | PE110023 | 5/12/2011 | Adding 3 new circuits | \$56.00 | \$500 |
| 614 Randolph Avenue | Mech. | PM110018 | 5/27/2011 | 1 New mini-split | \$61.60 | \$3,500 |
| 623 Randolph Avenue | Building | PB110039 | 5/31/2011 | New Accessory Building | \$64.40 | \$4,000 |
| 637 Randolph Avenue | Building | PB110037 | 5/26/2011 | Tear off/roof | \$64.40 | \$4,000 |
| 6 Tazewell Avenue | Building | PB110032 | 5/9/2011 | Rear Deck | \$56.00 | \$1,500 |
| 6 Tazewell Avenue | UST/AST | PT110004 | 5/2/2011 | 500 Gallon UST | \$56.00 | \$350 |
| 110 Tazewell Avenue | Building | PB110036 | 5/16/2011 | Kitchen Alteration | \$56.00 | \$500 |
| 110 Tazewell Avenue | Electrical | PE110025 | 5/27/2011 | New Electrical for Kitchen Alt. | \$56.00 | \$1,500 |
| 207 Tazewell Avenue | Plumbing | PP110012 | 5/9/2011 | New on-site sewer line | \$56.00 | \$750 |
| 233 Tazewell Avenue | Electrical | PE110026 | 5/31/2011 | 2 New 60 Amp circuits | \$56.00 | \$600 |
| 233 Tazewell Avenue | Plumbing | PP110016 | 5/31/2011 | New Tankless Water Heater | \$56.00 | \$600 |
| 545 Tazewell Avenue | Building | PB110028 | 5/6/2011 | Alteration per app. | \$520.80 | \$78,000 |
| 612 Tazewell Avenue | Building | PB110038 | 5/26/2011 | 320 sq. ft. accessory bldg. | \$64.40 | \$4,000 |

646 Tazewell Avenue
646 Tazewell Avenue

Plumbing
Plumbing

PP110014
PP110015

5/12/2011
5/20/2011

New on-site sewer line
New on-site sewer line

\$58.80
\$56.00

\$3,000
\$1,100

Totals

\$8,791.05 **\$744,430**

Revenue Totals by Category/Items

From: 05/01/2011 to: 05/31/2011

| Miscellaneous | | |
|------------------------------|-----------|-------------------|
| Fire Dept Fee | 27 | \$753.67 |
| Miscellaneous totals | 27 | \$753.67 |
| Residential | | |
| Valuation Res \$2.5K - \$10K | 1 | \$52.50 |
| Residential totals | 1 | \$52.50 |
| Shallow Well | | |
| Well Inspection | 1 | \$100.00 |
| Shallow Well totals | 1 | \$100.00 |
| State Tax | | |
| STATE TAX. | 27 | \$150.73 |
| State Tax totals | 27 | \$150.73 |
| Valuation | | |
| com \$10k + | 1 | \$1,535.00 |
| Com Bldg Plan Review Fee | 1 | \$250.00 |
| comm > \$10k | 1 | \$3,640.00 |
| Valuation Rcs \$0 - \$2.5K | 4 | \$200.00 |
| Valuation Res \$0-\$2.5K | 11 | \$550.00 |
| Valuation Res \$2.5K - 10K | 6 | \$352.50 |
| Valuation Rcs > \$10K | 3 | \$1,206.65 |
| Valuation totals | 27 | \$7,734.15 |
| Grand Totals | 83 | \$8,791.05 |

MONTHLY INSPECTION TOTALS

Jeb Brady

| | |
|--------------------|------------|
| COURTESY | 05/24/2011 |
| Framing | 05/02/2011 |
| Final | 05/05/2011 |
| Framing | 05/02/2011 |
| Insulation | 05/05/2011 |
| Final | 05/05/2011 |
| Sheathing | 05/02/2011 |
| Framing (2nd Flo | 05/24/2011 |
| Insulation (2nd Fl | 05/25/2011 |
| Framing | 05/12/2011 |
| Insulation | 05/13/2011 |
| Final | 05/27/2011 |
| Slab (Garage) | 05/12/2011 |
| Foundation | 05/12/2011 |
| Box | 05/13/2011 |
| Foundation | 05/13/2011 |
| Final | 05/18/2011 |
| Final | 05/05/2011 |
| Footing | 05/12/2011 |
| Framing | 05/13/2011 |
| Framing | 05/26/2011 |
| COURTESY | 05/24/2011 |
| Rough-In | 05/02/2011 |
| Rough-In | 05/06/2011 |
| CUT-IN | 05/12/2011 |
| CUT-IN | 05/12/2011 |
| Final | 05/05/2011 |
| Rough-In (2nd Flo | 05/24/2011 |
| CUT-IN | 05/05/2011 |
| Final | 05/18/2011 |
| Final | 05/10/2011 |
| Rough-In | 05/10/2011 |
| CUT-IN | 05/23/2011 |
| Rough-In | 05/12/2011 |
| Final | 05/27/2011 |
| COURTESY | 05/24/2011 |
| COURTESY | 05/24/2011 |
| Final | 05/18/2011 |

MONTHLY INSPECTION TOTALS

| | | | |
|-------------|-------------------|----|------------|
| Total | | 38 | |
| | David Fauber | | |
| | Final | | 05/27/2011 |
| Total | | 1 | |
| | Jeb Brady | | |
| | COURTESY | | 05/24/2011 |
| Total | | 1 | |
| | David Fauber | | |
| | COURTESY | | 05/19/2011 |
| Total | | 1 | |
| | Jeb Brady | | |
| | Rough-In (2nd Flo | | 05/24/2011 |
| | Final | | 05/18/2011 |
| | S/W FINAL | | 05/10/2011 |
| | Final | | 05/11/2011 |
| | Rough-In | | 05/11/2011 |
| Total | | 5 | |
| | David Fauber | | |
| | SEWER & WATE | | 05/20/2011 |
| Total | | 1 | |
| | Jeb Brady | | |
| | COURTESY | | 05/24/2011 |
| Total | | 1 | |
| | David Fauber | | |
| | Tank in Place | | 05/06/2011 |
| Total | | 1 | |
| Grand Total | | 49 | |

InsDateCompleted Range from
05/01/2011 to 05/31/2011

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: June 9, 2011
Subject: Report for Planning Department

Planning Commission Meeting—June 7

1. The Planning Commission held its regular monthly meeting Tuesday June 7.
2. The Planning Commissioners worked on the Sign Ordinance. The goal is to make the sign ordinance more readable and enforceable. An update will be provided during PC Report presentation as the Planners have not met as of this writing.
3. The Technical Transportation Advisory Committee met in Accomac and reviewed the VDOT regional transportation plan and made some recommendations. The items from the Cape Charles 2020 Plan were added. This includes the roundabout at Fig and Randolph and the Fig Street "at grade" crossing and extension to 642.
4. The Planner is working on:
 - a. The final checklist for the Park was reviewed with the contractor and final changes have been made. This list is not complete but we plan to end the contract with some funding withheld.
 - b. Beach upgrades and changes for summer such as the rearrangement of sand and the installation of volleyball court that is not in the bathing beach area.
 - c. Historic review of renovation projects continues as an increase in time required...
 - d. Zoning compliance reviews
5. Gamesa is moving ahead with its projects in and around Cape Charles. Contractors have been working out of the Town Harbor doing surveys of the Bay bottom in the vicinity of buoy 36A and wildlife studies are in progress. As reported last month we have met and continue to provide information to Gamesa in regard to the CUP process for Cape Charles.
6. The Planner continues to work on the Design-Build process on your agenda tonight.

Historic District Review Board Meeting – May 17

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

1. A front porch to be added to the house at 2 Monroe Avenue.
2. Replacement of a rotted front porch at 526 Tazewell Avenue.
3. A new garage building at 631 Jefferson Avenue
4. The Public Utility Garage for the Town of Cape Charles
5. A new shed at 612 Tazewell Avenue.

The Board approved four items and tabled #3 pending a review of a different roof line.

This is a good sign for the Town as the number of "for sale" signs has decreased. The bad side is that foreclosures continue. The foreclosed buildings are offered by the banks for a short time at very reduced rates and then sent to auction. They are not staying on the market for months at a time. This is bringing back a group of people willing to fix up a second home.

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|---|--|--|--|
|  <p>TOWN OF CAPE CHARLES</p> | AGENDA TITLE: Cape Charles Police Department | | AGENDA DATE June 9, 2011 |
| | SUBJECT/PROPOSAL/REQUEST: May 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: 44

Calls for Service Outside of Cape Charles: 20

10-13 Calls

(A) By Dispatch: 60

(B) By Phone via Officer/Trooper: 01

(C) In Person 03

Felony Arrests: 00

Misdemeanor Arrests: 00

DUI Arrests: 00

Traffic Summons Issued: 63

Traffic Warnings Issued: 17

Parking Tickets Issued: 11

Assisted Northampton County Sheriff's Office: 08

Assisted Virginia State Police: 04

Assisted Other Local Police:

Assisted Other Federal Agencies

Assisted Fire & Rescue: 07

Assisted VDOT:

Hours of Training Received & What Type? 0

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|---|--|--|--|
|  <p>TOWN OF CAPE CHARLES</p> | AGENDA TITLE: Fiscal Year 2010 Audit Report | | AGENDA DATE: June 9, 2011 |
| | SUBJECT/PROPOSAL/REQUEST: Presentation of Annual Audit and Response to Management Letter | | ITEM NUMBER: 6A |
| | ATTACHMENTS: None | | FOR COUNCIL: Action () Information (X) |
| | STAFF CONTACT (s): Jo Anna Leatherwood, Treasurer | REVIEWED BY: Heather Arcos Town Manager | |

BACKGROUND:

Each year the Town requires and accomplishes an annual external audit of its financial statements at the end of each fiscal year. At the completion of our annual audit, the auditing firm issues a management letter which contains recommendations of items to be changed to closer adhere to audit standards and which will create better internal controls. The same concerns appear annually and we need to respond to the issues.

DISCUSSION:

The audit firm of Robinson, Farmer, Cox Associates accomplished the Town audit for the period ended June 30, 2010. As part of our audit report and presentation, the auditors provide a management letter identifying any opportunities for strengthening areas of deficiencies in internal controls and operating efficiency. The area we see each year pertains to the ability to identify delinquent tax balances by tax year. This situation was created when back years were loaded into our current software as an accumulated amount and not by year. As these taxes are collected, the balances can be broken down by year. Reference has been made this year about written reconciliations for all balance sheets accounts at the end of each year. This is currently underway for June 30, 2011. I am also recording the journal entries that can no longer be made by the auditors in order to maintain their independence from the client. Also, bank reconciliations will be done monthly and reviewed. This will be one of the duties of our new accountant who is currently working on bringing all back months up to date and then maintain on a monthly basis.

RECOMMENDATION:

This information was provided for informational purposes only. Accounting personnel will continue to correct areas which may need additional strengthening.

| | | | |
|---|---|--|--|
|  <p>TOWN OF CAPE CHARLES</p> | AGENDA TITLE: Fiscal Year 2011/2012 Proposed Budget | | AGENDA DATE: June 9, 2011 |
| | SUBJECT/PROPOSAL/REQUEST Adopt the proposed FY 2011/2012 Budget | | ITEM NUMBER: 6B |
| | ATTACHMENTS: Budget Advertisement / Summary | | FOR COUNCIL: Action (X) Information () |
| | STAFF CONTACT (s): Heather Arcos | REVIEWED BY: Heather Arcos, Town Manager | |

BACKGROUND:

The Town's budget consists of four separate funds – the General Fund, the Harbor Fund, Sanitation Fund and the Water/Wastewater Fund. The General Fund is supported by real estate and other taxes to support the Town. The Harbor, Sanitation and Water/Wastewater Funds are Enterprise Funds and should be self-sustaining of revenues and expenses.

DISCUSSION:

The Town Council and Staff have held numerous work sessions since April to work on the proposed budget. As a result of the work sessions, the attached document shows the summary of revenues and expenditures by fund for the proposed budget.

The Public Hearing on the proposed FY 2011/2012 budget was held on June 2, 2011.

RECOMMENDATION:

Adopt the proposed FY 2011/2012 budget as presented.

**NOTICE OF PUBLIC HEARING
MUNICIPAL CORPORATION OF CAPE CHARLES
FISCAL YEAR 2011/2012 PROPOSED BUDGET
AND WATER/WASTEWATER RATES FOR MINIMUM CONSUMPTION**

Following are the estimated receipts and expenditures of the Municipal Corporation of Cape Charles for the Fiscal Year 2011/2012. The Town Council will hold a Public Hearing on **June 2, 2011** at 6:00 p.m. in Council Chambers of the Municipal Building to receive written and oral comments on all proposed disbursements. Please be advised that attendance at the Public Hearing will require using stairs to enter the meeting room. It is the intent that all public meetings be accessible to persons who are physically challenged including mobility impairment. All persons requiring auxiliary aids, including signers, or requiring assistance in attending the Public Meeting should call 331-3259 extension 10 at least five (5) days prior to the time of the meeting in order that accommodations may be made.

| REVENUES | 2011-2012 | EXPENDITURES | 2011-2012 |
|--|-------------------|---|-------------------|
| General Fund | | General Fund | |
| Real Estate Tax | 1,070,076 | Administration | 576,050 |
| BPOL Tax | 62,000 | Code Enforcement | 81,999 |
| Personal Property Tax | 165,424 | Parks & Recreation | 58,436 |
| Adms, Meals, Rentals, Transient Occ. Taxes | 211,705 | Library | 98,196 |
| Other Taxes | 125,000 | Planning | 85,366 |
| Building Permits & Code Enforcement | 46,700 | Police | 339,985 |
| Review Fees, Miscellaneous Income | 35,000 | Public Works | 373,812 |
| Library Revenues | 700 | Fire | 8,000 |
| Interest | 22,000 | Debt Service | 107,948 |
| Grants, State Aid and Fines | 333,685 | Capital | 342,498 |
| Total General Fund | 2,072,290 | Total General Fund | 2,072,290 |
| Sanitation Fund | 187,100 | Sanitation Fund | 187,100 |
| Harbor Fund | | Harbor Fund | |
| Operating Revenue | 782,760 | Operating | 736,368 |
| Harbor Financing Proceeds | | Debt Service | 236,392 |
| Grant Revenue | 553,977 | Capital | 363,977 |
| Total Harbor Fund | 1,336,737 | Total Harbor | 1,336,737 |
| Water/Wastewater Fund | | Water/Wastewater Fund | |
| Operating Revenue | 1,225,137 | Water Operations | 374,740 |
| Connection Charges | 49,400 | Wastewater Operations | 549,659 |
| Grant Revenue | 6,568,279 | Meter & Utility Billing, Administration | 109,337 |
| Bay Creek Annexation | 000 | Debt Service | 178,831 |
| Wastewater Financing Proceeds | 304,800 | Capital | 6,935,049 |
| Total Water/Wastewater | 8,147,616 | Total Water/Wastewater | 8,147,616 |
| TOTAL REVENUES ALL FUNDS | 11,743,743 | TOTAL EXPENDITURES ALL FUNDS | 11,743,743 |

Ordinances to establish the following proposed tax rates and user fees are a part of the fiscal plan:

- Vehicle Tax \$31.00 per vehicle subject to Virginia State Registration (Trailers \$18.00) and golf cart decal is \$31.00.
- Real Estate \$.1828 per \$100; Personal Property Tax \$2.00 per \$100; Boat Tax \$0.01 per \$100
- Water Rate – All Service Areas Residential 0-2,000 gal.: \$43.00 minimum; 2,001 to 5,000 gal.: \$2.63 per 1,000; 5,001 to 10,000: \$3.75 per 1,000; 10,001 to 15,000 gals: \$5.00 per 1,000; over 15,000 gals: \$7.50 per 1,000 Commercial 0-2,000 gal: \$43.00 minimum; 2,001-10,000 gal: \$2.50 per 1,000; 10,001-15,000 gals: \$3.75 per 1,000; over 15,000 gals: \$5.00 per 1,000
- Wastewater Rate – All Service Areas Residential 0-2,000 gal.: \$32.00 minimum; 2,001 to 5,000 gal.: \$4.11 per 1,000; 5,001 to 10,000 gals: \$5.85 per 1,000; 10,001 to 15,000: \$7.80 per 1,000; over 15,000 gals: \$11.70 per 1,000 Commercial 0-2000 gal: \$32.00 minimum; 2,001-10,000 gals: \$3.90 per 1,000; 10,001-15,000 gals: \$5.85 per 1,000; over 15,000 gals: \$7.80 per 1,000
- Trash Collection Fee: \$14.00 per month
- Admissions Tax: 3% : Short Term Rental Tax 1%
- Transient Occupancy Tax: 3%; Meals Tax: 5%

Dora Sullivan, Mayor

| | | | |
|---|---|--|--|
|  <p>TOWN OF CAPE CHARLES</p> | AGENDA TITLE: Harbor Bath House | | AGENDA DATE: June 9, 2011 |
| | SUBJECT/PROPOSAL/REQUEST: Adopt a Resolution approving a Design-Build contracting process for construction of the Harbor Bath House. | | ITEM NUMBER: 6C |
| | ATTACHMENTS: Resolution. | | FOR COUNCIL: Action (X) Information () |
| | STAFF CONTACT (s): Bob Panek | REVIEWED BY: Heather Arcos, Town Manager | |

BACKGROUND:

The Harbor Bath House was designed and included in the competitive bid package for construction of the new floating slips. The bid for construction of the Bath House was considered unaffordable and the Bath House was removed from the scope of work when the slips were re-bid. Town staff has reviewed the Bath House design and identified several changes that could be made to reduce the cost. However, the cost of redesign would be over \$40,000. There is no assurance that we would remain within available funding, approximately \$343,000 from the Boating Infrastructure Grant, if we competitively bid construction after paying for the redesign. Harbor development costs are already stressing available funding sources.

DISCUSSION:

Both the Code of Virginia, Sections 2.2-4303.D and 2.2-4308, and the Town Code, Section 54-24, allow for an alternative to competitive sealed bidding under certain circumstances. Competitive negotiation of a design-build construction contract may be utilized if it is considered more advantageous. The objective is to fund the redesign and construction, as well as procurement services from Langley & McDonald/East Coast Hydrographic, JV, all within the amount available from the Boating Infrastructure Grant. As we have severely constrained funding available to redesign and build the Bath House, the design-build process provides the control necessary to remain within budget and is thus considered more advantageous than the traditional design, bid and build process.

The Mayor and Council have been previously provided a summary of the provisions of the Code of Virginia related to competitive negotiation for design-build construction contracts. The attached Resolution authorizes the use of this procurement process for the Harbor Bath House. The Resolution includes:

1. Documentation that an appropriate licensed architectural or engineering firm is under contract.
2. Procedures for the two step competitive negotiation process.
3. A determination that design-build is more advantageous than competitive sealed bidding.

RECOMMENDATION:

Staff asks for a roll call vote on the attached resolution.

RESOLUTION 20110609
DESIGN-BUILD CONTRACT FOR
BATH HOUSE CONSTRUCTION

Whereas, construction of a bath house is included in the approved Cape Charles Town Harbor development plan; and

Whereas, funds are available for construction through a combination of long term bond financing, Virginia Port Authority Grants, and a Virginia Department of Health Boating Infrastructure Grant; and

Whereas, construction of a bath house is a requirement of the Boating Infrastructure Grant; and

Whereas, the bath house has been designed and competitive sealed bids were received for construction; and

Whereas, construction bids based on the current design are considered unaffordable; and

Whereas, an estimate of redesign and revised bidding specification costs have been received from the Harbor development architectural and engineering firm; and

Whereas, Section 2.2-4303.D.2 of the Code of Virginia authorizes a local governing body to utilize competitive negotiation for a fixed price design-build construction project not expected to cost more than \$1.5 million upon a determination set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public; and

Whereas, Section 54-24 of the Town Code authorizes the use of competitive negotiation for contracts other than for professional services upon a determination that competitive sealed bidding is not practicable or advantageous to the public good; and

Whereas, Section 2.2-4308 of the Code of Virginia establishes the following requirements to enter into a contract for construction on a fixed price design-build basis:

- The public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall advise the public body regarding the use of design-build for that project and who shall assist the public body with preparation of the Request for Proposal and the evaluation of such proposals;
- Prior to issuing a Request for Proposal, the public body shall have adopted written procedures governing the selection, evaluation and award of a design-build contract consistent with those prescribed for procurement of nonprofessional services through competitive negotiation;

- Such procedures shall require Requests or Proposals to include and define the criteria of such construction project in the areas such as site plans, floor plans, exterior elevations, basic building envelope materials, fire protection plans, structural, mechanical and electrical systems, special telecommunications, and other requirements the public body determines appropriate;
- Such procedures shall include a two-step competitive negotiation process consistent with the regulations of the Design-Build/Construction Management Review Board (1 VAC 17-20);
- Prior to issuing a Request for Proposal, the public body shall have documented in writing that for a specific construction project (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the public body by using a design-build contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous;
- Unless otherwise specified in the Request for Proposal, the contract shall be awarded to the fully qualified offeror who submits an acceptable proposal determined to be the best value in response to the Request for Proposal; and

Whereas, the following attachments demonstrate compliance with the requirements of Sections 2.2-4303.D.2 and 2.2-4308 of the Code of Virginia and Section 54-24 of the Town Code:

1. Documentation that an appropriate licensed architect or engineer is under contract.
2. Procedures for selection, evaluation and award of a design-build contract for construction of the bath house;
3. Determination concerning utilization of a design-build contract for construction of the bath house.

NOW, THEREFORE BE IT RESOLVED that the Town Council makes such determinations and adopts such procedures required by the Code of Virginia and the Town Code, as described above, and authorizes the Town Manager to issue a Request for Proposal for construction of the bath house under a fixed price design-build contract.

Adopted by the Town Council of Cape Charles on June 9, 2011

By: _____
Mayor

ATTEST:

Town Clerk

Design-Build Procedures For RFQ, RFP and Contract Award

The Town of Cape Charles may use the Design-Build Contract Procedure(Competitive Negotiation) in accordance with Section 2.2-4303.D.2 of the Code of Virginia if it determines that competitive sealed bidding is either not practicable or not fiscally advantageous to the public. The Town shall adopt a Resolution or Ordinance in accordance with such Code prior to the issuance of any RFQ or RFP.

Once the Resolution or Ordinance has been adopted in accordance with the Code of Virginia, the Town shall use the following procedures to implement the Competitive Negotiation process for a Design-Build Project:

The Design-Build Process is a multi-step process involving competitive negotiation. The process includes the solicitation and selection of qualified contractors (RFQ), solicitation of proposals from the selected qualified contractors (RFP) and negotiations to select a Design-Build Contractor (Competitive Negotiation).

1. Once a project has been deemed feasible as a design-build project the Town shall have an appropriately **licensed architect or engineer under contract, adopt an ordinance or resolution and appoint a committee** of at least three voting members, to develop a list of qualifications, requirements and criteria for the specific project. This committee shall be composed of the following:
 - a. A Virginia Licensed Professional Architect or Engineer.
 - b. A representative of the department responsible for the project.
 - c. A representative from the Code Enforcement Office.
 - d. Others as deemed appropriate by the Town Manager.

2. The RFQ Process – The Committee shall **develop the contractor qualifications and project requirements** for the purpose of soliciting qualified contractors for the design-build project. The qualifications and specifications shall be inclusive of but not limited to the following:
 - a. Contractor Experience - Administrative
 - i. Similar project experience (size and scope)
 - ii. Grant funding administrative experience (Davis-Bacon, ARRA, DBE, etc.)
 - iii. Effective use of mobilization costs
 - iv. Project Management Staff capability
 - v. Subcontractor experience and capability
 - b. Contractors Experience – Technical
 - i. Project understanding
 - ii. Energy efficiency experience
 - iii. Specific Materials Experience
 - c. Project Scope
 - i. Type of building, structure or road
 - ii. Physical size of project
 - iii. General requirements for the project to include but not limited to
 1. Foundation type
 2. Construction type
 3. Exterior finishes
 4. Interior finishes
 5. Mechanical equipment
 6. Site Work

3. The Committee shall **establish the expected calendar** for procurement
 - a. Timeframe for development of selection criteria for RFQ, RFP and Competitive Negotiation
 - b. Dates for RFQ advertisement and prequalification process
 - c. Dates for RFP advertisement and Negotiation Process
 - d. Expected Date for Contract Award
 - e. Expected Date for Project Completion

4. The Committee will **establish the criteria** for each step of the procurement process prior to advertisement for RFQ and RFP including but not limited to the following.
 - a. Point or grading system for rating each of the contractors in the RFQ process and the selection of at least two prequalified contractors.
 - b. Point or grading system for the RFPs received from the prequalified contractors.
 - c. Negotiating points for the final negotiations with a proposer, including but not limited to price, experience and creative design.
 - d. The Committee shall preserve confidential and proprietary information supplied by those qualified contractors submitting proposals pursuant to Section 2.2-4342 of the Code of Virginia.

5. The Committee shall oversee the following processes:
 - a. **Development of the RFQ and RFP process** as required by Section 2.2-4300 of the Code of Virginia.
 - b. The **implementation of the RFQ and RFP process**.
 - c. Recommendation for award of the **contract** to the qualified contractor.
 - d. Oversight of the **construction project**.

This procedure is adopted in accordance with Section 2.2-4301 of the Code of Virginia and in the case of any conflict, the Code of Virginia is the final authority.

Documentation that an Appropriate Licensed Architect or Engineer is Under Contract

Section 2.2-4308 of the Code of Virginia requires that the public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall advise the public body regarding the use of design-build for that project and who shall assist the public body with preparation of the Request for Proposal and the evaluation of such proposals.

The Town of Cape Charles has under contract Langley & McDonald/East Coast Hydrographic, JV, 309 Lynnhaven Parkway, Virginia Beach, VA 23452. This firm led the consulting team that prepared the Town Harbor development master plan, as well as the plans and specifications for the current bath house design. They also have provided design and construction supervision services for the first two phases of the Harbor redevelopment: construction of off-shore breakwaters and forty four new floating slips.

A new task order under the contract will be utilized for support of the design-build contracting process for the bath house. This will encompass the requirements of the Code of Virginia related to preparation of the Request for Proposal, including construction criteria, and the evaluation of such proposals.

Determination Concerning Utilization of a Design-Build Contract

Section 2.2-4308 of the Code of Virginia requires that prior to issuing a Request for Proposal, the public body shall have documented in writing that for a specific construction project (i) a design-build contract is more advantageous than a competitive sealed bid construction contract; (ii) there is a benefit to the public body by using a design-build contract; and (iii) competitive sealed bidding is not practical or fiscally advantageous.

The plans and specifications for the current bath house design were prepared by Langley & McDonald/East Coast Hydrographic, JV (LM/ECH, JV) under an existing contract with the Town. The bath house was included with the new floating slips in the scope of work originally competitively bid for construction. The bath house was considered unaffordable based on the construction bids received. Therefore, that portion of the work was deleted and the floating slips re-bid for construction. Town staff has completed preliminary work to identify design changes to lower the cost of the bath house. LM/ECH, JV has quoted a cost of over \$40,000 to complete the redesign and prepare the plans and specifications to re-bid construction of the bath house.

The Harbor development work is being funded through a combination of long term bond financing, Virginia Port Authority Grants, and a Virginia Department of Health Boating Infrastructure Grant. The bath house is a requirement of the Boating Infrastructure Grant and approximately \$343,000 is available for this purpose. The Town cannot be assured that this amount will be adequate to fund both the redesign and construction of the bath house on a competitive sealed bid basis. Utilization of a design-build contract will allow the Town to cap the cost of the redesign and construction, as well as the necessary participation of LM/ECH, JV in the contracting process, within the funding available. LM/ECH, JV will earn their fee based on a negotiated percentage of the amount that the design-build contract for the bath house is under the budget for the project.

As this process will ensure that the Town can construct the bath house within the funds available under the Boating Infrastructure Grant, the requirements specified in Section 2.2-4308 of the Code of Virginia, above, are satisfied.

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|  <p>TOWN OF CAPE CHARLES</p> | AGENDA TITLE: USDA Grant Application for Police Car | | AGENDA DATE: June 9, 2011 |
| | SUBJECT/PROPOSAL/REQUEST: Authorization to apply for USDA Grant for a new police car. | | ITEM NUMBER: 6D |
| | ATTACHMENTS: None | | FOR COUNCIL: Action (X) Information () |
| | STAFF CONTACT (s): Heather Arcos | REVIEWED BY: Heather Arcos, Town Manager | |

BACKGROUND:

Included in the FY 2011/2012 Budget is the first of 4 yearly lease payments for a new police car.

DISCUSSION:

On Tuesday, May 31st, the Town Manager and Bob Panek met with Peggy Jordan, Area Specialist with the USDA Rural Development, to discuss possible grant / loan opportunities for the well connections which are included in the FY 2011/2012 Budget. During this discussion, Ms. Jordan indicated there was a grant opportunity for emergency / police vehicles. If approved, the grant application will be submitted immediately. This grant covers 75% of the total cost, including equipment, with a 25% Town match which must be paid in one payment and would be the equivalent of one lease payment. This would save the Town the amount of the future lease payments or 75% of the cost of a new vehicle.

RECOMMENDATION:

Authorize Town Manager to submit a grant application to the USDA RD for the purchase of a new police car.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Cape Harbor Conditional Use Permit
Extension 2011

AGENDA DATE:
June 9, 2009

SUBJECT/PROPOSAL/REQUEST:
Request for extension of CUP for second year

ITEM NUMBER:
6E

ATTACHMENTS:
Letter of request for CUP extension dated June 14, 2010,
Letter of request for CUP extension dated June 2, 2011,
Staff report from June, 2010

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Tom Bonadeo, Town Planner

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Town Council completed the Conditional Use Permits for Cape Harbor Project in a Resolution dated July 9, 2009. During the following year (2009/2010) Landmark Holdings US submitted a General Application to the Harbor Area Review Board (HARB) and provided information to begin the process for a Harbor Development Certificate. The Harbor Area Review Board met and reviewed the application and provided feedback to Landmark Holdings to proceed with the Detailed Application. In June of 2010 a request was received for an extension to the CUP so that the process could continue. Based on the HARB application and work completed in 2009/10 the Town Council approved a one year extension of the CUP.

DISCUSSION:

The Town Planner is the contact for HARB and those items related to the Detailed Application for the Harbor Development Certificate. Since the extension of the CUP June 10, 2010 (2010/2011) no correspondence from the architect or Landmark Holdings has been received regarding the continued work on the site or the Detailed Application. Staff cannot substantiate any Building Permits, Water or Waste Water Connection Fees or submitted Completed Plans having been submitted during this last year.

In accordance with Section 4.3 of the zoning ordinance, the Council may revoke the conditional use permit if the provisions of this ordinance are not met. The Council must provide the applicant 10 days' notice.

RECOMMENDATION:

Staff has no supporting evidence that the applicant has met the requirements of the ordinance during this year. Decide if the applicant demonstrates "good cause" for extending the CUP for an additional year or provide 10 days' notice for revocation of the CUP.

LANDMARK

June 2nd, 2011

Town Planner, Town Manager, Town of Cape Charles

2 Plum Street, Cape Charles, VA 23310

Dear Tom,

This is a request to extend the Conditional Use permits for the Cape Harbor Project.

Setting aside (not waiving) the rights Landmark Holdings US (LMUS) believes it holds in accordance with Bill 2077 as signed by Governor Kaine which provides for a mandatory extension of CUP's until July 2014, we wish to apply for an extension of the CUP.

This comes in a spirit of corporation realizing that there are conflicting ideas as to the application of the above mentioned Bill 2077 to LMUS CUP.

Subsequent to the CUP approvals, LMUS has commenced the process for the Harbor Area Development Certificate. In accordance with the establishment procedures for the Harbor Area Development Certificate, LMUS has submitted a General Application, paid the established fees, provided a letter of application and a plot plan. Additionally, the pre-application, General Application, post Application and First Review meetings have been concluded.

Having received feedback and directions from HARB to proceed with the Detailed Application LMUS has prepared the following:

1. Location, amount, character and continuity of open space.
2. A delineation of those general areas that have scenic assets or natural features deserving protection and preservation, including elevations demonstrating protection of views from existing streets, and a statement of how such will be accomplished.
3. Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion and vehicular traffic.
4. Separation of pedestrian and vehicular traffic.
5. Conceptual rendering of building exteriors (which may be adjusted if required in accordance with the new adopted Architectural Guidelines.)

The Landscape plans delineating dimensions and distances and the location, type, size and description of all existing and proposed plant materials are planned to commence shortly after planning was cut off due to the real estate market "melt down". The location and dimensions of on-site signage shall be driven and controlled by the architectural Guideline.

It is Landmark's hope that the efforts corporation and continuous good will put forth towards bringing the Cape Harbor Project to fruition, in extremely challenging economic times, shall serve as a substantial commitment to the project and will suffice for an extension of the CUP's.

Thank you for your corporation in an attempt to "making a dream reality".

Please feel free to contact me on tavi@landmark-gp.com or via Bill Parr's office on 757- 331 6198.

Respectfully yours,

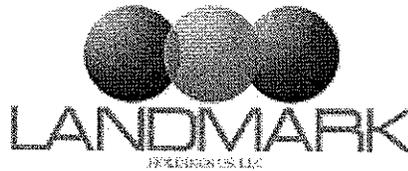
N. K Tavi, Esq.

Operating Manager

Landmark Holding US, LLC

**Landmark
Holdings US, LLC**





Jun4 14, 2010

Tom Bonadeo,
Town Planner
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Dear Tom,

Please accept this communication as a request to extend the Conditional Use Permits for the Cape Harbor Project. Of course we would like to have the CUPs extended in accordance Bill 2077 as signed by former Governor Kaine assuring the CUP's validity until July, 2014, but short of that approval request an extension with the opportunity for additional extensions as needed.

Subsequent to the CUP approvals, Landmark has commenced the process for the Harbor Area Development Certificate. In accordance with the established procedures for the Harbor Area Development Certificate, Landmark has submitted a General Application, paid the established fees, provided a letter of application, and a plot plan. Additionally, the pre-application, General application, Post application, and First Review meetings have been concluded.

Having received feedback and direction from HARB to proceed with the Detailed Application Landmark has prepared the following:

- (1.) Location, amount, character and continuity of open space.
- (2.) A delineation of those general areas that have scenic assets or natural features deserving protection and preservation, including elevations demonstrating protection of views from existing streets, and a statement of how such will be accomplished.
- (3.) Convenience of access through and between buildings or in other locations where appropriate for public purposes and where such access will reduce pedestrian congestion on public streets.
- (4.) Separation of pedestrian and vehicular traffic.
- (5.) Conceptual renderings of building exteriors. These designs still require review in accordance with the soon to be adopted Architectural Guidelines.

The Landscape plans delineating dimensions and distances and the location, type, size, and description of all existing and proposed

3351 Stone Road
Cape Charles, VA 23310
757.331.8284
Fax: 757.331.3292

plant materials are underway and are anticipated for completion shortly. The location and dimensions of on-site signage shall be driven by the Architectural Guidelines and market.

It is Landmark's hope that the efforts and cooperation put forth towards bringing the Cape Harbor Project to fruition, in extremely challenging economic times, shall serve as a substantial commitment to the project and suffice for an extension of the CUPs.

Thank you for your consideration, if I may be of any assistance regarding this matter, please do not hesitate to contact me.

Sincerely,

Judith Morgan
Operating Manager for
Landmark Holdings, US LLC

3351 Stone Road
Cape Charles, VA 23310
757.331.8284
Fax: 757.331.3292



TOWN OF
CAPE CHARLES

| | | |
|---|--|--|
| AGENDA TITLE: Cape Harbor CUP - One year extension. | | AGENDA DATE: June 10, 2010 |
| SUBJECT/PROPOSAL/REQUEST: Landmark Holdings CUP process. | | ITEM NUMBER: 7E |
| ATTACHMENTS: Staff work from November 18, 2009 | | FOR COUNCIL: Action (x) Information () |
| STAFF CONTACT (s): Tom Bonadeo - Heather | REVIEWED BY: Heather Arcos, Town Manager | |

BACKGROUND:

Section 4.3 of the Zoning Ordinance defines the Conditional Use Permit process. Most development of any size required additional permits that can take longer than one year to obtain. This modification removes the "other permit" process from the one year time line, requires the applicant to report progress and requires more defined "substantial" investment during the one year timeline.

The Cape Harbor Project started before this zoning ordinance modification. The Governor of Virginia and General Assembly, in response to the economic downturn in the Country, modified the length of time that certain CUPs would be valid (HB 2077.) This bill extended the CUP through July 2014 if it was in force as of January 1, 2009. Please see the attached staff work from the November 18th Council meeting for the date history.

DISCUSSION:

Using the date of July 9, 2009 as the completion date for the CUP Resolution affirming the Conditional Uses with all conditions, the CUP would expire this July 9, 2010.

Landmark Holdings has a major permit to be obtained before the project could apply for building permits. The Town Council must issue a Harbor Development Certificate based on an application and review by the Harbor Area Review Board. Landmark made the general application to the Board, the application was scored and the Board gave Landmark the go ahead to move to the Detailed Application Process.

In the attached letter of June 14, 2010, Landmark Holdings is requesting the allowed one year extension to continue that process. Staff has worked with Landmark and its architect/engineers over the last several months in this preparation. The letter outlines what Landmark has completed and is working on.

If this CUP were issued under the newly modified Cape Charles Zoning Ordinance, the one year time limit would not have started at this time. The applicant would have been given a timetable to complete the Harbor Development Certificate process and then the one year clock would start.

The Landmark CUP crosses this timeframe.

RECOMMENDATION:

Staff recommends approval of the one year extension of the CUP so that Landmark Holdings can continue the Harbor Development Detailed application process.

| | | | |
|--|---|--|---|
|  TOWN OF CAPE CHARLES | AGENDA TITLE: Golf Cart Ordinance Modification | | AGENDA DATE: May 12, 2011 |
| | SUBJECT/PROPOSAL/REQUEST: Adopt the modified Golf Cart Ordinance | | ITEM NUMBER: 7A |
| | ATTACHMENTS: Modified Ordinance | | FOR COUNCIL: Action (x) Information () |
| | STAFF CONTACT (s): Tom Bonadeo - Heather | REVIEWED BY: Heather Arcos, Town Manager | |

BACKGROUND:

The Town Council and staff reviewed and updated the Golf Cart Ordinance. The objective of the review is to make the ordinance more citizen-friendly and easier to enforce. The ultimate objective is to make the use of golf carts in Cape Charles safer for everyone.

DISCUSSION:

The ordinance has been updated and a public hearing was held earlier this evening. Review public comment and discuss any potential changes.

Changes have been made in the following areas:

1. The price of the permit was removed from the ordinance.
2. Numerous duplications were removed from the ordinance.
3. Non-relevant requirements such as "rubber tires" were removed from the ordinance.
4. Seat belts were left in the ordinance based on staff research.
5. Inspection of golf cart is required for initial registration only (text change only) from last meeting

RECOMMENDATION:

Review the public comment. Staff recommends the approval of the ordinance with text change.

PUBLIC HEARING

The Cape Charles Town Council will hold a public hearing at 6:00 p.m. on Thursday, June 9, 2011 in the St. Charles Parish Hall at 550 Tazewell Avenue, Cape Charles, VA. The purpose is to hear public comment regarding proposed modifications to the Town's Golf Cart Ordinance (Sections 42-31 and 42-49 through 42-56 of the Town Code). Copies of the proposed changes are available for review in the Clerk's Office and online at www.capecharles.org.

Libby Hume, Town Clerk

Sec. 42-31. Golf carts.

It shall be unlawful for any owner or operator of any golf cart that is normally garaged, stored or parked used within the town to fail to obtain and display the town vehicle license decal required by this article.

(a) *License year.* For the purpose of this article, the license year shall extend from April 1 of each year through April 15 of the next succeeding calendar year.

(b) *Tax levied.* There is hereby assessed and levied an annual license tax of \$18.00 upon each golf cart required to be licensed under this article.

(c) *When tax payable.* The license tax imposed by this article shall be paid to the town treasurer not later than April 15 of the license year, but the same may be paid on or after March 1 proceeding the license year.

(d) *Proration of golf cart license/decal.* One-half of the license tax prescribed by this article shall be collected when the license is issued during the period beginning on October 1 and ending on January 15 in the same license year, and one-third of such tax shall be collected when the license is issued after January 15 in any license year.

(e) *Disposition of revenue derived from tax.* The revenue derived from the tax levied by this article shall be paid into the general revenue fund of the town and applied to general town purposes.

(f) *Issuance and contents of decal.* Upon receipt of the prescribed license tax, approved inspection and proof of insurance, the town treasurer shall issue a license decal for the golf cart on which the tax was paid. The decal shall show thereon the words "Cape Charles," an indication of the year for which it was issued and the number of the license, together with such other matter as the council may from time to time designate.

(g) *Display decal generally.*

(1) A decal issued pursuant to this article shall be attached to the lower right-hand side of the windshield of the golf cart for which it was purchased and to the immediate right of the state inspection sticker or to such other location as the town treasurer shall direct on a golf cart not equipped with a windshield.

(2) It shall be unlawful for any person to operate a golf cart required to be licensed under this article on any street unless a current license decal is displayed on the golf cart in the manner prescribed in this section.

(h) *Display of expired decal.* It shall be unlawful for the owner of a golf cart to display thereon a town license decal after its expiration date.

(i) *Transfer or reissuance of decal.* A license decal acquired pursuant to the provisions of this article shall be transferable by the licensee from any golf cart sold, traded in or otherwise disposed of by the licensee to any golf cart thereafter acquired by the licensee during the license year. The transfer shall be accomplished by the payment of \$1.00 to the town treasurer, together with the delivery to the treasurer of either the remains of the decal, including the number portion thereof, or an affidavit of the licensee certifying that the original decal was destroyed or is no longer in the town and is unavailable to the licensee for delivery to the treasurer. The treasurer shall then transfer or reissue the decal.

(Ord. No. 20100408B, 4-8-10)

Cross references: Fee for passing bad check to town, § 2-3; golf carts, ch. 42, art. III-A.

State law references: Authority for above tax, Code of Virginia, § 46.2-752(A); similar provisions, Code of Virginia, § 46.2-752(B); authority for subsection (d), Code of Virginia, § 46.2-752(G).

Secs. 42-32-42-40. Reserved.

ARTICLE III-A GOLF CARTS

Sec. 42-49. Authority to Regulate

Pursuant to § 46.2-676(F) of the Code of Virginia (1950) as amended, the Town of Cape Charles is authorized, by ordinance, to impose limitations and restrictions on the operation of golf carts upon public highways within the town.

(Ord. No. 031103, 3-11-03)

Sec. 42-50. Definitions

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Golf cart means a self-propelled vehicle having a least four wheels, which is designed to transport persons playing golf and their equipment on a golf course.

(Ord. No. 031103, 3-11-03)

Sec. 42-51. ~~Required Safety Equipment~~

~~In additional to any safety equipment required by the Code of Virginia for golf carts, such shall have the following safety equipment installed:~~

- ~~(1) Speed governor if gasoline powered.~~
- ~~(2) Safety lap belts.~~

(Ord. No. 031103, 3-11-03)

Sec. 42-52. ~~Town Safety Inspection and Safety Equipment~~

Golf Carts shall pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an official inspection station as ~~such are designated in accordance with §46.2-1163 of the Code of Virginia (1950) as amended or by a business which is engaged in the sale of golf carts~~ approved by the Town of Cape Charles. Such safety inspection shall only cover the following items:

- (1) Headlights, tail lights and turn signals, if the golf cart is driving between sunset and sunrise.
- ~~(2) Rubber or equivalent tires.~~
- (3) Windshield wipers if equipped with permanent windshield
- (4) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat.
- (5) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.
- (6) Speed governor if gasoline powered.
- (7) Safety lap belts.
- (8) Slow moving vehicle emblem in conformity with 46.2-1081 of the Code of Virginia (1950) as amended.
- (9) Proof of insurance is required.

(Ord. No. 031103, 3-11-03)

Sec. 49-53. ~~Insurance Required~~

~~Every golf cart and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in §46.2-427 of the Code of Virginia (1950) as amended, and provide coverage during the operation of the golf cart upon public highways.~~

(Ord. No. 031103, 3-11-03)

Sec. 42-54. Operation on public highways

It is unlawful to operate a golf cart on a public highway within the Town of Cape Charles unless the following requirements are met.

- (1) Golf carts may be operated only on the highways of the Town of Cape Charles that allow a maximum speed of 25 MPH.
- ~~(2) Golf Carts must display a slow moving vehicle emblem in conformity with §46.2-1081 of the Code of Virginia (1950) as amended.~~
- ~~(3) Golf Carts shall be operated only between sunrise and sunset unless equipped with such light as are required in Article 3 of Chapter 10 of Title 46.2 of the Code of Virginia (1950) as amended.~~
- (4) No person may operate a golf cart unless that person is licensed to drive upon highways of the Commonwealth of Virginia and then, only in accordance with such driver's license.
- (5) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.
- (6) Only the number of people the golf cart is designed to seat may ride on a golf cart. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- ~~(7) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic in accordance with the motor vehicle laws of the Commonwealth.~~
- ~~(8) Golf carts may be operated in bicycle lanes provided they do not impede bicycle traffic.~~
- ~~(9) Golf carts shall not be operated during inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions.~~
- (10) The chief of police, or his designee, may prohibit the operation of golf carts on any highway if the chief determines that the prohibition is necessary in the interest of safety.

(Ord. No. 031103, 3-11-03; Ord. No. 2008-06-12A, 6-12-08)

Sec. 42-55. Local Vehicle License

No golf cart shall be used on the public highways unless it has obtained a Cape Charles Vehicle License under Article II. No vehicle license shall be issued until the owner of the golf cart presents evidence that the golf cart is insured in accordance with the requirements of §42-52 and the golf cart has ~~been received and~~ passed a safety inspection required by §42-51.52

(Ord. No. 031103, 3-11-03)

Sec. 42-56. Liability Disclaimer

This chapter is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the Town of Cape Charles in no way advocates or endorses their operation on public streets or roads. The Town of Cape Charles "assumes" no liability for permitting golf carts to be operated on public streets and roads under special legislation granted by the Virginia General Assembly. The Town of Cape Charles, by regulating such operation is merely trying to address obvious safety issues. ~~and adoption of or advisable if done in accordance with the chapter.~~ All persons who operate or ride upon golf carts upon public streets or roads do so at their own risk and peril, and must be observant of bicyclists, pedestrians and other vehicular traffic. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

(Ord. No. 031103, 3-11-03; Ord. No. 2008-06-12A, 06-12-08)

Secs. 42-57, 42-58. Reserved.

ARTICLE III-A GOLF CARTS

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(Ord. No. 031103, 3-11-03)

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~~In additional to any safety equipment required by the Code of Virginia for golf carts, such shall have the following safety equipment installed:~~

- ~~(1) Speed governor if gasoline powered.~~
- ~~(2) Safety lap belts.~~

~~(Ord. No. 031103, 3-11-03)~~

Sec. 42-52. ~~Town Safety Inspection and Required Safety Equipment~~

~~Golf Carts shall be inspected prior to the initial registration to verify the installation of the Safety Equipment listed in this section. Annual renewals do not require an inspection only the fee and proof of insurance. The operator is responsible for correct maintenance of the safety equipment pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an official inspection station as such are designated in accordance with §46.2-1163 of the Code of Virginia (1950) as amended or by a business which is engaged in the sale of golf carts approved by the Town of Cape Charles. Such safety inspection shall only cover the following items:~~

- ~~(1) Headlights, tail lights and turn signals, if the golf cart is driving between sunset and sunrise. Golf carts driven after dark without lights will be ticketed.~~
- ~~(2) Rubber or equivalent tires.~~
- ~~(3) Windshield wipers if equipped with permanent windshield~~
- ~~(4) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat. Golf carts found without these items will be ticketed.~~
- ~~(5) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.~~
- ~~(6) Speed governor if gasoline powered.~~
- ~~(7) Safety lap belts, one for each person (two persons per seat, maximum).~~
- ~~(8) Slow moving vehicle emblem in conformity with 46.2-1081 of the Code of Virginia (1950) as amended. Golf carts without a visible slow moving vehicle sign will be ticketed.~~
- ~~(9) Proof of insurance is required.~~

~~(Ord. No. 031103, 3-11-03)~~

Sec. 49-53. Insurance Required

~~Every golf cart and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in §46.2-427 of the Code of Virginia (1950) as amended, and provide coverage during the operation of the golf cart upon public highways.~~
(Ord. No. 031103, 3-11-03)

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- (7) ~~Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.~~ in accordance with the motor vehicle laws of the Commonwealth.
- (8) ~~Golf carts may be operated in bicycle lanes provided they do not impede bicycle traffic.~~
- (9) Golf carts shall not be operated ~~during inclement weather,~~ nor when visibility is impaired by weather, smoke, fog or other conditions.
- (10) The chief of police, or his designee, may prohibit the operation of golf carts on any highway if the chief determines that the prohibition is necessary in the interest of safety.

(Ord. No. 031103, 3-11-03; Ord. No. 2008-06-12A, 6-12-08)

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(Ord. No. 031103, 3-11-03)

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(Ord. No. 031103, 3-11-03; Ord. No. 2008-06-12A, 06-12-08)

Secs. 42-57, 42-58. Reserved.

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|--|--|--|---|
|  <p>TOWN OF CAPE CHARLES</p> | AGENDA TITLE: Tall Ships Initiative | | AGENDA DATE: June 9, 2011 |
| | SUBJECT/PROPOSAL/REQUEST: Tall Ships Initiative Financial Commitment | | ITEM NUMBER: 7B |
| | ATTACHMENTS: None | | FOR COUNCIL: Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> |
| | STAFF CONTACT(s): Heather Arcos | REVIEWED BY: Heather Arcos, Town Manager | |

BACKGROUND:

David Kabler addressed the Town Council at the March 10, 2011 Regular Meeting regarding Operation Sail (OpSail) 2012 which is scheduled for June 2012. On April 14, 2011 Council adopted a Resolution to Endorse and Support Operation Sail 2012 and a Tall Ships Economic Development Initiative for the Eastern Shore of Virginia.

DISCUSSION:

The Northampton County FY 2011/2012 has been adopted and includes \$55K for the Tall Ship Initiative. The County is asking that the Town also commit to this initiative financially in addition to the cost of staff time and services. A dollar amount was not specified. Staff is working on cost estimates of time for all involved departments as well as the cost of dockage and utilities at the Harbor.

A meeting was held with Town Manager Heather Arcos, County Administrator Katie Nunez and Donna Bozza, Director of the Eastern Shore of Virginia Tourism Commission (ESVTC). The Town and County asked the ESVTC to spearhead this initiative since it is tourism related. The ESVTC is strongly considering this proposal and a committee has been formed to explore all the aspects of OpSail 2012 and a Tall Ships Initiative. The Town Manager is a member of this committee. The committee will be meeting with Karen Scherberger, Director of FestEvents, in Norfolk on June 17th.

If the ESVTC agrees to spearhead the project, a three-party contract would be executed between the County, Town and the ESVTC with specific criteria and obligations for each party.

Possible options for financial commitment include the following:

1. \$5K was included in the Town Manager's FY 2011/2012 budget for unspecified use. A portion of this amount could be used.
2. A percentage of the Transient Occupancy Tax could be used. Currently, the Town assesses a 3% TOC with 1% going to the ESVTC.

There are time restraints regarding these decisions.

RECOMMENDATION:

Discuss OpSail 2012 and the Tall Ships Initiative and determine the amount of financial commitment from the Town. The three-party contract cannot be executed until this dollar amount is determined.