

TOWN COUNCIL Public Hearing

September 9, 2010

Town Hall

6:00 PM

1. Call to Order at 6:00 PM

- A. Roll Call
- B. Establish quorum

2. Public Hearing Comments:

- A. Harbor Area Design Guidelines
- B. Zoning Ordinance Change – Signs/Political (Section IV)

3. Adjournment



TOWN COUNCIL Regular Meeting

September 9, 2010

Town Hall

Immediately Following Public Hearing

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Public Comments (3 minutes per speaker)
4. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
5. Report Presentations
 - A. Town Manager
 - B. Treasurer's Report
 - C. Recreation Report
 - D. Library Report
 - E. Harbor Report
 - F. Public Works/Public Utilities Report
 - G. Code Enforcement / Trail Update
 - H. Planning Report
6. Old Business
 - A. Wastewater Treatment Plant Construction Update
 - B. PSA/Regional Wastewater Update
 - C. FY 2009 Audit Financial Report
 - *D. Harbor Area Design Guidelines
7. New Business
 - *A. Peddler's License Ordinance Update (§ 38-36) / Schedule Public Hearing
 - *B. Signs/Political – Zoning Ordinance Change
 - *C. Invitation for Bids – Fuel
 - *D. IT/Computer Support Request for Proposal
8. Announcements
 - September 23, 2010 – Town Council Work Session @ 6PM – Water/Sewer Ordinance Review
 - September 25-26, 2010 – Cape Charles Fall Tomato Festival
 - October 11, 2010 – Town Offices Closed in Observance of Columbus Day
 - October 14, 2010 – Town Council Regular Meeting @ 6PM
 - October 28, 2010 – Town Council Work Session @ 6PM - *tentative*
9. Adjourn at 8:00 P.M.



**DRAFT
TOWN COUNCIL**

**Executive Session
Town Hall
August 12, 2010
6:30 P.M.**

At 6:30 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance was Town Manager Heather Arcos.

Motion made by Councilman Bennett, 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 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion performance, motion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Interview for a Vacancy on the Planning Commission

Motion made by Councilman 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; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

Motion made by Councilwoman Natali, seconded by Councilman Bannon and unanimously approved to adjourn the Town Council Executive Session.

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
August 12, 2010
7:00 PM

At 7:05 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 Councilmen Bannon, Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo, Public Utilities Director David Fauber, Treasurer JoAnna Leatherwood and Town Clerk Libby Hume. The Department Heads were also in attendance along with two (2) members of the public.

Councilman Bannon offered the invocation and led the Pledge of Allegiance.

PUBLIC COMMENTS:

There were no further comments from the public in attendance nor any other written comments submitted prior to the meeting.

CONSENT AGENDA:

Mayor Sullivan stated that Under New Business, Item 7H – Zoning Ordinance Changes-Signs/Political was being added.

Motion made by Councilman 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 July 8, 2010 Regular Meeting, the July 16, 2010 Work Session-Site Tour of the New Wastewater Treatment Plant and the July 22, 2010 Joint Meeting with the Planning Commission and Harbor Area Review Board.

Councilwoman Natali noted a typographical error on page 4 of the July 8, 2010 Regular Meeting minutes.

Motion made by Councilman Sullivan, seconded by Councilman Bennett to approve the minutes for the July 8, 2010 Regular Meeting, the July 16, 2010 Work Session-Site Tour of the New Wastewater Treatment Plant and the July 22, 2010 Joint Meeting with the Planning Commission and Harbor Area Review Board as amended.

REPORT PRESENTATIONS:

Mayor Sullivan informed the attendees of the new procedure relating to the Staff Report Presentations. Since the monthly Departmental Reports were included in the Town Council Agenda Packets, with the exception of the Treasurer, Department Heads would no longer present their monthly reports at the Council meeting, but would be in attendance to answer any questions that the Council members may have regarding their report.

A. Town Manager's Report:

Town Manager Heather Arcos reported the following: i) Mr. Jim Mahaffy's issue regarding water meters has been rectified; ii) The construction work on the Cape Charles Central Park is moving along and Combination Inspector Jeb Brady will give an update during his report. Golf cart tracks have been seen in the sod in the park. If anyone sees someone riding a golf cart through the park,

please stop them and call the Town; iii) There is a small area that still needed to be covered with rock in order to complete the Breakwater Project. The third final inspection should be completed next week; iv) Fishing Line Recycling Bins, which were provided by the Virginia Marine Resources Commission, were installed today at the Harbor and the Fishing Pier; v) The Wastewater Treatment Plant construction was on schedule with a concrete pour on the UV walls this week. Public Utilities Director Dave Fauber will provide more details during his report; vi) The new "Blue" hotel suites had opened providing six suites for extended stays. Southeast Expeditions had rented an office in the front of the building as well. If anyone would be interested in a tour of the new hotel, stop by and Mr. Patrick Hand would be happy give you a tour; vii) The Town received \$4500 from the Safety Grant for the Police Department and she will be attending a work shop, along with Police Chief Brown, on August 20th in Suffolk; viii) In regards to Councilwoman Natali's question regarding the difference in the amount of fees charged vs. the amount of fees collected detailed on the Code Enforcement Monthly Report, in some cases, the Town was not able to collect the fees from the property owner so the fees charged continue to add up on the property until the property is sold.

B. Treasurer's Report:

Treasurer JoAnna Leatherwood reported that the Treasurer's Report dated July 31, 2010 showed \$169,489 in the Bank of America checking account and \$1,874,025 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$2,043,514.

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

C. Recreation Report:

The Council did not have any questions for Community Events / Recreational Coordinator Jen Lewis.

D. Library Report:

The Council did not have any questions for Librarian Ann Rutledge.

Councilman Veber complimented and thanked Jen Lewis and Ann Rutledge for organizing all the activities that have been held in the Town and Library and added that their efforts have had a tremendous impact on the Town.

E. Harbor Report:

The Council did not have any questions for Harbor Master Smitty Dize.

F. Public Works / Public Utilities Report:

Public Works / Public Utilities Director Dave Fauber reported the following: i) A problem was discovered with the softener at the Water Plant. A part has been ordered and the softener should be back online the first part of next week; ii) The construction of the new Wastewater Treatment Plant was moving forward with approximately 80% of the reactor tanks poured. The water has been tested in the reactor tanks and has passed the tests. All duct work has been completed in the Process Building and the slab should be poured next week; iii) In regards to the Drinking Water Notice that was sent out several weeks ago, the THMs are byproducts of the reaction of the chlorine in the system with the minerals in the water. The longer the water stays in the system without being aerated, the more of a problem it can become. Dave Fauber stated that he talked to Southern Corrosion and they would install an aerator inside the water tank. A Preliminary Engineering Report (PER) will be prepared for options to help reduce the byproducts. Due to a faulty valve, the Spring water flush could not be completed in 2009. There was a bad number recorded on Jefferson Avenue which lowered the quarterly average for the Town. The Town will continue to flush the water system semi-annually and continue the quarterly tests. The Public Utilities Department will also be attending an upcoming webinar regarding byproducts; iv) The pumps have been installed on the Keck property wells. The Town is awaiting A&N Electrical Cooperative (ANEC) to set the meters and also the results of the aquifer test plan from the Department of Environmental Quality.

G. Code Enforcement / Central Park Trail Update:

Combination Inspector Jeb Brady reported the following regarding the Central Park Trail Project: i) The fountain was delivered today; ii) Two-thirds of the ground cover plants and shrubs have been planted; iii) The sod should be finished next Tuesday or Wednesday; iv) The Town will be installing bollards in the park, but the golf carts could still run over the sides to get into the park. There was some discussion regarding the location of the camera at the park and whether they could be re-directed. Chief of Police Charles Brown stated that the cameras would work during the day, but it would be difficult to see anything filmed after dark on the tape.

Mayor Sullivan asked about the standing water at the park. Jeb Brady stated that he was hopeful that it would drain. During the last storm, all but one BMP drained sufficiently. There was some discussion regarding this issue and Councilman Bannon added that there was some concern regarding the safety of children in Town and the possibility of drowning. Tom Bonadeo stated that the water was only inches deep. It was suggested that the Town install caution tape, but Jeb Brady added that even with the tape, people could get through it.

H. Planning Report:

Town Planner Tom Bonadeo reported the following: i) The crew laying the broadband fiber has been working along the railroad tracks coming into Town from Cheriton to Rayfields. Rayfields is the point where Bay Creek Communications will meet the Broadband fiber. Bay Creek Communications should be able to connect next week. ANEC was preparing the license agreements and once signed, the work would begin to bring the fiber around the Town for the first connection for public service. Service was already running from Virginia Beach to Wallops Island and into Maryland. The Eastern Shore of Virginia Broadband Authority was planning a "Grand Opening" celebration for October 12th for the backbone. The next phase would be the connection of the public service areas such as the Town Hall, computer labs, etc. which should occur within the next two months. Tom Bonadeo went on to inform the Council that there was no other network like this in the country.

Councilman Bannon asked who would staff the computer lab. Tom Bonadeo stated that the staff of the Cape Charles Christian School (CCCS) would staff it during the day since it would initially be housed in their building. The Town was still working on staffing for after-school hours. Heather Arcos added that the CCCS would use the computers for their after-school program. Councilwoman Natali stated that the Town could get volunteers to staff the lab during certain hours.

Councilman Bannon asked if the Town could provide a computer for the residents of Heritage Acres. Tom Bonadeo stated that there were no plans to do so at this time but the Town could look into this possibility.

OLD BUSINESS:

A. Harbor Area Design Guidelines – Set Public Hearing:

Tom Bonadeo reported that in July, the Town received the final draft of the Harbor Area Design Guidelines which was reviewed by the Town Council, Planning Commission and Harbor Area Review Board at a joint meeting on July 22nd. The additional changes discussed at that meeting have been forwarded to Mr. John Crouse who is in the process of making those changes. The final version of the guidelines should be back to the Town within the next couple of weeks. Before the guidelines can be adopted by the Town Council, a public hearing must be held to review these guidelines with the citizens of the Town.

Motion made by Councilman Bennett, seconded by Councilman Evans to schedule a public hearing on September 9, 2010 at 6:00 p.m. immediately preceding the regular Town Council meeting. The motion was approved by unanimous consent.

B. Town Edge Zone Update:

Tom Bonadeo informed the Council that the County Planning Commission had invited the Cape Charles Planning Commission to meet with them regarding the Town Edge. This joint meeting was held on August 3rd and was a historic meeting of sorts in that it was the first time in many years that the two commissions had met. The meeting was cooperative and congenial and was eye-opening for both groups. The Cape Charles Planning Commission reiterated some of the language of the Annexation Agreement relating to the Corridor Overlay and the commercial development for a two-mile stretch along Route 13 which set the stage for continued discussions of the area and new cooperation between the Town and the County. An immediate change was discussed where the County, upon receiving a rezoning request, would forward a copy of the application to the Town so the Town's Planning Commission could review the application at the same time as the County Planning Commission and provide input to the County prior to their public hearing. A potential modification of the Town Edge Zone was also discussed as well as other ways to improve the Town's involvement in the rezoning process. The two commissions plan to continue holding joint meetings on occasion in the future.

Tom Bonadeo stated that the Cape Charles representatives to the Cape Charles Cheriton Boundary Adjustment Committee, Councilmen Sullivan and Veber, met with District 2 Supervisor Sam Long on August 10th to discuss boundary adjustments. Supervisor Long stated that he was in favor of the Town having more input in the area and agreed on the impact of the Route 13 corridor on the Town adding that he would support a boundary adjustment for the Town regarding the corridors along Route 184 and 642 to Route 13.

Councilman Bannon stated that the Route 184 corridor into Town had a beautiful line of crape myrtles but that no one was taking care of them. Councilman Bannon added that they are not in the Town's limits but could the Town get volunteers to help trim the trees. Councilwoman Natali stated that she has heard from a citizen offering to volunteer their services in the fall to help with the trees.

NEW BUSINESS:

A. VDH Grant for Keck Wells PER:

Heather Arcos stated that the Virginia Department of Health (VDH) had limited funds available for Planning & Design Grants up to \$30K which may be available to the Town for developing a PER for the connection of the Keck wells to the water treatment plant. Heather Arcos added that after talking to Mr. Dixon Tucker of the VDH, she felt confident that the Town would get this grant, with a 20% match, which has been included in this year's budget.

Mayor Sullivan moved for adoption of Resolution #20100812 – Authorizing the Application for a Grant from the Virginia Department of Health. Resolution #20100812 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

B. VDH Grant for Disinfection Byproducts PER:

Heather Arcos stated that another \$30K grant was available through the VDH for developing a PER for the reduction of chlorination byproducts in the Town's drinking water. Dave Fauber added that he was optimistic that the Town would get this grant.

Mayor Sullivan moved for adoption of Resolution #20100812A – Authorizing the Application for a Grant from the Virginia Department of Health. Resolution #20100812A was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

C. Fiscal Year 2009 Audit Report:

JoAnna Leatherwood stated that the Town audit for the period ending June 30, 2009 had been completed and a management letter identifying opportunities for strengthening areas of deficiencies in internal controls and operating efficiency was provided by the audit firm. Reference was made this

year about written reconciliations for all balance sheets accounts at the end of each year which is currently underway for June 30, 2010. Nothing was out of line and internal controls have been implemented regarding cash. A policy has been put in place where the utility clerk is only in control of the billing and collecting of payments made in person. The utility clerk no longer enters any payments received by mail and no longer makes adjustments to accounts. JoAnna Leatherwood stated that she reviews all adjustment recommendations and if approved, makes the entry to adjust the account.

It was noted that the Fiscal Year 2009 Audit Report was not delivered to the Council members for their review prior to the meeting. The audit report would be delivered to the Council this week and this issue would be revisited in September.

Councilman Evans stated that citizens have been asking questions regarding the utility billing process and whether the Town could allow more time from the billing date to the due date. If a person is out of town, it could be a problem for them to pay their bill within the fifteen day timeframe. Heather Arcos stated that staff had been looking at several options including electronic billing and some people come in and pay in advance. There was much discussion regarding this issue and Councilmen Evans and Bennett stated that they would prefer a work session be held to further discuss this issue.

D. Reappointment of Members for Library Board:

Heather Arcos stated that the Library Board oversees the Cape Charles Memorial Library and consists of seven members who serve staggered four-year terms. Two members' terms, Chris Bannon and Kim Dunton, expired on August 8, 2010 and both have expressed their interest in continuing to serve on the Library Board.

Motion made by Councilman Bennett, seconded by Councilwoman Natali to reappoint Chris Bannon and Kim Dunton to the Library Board for another four-year term to expire August 8, 2014. The motion was approved by unanimous consent.

E. Gray's Funeral Home Commendation:

Mayor Sullivan stated that Gray's Funeral Home was founded in 1895 and is the oldest African American family owned and operated business in the Town of Cape Charles. Earlier this month, the 100 Black Women of Funeral Services, Inc. hosted the 73rd annual National Funeral Directors and Morticians Association, Inc. National Convention and the historic 2010 African American Funeral Home Hall of Fame Induction Ceremony in Fort Lauderdale, Florida. Thirty-nine of the oldest existing African-American funeral homes were recognized for their services, longevity and impact on the African-American community. The 100 Black Women of Funeral Service, Inc. asked the Town of Cape Charles to join them in commending Gray's Funeral Home for their years of service. Since Mr. Thomas Godwin was out of town and unable to attend the meeting, Mayor Sullivan did not read the commendation but stated that she would personally present it to him next week.

Mayor Sullivan moved for adoption of Commendation #20100812 for Gray's Funeral Home. The Commendation was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

F. Town Council Regular Meeting Time:

Mayor Sullivan stated she had proposed a time change for future regular meetings of the Town Council to 6:00 p.m. with hopes that more citizens may be able to attend the meetings to keep informed of the various projects and issues affecting the Town. On meeting dates where a public hearing was scheduled, the public hearing would begin at 6:00 p.m. immediately followed by the regular meeting. Pursuant to § 15.2-1416 of the Code of Virginia, if the governing body wishes to change the location, date and/or time of their regular meetings, the governing body must pass a resolution as to such future meeting day, place or time.

Councilman Bennett stated that in the past, he did not want the meeting time changed from 7:00 p.m. so the citizens could have dinner before coming to the meetings. Unfortunately, very few citizens attended the meetings so he was in agreement to changing the start time of the meetings to 6:00 p.m.

Mayor Sullivan moved for adoption of Resolution #20100812B – Resolution to Change the Time of the Cape Charles Town Council Regular Meetings. Resolution #20100812B was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

G. Planning Commission Appointment:

Mayor Sullivan explained that as vacancies occur on the Cape Charles Planning Commission and other Boards, the Town Council must appoint new members to fill these vacancies. At the July 8, 2010 Regular Meeting, the Town Council appointed Councilwoman Natali as the Council representative to the Planning Commission to replace Councilman Evans who had submitted his resignation as the Town Council representative to the Planning Commission. Since Councilwoman Natali had been serving on the Planning Commission for a number of years prior to her election to the Town Council, a citizen member needed to be appointed to complete her unexpired term which ends October 31, 2013. Earlier this evening, the Town Council interviewed Mr. Bruce Brinkley who had expressed his interest in serving on the Planning Commission.

Motion made by Councilman Evans, seconded by Councilman Bannon and unanimously approved to appoint Mr. Bruce Brinkley to the Planning Commission to complete Councilwoman Natali's citizen-position term which expires October 31, 2013.

H. Zoning Ordinance Change – Signs/Political:

Tom Bonadeo stated that he had received several telephone calls from residents regarding two political signs in a front yard that are 3' x 6' and the election was almost 90 days from now. The Cape Charles Zoning Ordinance allows temporary signs in every zoning district. Contractor and Real Estate signs are limited to four square feet but no size limitation was imposed on political signs. The current ordinance regarding political signs requires the removal of the sign(s) within seven days of the election but placed no limitation on the time before the election. Northampton County allows political signs to be displayed no earlier than 45 days prior to the election. Tom Bonadeo proposed modifications to the ordinance as follows: *“political campaign signs, no more than four square feet in area, may be displayed no more than 45 days prior to the election and shall be removed no later than seven days after the election. Political signs are not permitted between the sidewalk and street or within the public right of way.”*

Tom Bonadeo also stated that a brochure would be developed and provided to candidates running for political office explaining the various regulations.

Motion made by Councilman Bennett, seconded by Councilman Evans to schedule a public hearing on September 9, 2010 at 6:00 p.m. immediately preceding the regular Town Council meeting. The motion was approved by unanimous consent.

OTHER ISSUES:

Councilman Evans stated that he had received multiple complaints from visitors who have rented seasonal rentals but could not stay in these houses due to their condition. Some of the houses are rented out by individuals but some are handled through rental companies. Councilman Bannon stated that he has been receiving similar complaints. There was much discussion regarding this issue and Councilman Evans asked if a work session could be scheduled to further discuss this issue or maybe this could be referred to the Planning Commission for their review.

Councilman Natali mentioned the recent news regarding the relocation of Riverside Shore Memorial Hospital. Mayor Sullivan stated that she had been in contact with Sentara Healthcare and they were

interested in meeting with the Town Council and others regarding options. Heather Arcos stated that Council would be notified once a meeting had been scheduled.

Councilman Veber informed the Council that Mr. Marshall Romeo, Jr. had approached him regarding how the Town could help get people travelling on Route 13 into Cape Charles. Heather Arcos stated that the Welcome Center provides information about Cape Charles and its businesses and quite a few people come to visit. Councilman Veber added that he researched signage through Clear Channel and perhaps the Town could work with the businesses in getting a billboard. Heather Arcos stated that the Town could possibly obtain funding through the Northampton Infrastructure Grant.

ANNOUNCEMENTS:

- August 14, 2010 – Chamber of Commerce Harbor Party – 6P-10P
- August 25, 2010 – Friends of the Library sponsoring Harrington Casino Trip
- August 26, 2010 – Town Council Work Session regarding Peddler's License – 6P
- September 4, 2010 – Chamber of Commerce Harbor Party – 6P-10P
- September 5, 2010 – Cape Charles Central Park Grand Opening – 5P-8P
- September 6, 2010 – Town Offices Closed in Observance of Labor Day
- September 9, 2010 – Town Council Regular Meeting
- September 23, 2010 – Town Council Work Session – *tentative*
- January 16, 2011 – Clam Digger's Daughter playing @ Arts Enter – 3P. This is a movie that was filmed in Cape Charles.

Hearing no objections, Mayor Sullivan adjourned the Town Council Regular Meeting by unanimous consent.

Mayor Sullivan

Town Clerk



DRAFT
TOWN COUNCIL

Work Session
Town Hall
August 26, 2010
6:00 PM

At 6:00 p.m. at the Town Hall, Mayor Dora Sullivan, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Sullivan, present were Councilmen Bannon, Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett arrived at 6:03 p.m. Also present were Town Manager Heather Arcos, Town Planner Tom Bonadeo, Treasurer JoAnna Leatherwood, Town Clerk Libby Hume and one member of the public, Mr. Severn Carpenter who was newly appointed to the Northampton County Planning Commission.

Mayor Sullivan announced the business for the evening would be to review the Town ordinance regarding Peddler's Licenses (§38-26) and to hear an update regarding the boundary adjustment issue.

Peddler's License Review (§38-36 of the Cape Charles Town Code)

Town Manager Heather Arcos stated that she hoped everyone had a chance to review the documents included in the agenda packet and the purpose of this review was to define several types of businesses falling under Section 38-36 (Retailers) of the Cape Charles Town Code. Heather Arcos explained that she, Town Planner Tom Bonadeo and Treasurer JoAnna Leatherwood reviewed the ordinances from various municipalities and felt that the ordinances from the City of Hampton and the Town of Kilmarnock best suited Cape Charles.

Tom Bonadeo explained that other types of business licenses are detailed in the Code but the Retail Section did not define the types of businesses falling under this section. Historically, the Town charged \$500 for a Peddler's or Itinerant License which was the maximum amount allowed by the Code of Virginia in an effort to deter certain types of businesses in Town. The Town of Ocean City, MD does not allow any type of peddler and the City of Virginia Beach has two pages of business types that are permitted. Tom Bonadeo went on to explain the two main types of retail businesses: i) those that operate from a permanent building or location; and ii) those that do not have a permanent building or location. Of those businesses that do not have a permanent building or location, some operate on public property and some operate on private property. Tom Bonadeo also referred to Section 62-11 of the Town Code which limits sales on streets and from vehicles.

The Council reviewed the suggested modifications to Section 38-36 and the cost of the various business licenses under this section.

There was much debate regarding an existing business owner having the ability to sell their products at the beach and whether an additional license would be required.

Mayor Sullivan asked about a business in Town renting kayaks at the beach. Tom Bonadeo explained that this would be considered a service vs. a retail business and would fall under another section of the Code.

There was much discussion regarding the amount of the license fee. Councilman Bennett stated that in the City of Virginia Beach with 400K+ people, a fee of \$500 per year was acceptable, but in a town with only 900+ people, \$500 was excessive.

Tom Bonadeo stated that the Town could decide what types of products it would permit to be sold and that the Town could also decide not to allow any types of peddlers. Councilman Bennett suggested that the Town could possibly limit the types of peddlers to food vendors only or the Town could charge food vendors a \$50 fee and \$500 could be charged to all other types of retail businesses. The majority of the Council was agreeable to possibly limiting this type of license to food vendors only.

There was some discussion regarding the health department permit for food vendors. Councilman Bennett stated that a business owner in a permanent building would have a health department permit for that location but if this business owner wanted to sell food items at the beach, wouldn't an additional health permit be required. Heather Arcos stated that she would check with the health department regarding this issue.

Councilman Bennett went on to state that if an existing business owner wanted to sell anything outside of their business location, a separate license needed to be purchased to which Councilwoman Natali agreed.

Councilman Veber stated that he still felt that existing business owners should be able to sell their products outside of their business at no additional cost since they already have a license to do business in Town. It was suggested that the Town could possibly charge existing businesses \$50 to sell food and/or other items outside of the business location.

Heather Arcos asked the Council whether they would consider limiting the number of vendors. Councilman Evans stated that he felt it would be a good idea to limit the number of vendors selling the same thing. Councilman Sullivan stated that he felt that the competition would take care of the issue. The vendors would eventually stop coming if they didn't sell enough items.

Boundary Adjustment Update

Heather Arcos stated that on July 26th, a meeting of the Cape Charles representatives, Councilmen Sullivan and Veber, was held to provide Councilman Sullivan with background of previous discussion of the committee. Another meeting was held with Supervisor Sam Long to obtain his input regarding this issue. Supervisor Long expressed his desire to attend the next Boundary Adjustment Committee meeting and the Town is waiting on dates from Mr. Long in order to schedule this meeting. Heather Arcos added that the Cape Charles Planning Commission met with the County Planning Commission to discuss the Town Edge Zone on August 3rd and great progress was made at this meeting. Heather Arcos went on to state that with the new Council, staff would like to obtain input from Council regarding their thoughts on continuing to pursue a possible boundary adjustment.

Councilman Veber stated that he understood that the Town of Eastville was in the process of a boundary adjustment and were further along in the process than Cape Charles and Cheriton. Councilman Veber added that Tom Bonadeo had some interesting thoughts regarding options to a boundary adjustment and asked Tom Bonadeo to relay his thoughts to the Council.

Tom Bonadeo stated that in regards to a boundary adjustment request, the Town needed justification as to why it needed / wanted additional land. Councilman Veber had previously stated that he wanted to protect the Town of Cape Charles and its businesses regarding development along Route 13 and the corridors into Town. The Town could pursue this "protection" without requesting a boundary adjustment. The natural boundary adjustment area would take in mostly agricultural land along Routes 642 and 184 and the Tower Hill and Kings Creek Landing subdivisions much of which is included in Cape Charles' Town Edge Zone.

There was much discussion regarding the fact that Cape Charles did not have any control or a "voice" regarding development along Route 13 and the corridors into Town. Councilman Bannon stated that as part of the Annexation Agreement, the Town gave up 2% of the occupancy tax to the County and was supposed to have input regarding development in this area. Several letters were written to the County regarding this issue but no responses were ever received. Councilman Evans agreed that the County has ignored the Town's concerns in the past.

There was much discussion regarding the agricultural land along Routes 642 and 184 that is currently in the Agricultural Forestry District (AFD) which designates the land as agricultural for a ten-year period. Councilman Sullivan stated that the property owner can remove the land from the AFD at any time by paying the back taxes and request a rezoning of the land to sell for development.

Councilman Bennett stated that he would like to think the Town could work with the County without a boundary adjustment but agreed that there were no guarantees regarding the AFDs and future development in this area.

Tom Bonadeo stated that a boundary adjustment was a "friendly" agreement between the Town and County. If the County was not agreeable, the next step would be annexation, but the State of Virginia currently has a moratorium on annexations.

Heather Arcos stated that the Town would continue to work with Cheriton but felt that Cheriton is in a hurry to submit a boundary adjustment request.

Mayor Sullivan polled the Council for their preference regarding i) continue working with Cheriton to pursue a boundary adjustment; or ii) pursue a dual planning / Town Edge Zone for Route 184 and Route 13 corridors. The Council unanimously preferred the Town continue its meetings with Cheriton in pursuit of a boundary adjustment.

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

Mayor Sullivan

Town Clerk

Town Manager Report
Highlights
August 13, 2010 – September 2, 2010

Cape Charles Central Park

- New Signage is being developed for the Park.
- Everyone is busy with preparations for the Grand Opening scheduled for 5PM on Sunday, September 5th.

Breakwater Project

- The final inspection will be performed on Tuesday, September 7th at 3PM. The rock will be placed on a small area at the same time. This will complete this phase of the breakwater project.

Harbor Development

- The IFB for the construction of the floating slips and bathhouses was submitted to the Eastern Shore News and a list of marine companies who have been inquiring about this project. The ad ran on September 1st and 8th.
- The Pre-Bid Meeting is scheduled for 10AM on September 13th.
- The Bid Opening is scheduled for 2PM on October 4th.

Wastewater Treatment Plant Update

- The IFB for the construction of the Mason Avenue Pump Station Upgrade and Force mains was submitted to the Eastern Shore News, the Roanoke Times, and the Virginian Pilot and ran on August 28th in all three papers and also online at Pilotonline.
 - The Pre-Bid Meeting is scheduled for 2PM on September 9th.
 - The Bid Opening is 2PM on September 28th.
- We plan to close on the zero interest loan in mid-September.

Water Plant Update

- Softener is still down. The first part that came in was not compatible with our system. There was an issue in locating the correct part. A part has come in and we are awaiting the contractor for installation.
- The control panel is about 20 years old and is obsolete and parts are no longer made to repair it. An upgrade to a new, digital control panel will cost approximately \$100K and should be considered for next year as repeated repairs to the current system are costly.

Cape Charles Beach/Pier

- Solicitations will be out soon for the beach boardwalk and pier repairs covered by FEMA.

Boundary Adjustment Sub-Committee Update

- We are trying to schedule a meeting of the Boundary Adjustment Committee on September 13th at 5PM.
- Supervisor Sam Long will be invited to this meeting once confirmation has been received from all members.

Old Cape Charles School

- Staff is still waiting to hear back from the CCCS.
- Staff is working on a solicitation to lease the school and will follow with a Public Hearing.

Topics for Upcoming Work Sessions:

- Town Code Modifications:
 - Chapter 70 – Water, Sewer and Sewage Disposal
 - Golf Cart Ordinance
 - Possible presentation offered by VEDP
 - Fall Retreat
- Personnel Policy Review

Recreation Department September Council Report

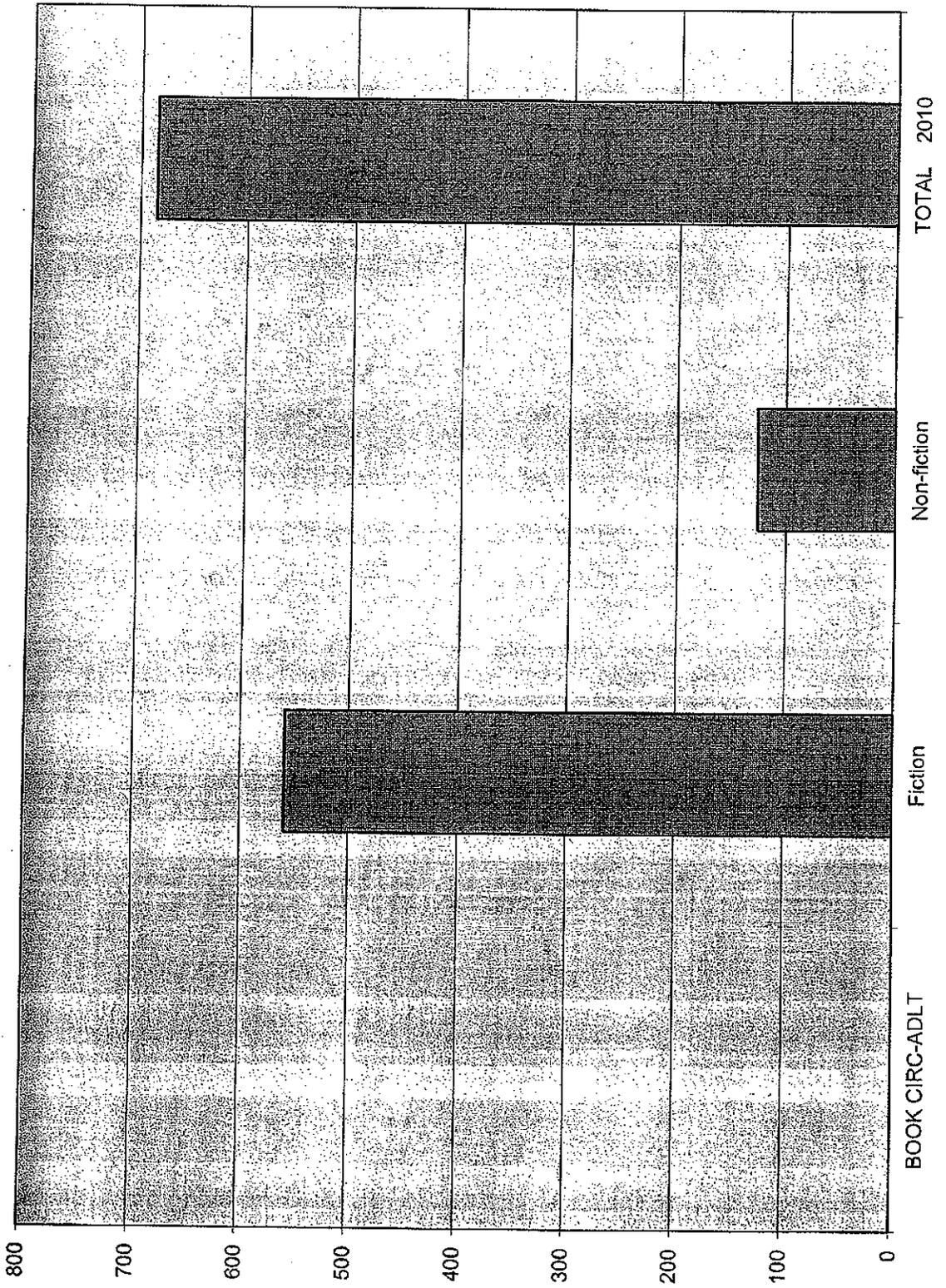
1. There were five camps held throughout the summer. The last camp the kids assisted in passing out flyers for the Central Park Grand Opening. Officer Rob Stubbs was also available to provide the kids with identity kits for the children. This is a continuation of an ongoing effort between the Police Department and Recreation Department to educate parents and children in the importance of safety.
2. Arts and Crafts continue to be a big success. This will continue once school starts.
3. The Town of Cape Charles sponsored Bingo for the citizens of Heritage Acres on August 31. The town purchased 22 prizes for the winners of Bingo. Snacks were also purchased for the residents.
4. The website is now in place for the Birding Festival. Please visit www.esvafestivals.org. We are able to track ticket sales in anticipation of the attendance for this event. The Birding Festival will again take place October 7-10, 2010.
5. Plans are underway for this year's Trunk or Treating. We hope now that everyone understands how it works that there will be even more in attendance this year.
6. The Town is working with several other organization and individuals to receive funding for the fight against obesity. Currently we are waiting for the results of two grant applications.
7. The Library and Recreation Department will continue to work together throughout the Fall to bring new and exciting events to the children of Cape Charles.

Cape Charles Memorial Library
Aug. 2010
Monthly Report Presented by Ann Rutledge

1. The **2010 Summer Reading Program-Make a Splash-Read!** continued this month at the Library. As of August 31 we have had *113 children* to sign up to read books over the summer. (Last summer the total for the summer was 55). Every time children read **2 books** they received a prize and if they read **10 books** they received a free book.
2. **The Summer Kids Movie Nights** ended on August 18. This month 72 children attended the movie night.
3. **The 2010 Summer Children's Reading Program** ended on August 19. We had 45 children to attend this program.
4. **Kids Crafts** with Jen Lewis will continue at 4:00 on Wednesday for ages 2 up and **Toddler/Preschool Storytime** will continue on Thursday at 10:30.
5. Our last special program for the summer was the **Delmarva Discovery Center** on August 12 at 4:30 and 26 people attended this program.
6. The children from the Migrant Headstart program visited the library every Friday for storytime and *100 children* attended this month.
7. **The Cape Charles Library Board** met on July 10 at 5:00 at the Library.
8. On Wednesday, August 25 the **Friends of the Library** sponsored another **Harrington Slots Bus Trip**.

Cape Charles Memorial Library

	JAN	FEB	MAR	APR	MAY	JUN	JUL	2010	AUG	SEPT	OCT	NOV.	DEC	to date
INCOME:														
Donations	\$7.00	\$2.00	\$2.00	\$5.40	\$6.00	\$2.00	\$24.00							
Copier/Prt	\$35.40	\$35.95	\$53.00	\$106.78	\$78.30	\$76.00	\$77.50							
TOTAL	\$42.40	\$37.95	\$55.00	\$111.18	\$84.30	\$78.00	\$101.50							
Deposit	\$42.40	\$37.95	\$55.00	\$111.18	\$84.30	\$78.00	\$101.50							
BOOK CIRC-ADLT														
Fiction	559	540	497	488	494	685	809							
Non-fiction	126	168	136	170	116	172	153							
TOTAL 2010	685	708	633	658	610	857	962							
Books Circ. 2009	459	648	525	703	685	720	654							
BOOKS CIRC-JUV														
Fiction	345	351	426	423	406	694	707							
Non-Fiction	118	101	105	156	80	82	101							
TOTAL 2010	463	452	531	579	486	776	808							
BOOKS CIRC. 2009	211	225	362	343	248	422	431							
TOTAL BOOK 2010	1148	1160	1164	1,237	1096	1,633	1,770							
TOTAL BOOK 2009	975	873	887	1,046	933	1,142	1,085							
Attendance 2010	742	732	995	1,060	1,535	1,392	1,833							
Attendance 2009	927	968	937	951	994	422	1,085							
Programs 2010	4	7	7	5	4	9	16							
Programs 2009	7	8	11	7	8	6	11							
Prog. Attend 2010	8	60	41	22	29	155	904							
Prog. Attend 2009	39	72	56	45	40	131	155							
Internet use 2010	428	385	375	713	941	746	708							
Internet use 2009	876	598	490	660	487	731	731							
Library Cards 2010	8	9	15	15	17	45	30							
Library Cards 2009	20	14	13	10	18	23	23							



Harbor Report, August, 2010.

Maintenance

1. Repaired/replaced all bumpers around the boat ramps
2. removed all old lines on piles/slips around the harbor
3. began re-nailing rubber bumpers around the bulkhead of the harbor.
4. Painted deck coating around MAMA
5. Replaced two water valves on C-Dock
6. P/W Cleared dirt pile on west dock
7. replace two breakers and two receptacles on west dock.

September, Scheduled Maintenance

1. Replace broken pile caps
2. re-nail rubber pile bumpers around bulkhead
3. replace two broken lights on west dock

Capitol Projects:

1. Breakwater project, still some minor details before project is completed, Precon will be returning.
2. We have received the notice to proceed from the Boating Infrastructure Grant for the new slips and bathhouses. Invitation for bids was put out on September 1, 2010 with a opening date of October 4, 2010

Other:

1. Purchased a dirty water emergency pump for boats that may be taking on water.
2. Remember this is the height of hurricane season so make sure your vessel is prepared. Keep all lines leading in the same direction of equal strength! Incase of a storm power will be shut off around the harbor if high water exist.

Harbor Report, August, 2010.

Business:

Average Boats in the Harbor per night by category:

1. **Nightly Rentals**, August – 2.3, Last Month – 2.1, FYTD – 2.2, Last FY – 1.3
2. **Weekly Rentals**, August – 8.6, Last Month – 8.6, FYTD – 8.6, Last FY – 7.6
3. **Monthly Rentals**, August – 12.0, Last Month – 11.1, FYTD – 11.6, Last FY – 11.8
4. **Seasonal Rentals**, August – 8.8, Last Month – 7.0, FYTD – 7.9, Last FY – 8.6
5. **Annual Rentals**, August – 25.0, Last Month – 35.5, FYTD – 30.3, Last FY – 25.7
6. **Total Rentals**, August – 56.7, Last Month – 64.3, FYTD – 60.6, Last FY – 55.1

Wharf Fees by Pounds:

1. **Crabs**: August – 41,130, Last Month – 68,580, FYTD – 109,710, Last FY – 1,429,920
2. **Fish**: August – 140,510, Last Month – 26,376, FYTD – 166,866, Last FY – 501,141
3. **Conchs**: August – 0, Last Month – 0, FYTD – 0, Last FY – 73,580
4. **Horse Shoes**: August – 0, Last Month – 0, FYTD – 0, Last FY – 63,280
5. **Total Pounds**: August – 181,640, Last Month – 91,956, FYTD – 276,576, Last FY – 2,067,921

Incidents: None.

Notes: 4th Annual Blessing of the Fleet, Begins on April 8th, 2011 @ 5:30 pm.

William Smith Dize Jr.
Harbor Master
September 1, 2010

PUBLIC WORKS

August 2010

Dump Fees

- **Oyster Landfill** – 18 Trips Work Orders generated: 104
- **Sludge- 0 Tons** Work Orders Completed: 103

Staff Report

Completed Projects

- Sprayed for weeds.
- Repairs on street Banners.
- Fishing pier monofilament recycle bins installed.
- Straightened playground fence.

In Progress

- Alley maintenance.
- Reworking plantings at welcome sign at Rt. 13 and Stone Rd.
- Trimming and herbicide spraying along roadways and parking lots.

Upcoming Projects

- Repairs to Fun Pier and Boardwalk. (FEMA)
- Replace library doors.

Special Events

- Tomato Festival
- Labor Day
- Harbor Party Sept 4th.

PUBLIC UTILITIES

August 2010

Work Orders Completed

Miss Utility Tickets: 30

Responded To Fire and Rescue Calls, Total Man Hours: Not Available

Staff Report

- Dan Dabinett attended the "energy Conservation at Water/Wastewater Utilities" class at ESCC sponsored by VRWA.

Completed Projects

- Pumps installed in Keck Wells.
- Submitted Aquifer Test Plan for Keck Wells to DEQ and VDH-ODW for review. Hank Ghittino (DEQ) will review by mid-September.
- Latest samples tested for TTHM and HAA5 (chlorination byproducts) brought us into compliance.
- Paint and building repairs at Pine Street Pump Station.

New WWTP

- The first 4 courses of block have been laid for the Operations Building.
- All the walls have been poured for the head-works.
- Final walls for reactor are being poured.
- All walls and floor for the membrane tanks are poured.
- Process building is being roughed in with duct banks to accommodate electrical wiring.
- UV tanks 90% complete.
- Pouring walls on waste sludge holding tank.
- Solids processing building is being roughed in for plumbing and electrical.

In Progress

- Awaiting response from DEQ for our Ground Water withdrawal permit. Must be revised to delete East Well II and add Keck Wells I & II. (Month 30)
- Exercise and repair fire hydrants in town.
- Tentative OK from Port Authority to bring water line across the dredge spoil site that lies between the Keck parcel and Stone Road.
- Replacing old meters in the system. Starting with the Rockwells which are some of the oldest in the system.
- Flushing sewer lines in town. Mason Avenue and Plumb Street basin completed, working on Pine Street Basin.
- Repairs to water softener, Roberts Filters.
- Repairs to exterior of Washington Ave pump station.

Upcoming Projects

- Mason Ave Pump Station upgrades and force main rerouting.
- Fig Street Force Main rerouting.
- Install of new metering system for chemical feed pumps at the water plant.
- PER for connection to Keck Wells. (May get VDH grant money)
- PER for chlorination byproducts. (May get VDH grant money)

Code Enforcement
Month of August FY 2011

Building Permits Issued/Permit Fees Collected:

Permits this month: 19	
Permits this year: 32	Total permits last year: 200
Total construction this month: \$372,666	
Total construction this year: \$939,171	Total construction last fiscal year: \$3,967,519
Permit fees this month: \$5,580.88	
Total permit fees this fiscal year: \$31,358.26	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: \$20,000	Total Tap fees last fiscal year: \$20,000
Fire Dept. levy this month: \$425.54	
Total Fire Dept. levies this year: \$846.70	Total Fire Dept. levies last fiscal year: \$3,282.54
State levy this month: \$85.10	
Total state levies this year: \$170.33	Total state levies last fiscal year: \$664.67
Miscellaneous Revenue: \$30 for Sewer Screens	

Existing Structures Code Enforcement Cases:

Total Cases: 27	
New this month: 0	
Closed this month: 0	
Rental Inspections: 2	
Rental C.O's Issued: 2	
Rental Inspection fees collected: \$100	
Grass cutting enforcement: 25	
Grass cutting: 8	
Enforcement fees charged this month: \$1,200	
Enforcement fees charged this year: \$1,612	Fees charged last fiscal year: \$7,351.98
Enforcement fees collected: \$0	
Enforcement fees collected this year: \$412.00	Fees collected last fiscal year: \$2,768.58

Annual Fire Inspections (updated) (Completed)

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

Annual Fire Reports (updated)

Total Cases: 59
Received this month: 6
Closed: 22
Unresolved: 37

Month of August FY11

Central Park Trail (T-21 Grant) (updated)
Hours spent working on project this month: 60

Key Notes:

- 100% of Sod has been put in place and is rooting very nicely.
- All irrigation has been installed and is up and operational
- All trees that were previously in the ground and have been mulched.
- All Benches have been delivered but will not be installed until the very end
- The Fountain is to be installed. Trashcans should be installed at any time
- All plants and ground cover plants have been installed
- Performed a walkthrough with the Irrigation Contractor yesterday to learn the system.
- A planned grand opening is set for September 5, 2010, at 3 P.M.

Other items of note:

1. Completed 42 inspections
2. Conducted 2 zoning clearances
3. Completed 1 courtesy residential inspections
4. Conducted 3 courtesy commercial inspection
5. Conducted 30 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 1 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Working on a Code Enforcement case on a property in Bay Creek. Received numerous complaints regarding the building that is in an unsafe/uninhabitable condition. **The property recently sold and the new owner has already begun the process of the abating the numerous violations on the property.**
10. Made site inspections throughout the month on the New Waste Water Treatment Plant Project.
11. Finalized Plans Review for new Harbor Improvements.

Reminder: Cape Charles Central Park will be closed until further notice.

Basketball Court, Tennis Courts, and Playground will remain open unless otherwise noted. Please access these facilities from Madison Avenue.

09/02/10

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
083A3-0100-35	PB100058	Building	08/16/2010	541 Tazewell Avenue	kitchen & bath remodel	\$56.00	\$600
	PB100059	Building	08/04/2010	607 Pine Street	new sif res	\$3,361.18	\$250,000
	PB100060	Building	08/16/2010	4 Foster Court	Adding 400 square foot deck & new slidin	\$228.80	\$9,000
	PB100061	Building	08/18/2010	234 Randolph Avenue	Replace porch deck and minor framing rep	\$89.60	\$5,500
	PE100028	Electrical	08/16/2010	541 Tazewell Avenue	new electrical for kitchen and bath	\$56.00	\$500
	PE100029	Electrical	08/06/2010	207 Tazewell Avenue	new electrical for rehab	\$143.92	\$10,700
	PE100030	Electrical	08/10/2010	607 Pine Street	60 amp temp pole	\$56.00	\$250
	PE100031	Electrical	08/13/2010	237 Tazewell Avenue	new electrical for change of use	\$122.83	\$10,000
	PF100004	Fire Suppressio	08/05/2010	237 Tazewell Avenue	manual fire alarm system for E Use	\$141.35	\$7,621
	PG100009	Gas	08/13/2010	527 Walbridge Bend	new gas piping for res	\$56.00	\$1,200
083A3-0100-35	PM100013	Mechanical	08/03/2010	10 Peach Street A	new mini-split for kitchen area	\$84.00	\$1,500
	PM100014	Mechanical	08/10/2010	207 Tazewell Avenue	new mech for rehab	\$131.04	\$9,200
	PM100015	Mechanical	08/13/2010	237 Tazewell Avenue	new mechanical for educational building	\$364.00	\$25,000
	PM100016	Mechanical	08/13/2010	527 Walbridge Bend	new mech for res	\$152.32	\$12,200
	PP100013	Plumbing	08/16/2010	541 Tazewell Avenue	new plumbing for kitchen and bath	\$56.00	\$400
	PP100014	Plumbing	08/13/2010	237 Tazewell Avenue	new plumbing for educational building	\$145.60	\$8,000
	PP100015	Plumbing	08/13/2010	527 Walbridge Bend	new plumbing for res.	\$168.24	\$15,045
	PP100016	Plumbing	08/31/2010	201 Washington Aven	Replace Water Line to Office	\$84.00	\$950
	PP100017	Plumbing	08/31/2010	304 Fig Street	New drain line from town PVC (add clean	\$84.00	\$5,000
	083A4-0200-00						

Total Permits: 19

\$5,580.88

\$372,666

PDF GENERATED FROM 08/01/2010 TO 09/02/2010

MONTHLY INSPECTION TOTALS

Jeb Brady

FINAL	08/23/2010
FINAL	08/18/2010
Slab	08/05/2010
Final	08/09/2010
Final	08/10/2010
Final	08/23/2010
Framing	08/17/2010
Footing	08/04/2010
Slab	08/24/2010
Framing	08/21/2010
Footing	08/17/2010
Final	08/09/2010
Final	08/10/2010
Final	08/13/2010
COURTESY(DU	08/06/2010
COURTESY(Duc	08/23/2010
COURTESY(Tre	08/09/2010
CUT-IN	08/13/2010
Final	08/23/2010
Rough-In	08/06/2010
Final	08/11/2010
CUT-IN	08/11/2010
Rough-In	08/12/2010
Rough-In	08/21/2010
Final	08/03/2010
Final	08/03/2010
Final	08/10/2010
Final	08/10/2010
Final	08/09/2010
Final	08/10/2010
Final	08/23/2010
Final	08/09/2010
Final	08/10/2010
Final	08/23/2010
Final	08/09/2010
Final	08/10/2010
SW FINAL	08/02/2010
Final	08/23/2010

MONTHLY INSPECTION TOTALS

	Rough-In	08/04/2010
Total		39
	David Fauber	
	SLAB ROUGH IN	08/17/2010
Total		1
	Jeb Brady	
	Final	08/09/2010
	Final	08/10/2010
Total		2
Grand Total		42

InsDateCompleted Range from
08/01/2010 to 08/31/2010

Revenue Totals by Category/Items

From: 08/01/2010 to: 08/31/2010

Inspection		
Sewer Tap Insp	1	\$50.00
Water Tap Insp	1	\$50.00
Inspection totals	2	\$100.00
Miscellaneous		
After fact permit Admin fee	1	\$100.00
E/S Agreement in lieu of plan	1	\$150.00
Fire Dept Fee	19	\$425.54
Miscellaneous totals	21	\$675.54
Plan Review		
Sewer Plan Rev	1	\$30.00
Water Plan Rev	1	\$30.00
Plan Review totals	2	\$60.00
Rental Fee		
RENTAL INSPECTION	2	\$100.00
Rental Fee totals	2	\$100.00
Residential		
Valuation Res \$10K >	1	\$128.50
Residential totals	1	\$128.50
Review		
Landscape Plan Review	1	\$100.00
Residential Building Plan Revi	1	\$200.00
Residential Site Plan Review	1	\$150.00
Review totals	3	\$450.00
State Tax		
STATE TAX	19	\$85.10
State Tax totals	19	\$85.10
Valuation		
comm > \$10k	1	\$325.00
Garage- 5B	1	\$220.85

Residential decks & porches- 5B	1	\$46.37
Residential, one and two family- 5B	1	\$2,055.26
Valuation Com 2.5K >	2	\$256.21
Valuation Com \$0-\$2.5K	2	\$150.00
Valuation Com \$2.5K >	1	\$104.83
Valuation Res \$0 - \$2.5K	1	\$50.00
Valuation Res \$0-\$2.5K	4	\$200.00
Valuation Res \$2.5K - 10K	4	\$387.00
Valuation Res > \$10K	2	\$286.22
Valuation totals	20	\$4,081.74
Grand Totals	70	\$5,680.88

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: September 9, 2010
Subject: Report for Planning Department

Planning Commission Meeting-September 7

1. The Planning Commissions meeting was held on Tuesday of this week. The following items were to be considered.
 - a. The Planning Commission attended a joint meeting with the County Planning Commission in August to discuss the opportunities available for interaction in the County Town Edge Zone. There were several opportunities
2. The Planners continued discussions on the Technology and Tourism Zones. Locations, business types and incentives were discussed.
3. The Commission continued discussion on the Industrial Access Road possibilities. The transportation planning grant was discussed as it would relate to future traffic on the nearby roads.
4. The planner has been working on the following projects
 - a. Central park – Community Trail project
 - i. Electrical Service – The cable is installed and the lights are connected. Final is expected September 3.
 - ii. Wells – The two shallow wells (East and West) have been drilled and are operational.
 - b. Continued participation in the Bay TMDL and King's Creek TMDL The total maximum daily load (TMDL) is the maximum amount of nutrients that a body of water can accept.
5. The Town is in the Chesapeake Preservation area and we will be audited soon for performance over the last 10 years. The first phase of the audit went fairly well.
6. The Planner worked on the Town Ordinance for Peddlers License and Golf Carts for staff to review. The Peddlers Ordinance is on the agenda for this evening. .
7. The Planner worked with the County Planning Staff on a joint grant application. This is the pre-application for an unusual grant that would involve transportation between Cape Charles and nearby localities. This grant application has been forwarded to DHCD who plans to submit multiple application to the Federal Government for funding.

Historic District Review Board Meeting – August 17

1. The Historic District Review Board reviewed one application for a second story addition to a garage at 114 Randolph. A complete application was submitted and the architectural design was approved by the Board.
2. The garage addition, as drawn was higher than the zoning ordinance allows and the zoning administrator noted such on the application. The architect modified the height of the garage to conform to the ordinance. An accessory building on a single lot may be no taller than 2/3 the height of the main structure.



TOWN OF
CAPE CHARLES

AGENDA TITLE:
Cape Charles Police Department

AGENDA DATE
September 09, 2010

SUBJECT/PROPOSAL/REQUEST: August 2010
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: 47

Calls for Service Outside of Cape Charles: 07

10-13 Calls

(A) By Dispatch: 42

(B) By Phone via Officer/Trooper: 00

(C) In Person 12

Felony Arrests: 17

Misdemeanor Arrests: 03

DUI Arrests: 00

Traffic Summons Issued: 32

Traffic Warnings Issued: 04

Parking Tickets Issued: 06

Assisted Northampton County Sheriff's Office: 04

Assisted Virginia State Police: 02

Assisted Other Local Police:

Assisted Other Federal Agencies

Assisted Fire & Rescue: 03

Assisted VDOT:

Hours of Training Received & What Type?

32 hours gang summit @Exmore--- 8hrs breath testing recertification Va Beach



TOWN OF
CAPE CHARLES

AGENDA TITLE: Wastewater Treatment Plant (WWTP) Status

AGENDA DATE:
September 9, 2010

SUBJECT/PROPOSAL/REQUEST: Update on construction.

ITEM NUMBER:
6A

ATTACHMENTS: None

FOR COUNCIL:
Action ()
Information (X)

STAFF CONTACT (s):
Bob Panek

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Town awarded a \$14.7M contract for construction of the new WWTP to W.M. Schlosser Company in September 2009. The total project is estimated at \$19.4M, including design, engineering, construction management and inspection. This also includes the estimate for the water reuse modification. We are funding the project as follows:

1. \$6.0M - Virginia Clean Water Revolving Loan Fund (VCWRLF) principal forgiveness loan (equivalent of a grant), underwritten by the American Recovery and Reinvestment Act (ARRA) of 2009 (Federal stimulus).
2. \$8.0M - Water Quality Improvement Fund (WQIF) grant.
3. \$5.4M - VCWRLF zero-interest loan. We plan to close on this loan in September. This will replace our interim financing through the VML/VACo Commonwealth Loan Program.

DISCUSSION:

Construction status:

1. Concrete work for UV/Post Aeration Facility, Bio-Reactor/Membrane Tanks almost complete.
2. Concrete work for Waste Sludge Holding Tanks and Solids Processing Building underway.
3. Underground utilities (duct banks, plumbing, etc.) for Process Building installed.
4. Foundation for Headworks complete; concrete work underway.
5. Foundation for Operations Building complete; masonry work underway.
6. Mobilization for outfall extension along Bayshore Rd.; should commence soon.
7. Mobilization for Bay Creek force main and reuse pipeline along Old Cape Charles Rd.

We have had one introductory fraud prevention visit from the EPA Inspector General's office, and ARRA compliance inspections by both the Department of Environmental Quality and the EPA. Several minor ARRA administrative issues have been corrected.

About \$2.6M has been billed to date, all of which has been, or is in the process of being, reimbursed from WQIF and VCWRLF.

RECOMMENDATION:

Provided for information only.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Public Service Authority (PSA) & Regional Wastewater System.		AGENDA DATE: September 9, 2010
	SUBJECT/PROPOSAL/REQUEST: Provide an update on the PSA and potential regional wastewater system.		ITEM NUMBER: 6B
	ATTACHMENTS: None		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

At the January 14, 2010 meeting, Council adopted a resolution authorizing the County Administrator to apply for and administer a planning grant for a potential regional wastewater system. The concept is to create a Northern Node to serve Exmore, Nassawadox and the surrounding areas of the county, and a Southern Node to serve Cape Charles, Cheriton and the surrounding areas of the county. The planning grants have been awarded by the Department of Housing and Community Development and a Project Management Team (PMT) has been working with the consulting team to plan the project and apply for financial assistance for construction. The PMT has adopted "Towns and County Utilities Project (T-CUP)" as the name of the project.

On June 28, 2010, the four participating Towns and the County adopted ordinances approving the joinder of the Towns to the existing, but dormant, Eastern Shore of Virginia PSA. The State Corporation Commission has approved the revised charter and the ten new PSA Board Members have been sworn in.

DISCUSSION:

The Preliminary Engineering Report (PER) for the Southern Node has been completed and an application for financial assistance (grant/loan) to design and build the system has been submitted to the Department of Environmental Quality (DEQ). The consulting team has met with DEQ and USDA Rural Development to explore blends of grants and loans to yield affordable rates. Representatives from these agencies will meet with the PMT and PSA in October. Work continues to finalize the PER for the Northern Node. The potential service area is being refined and demand estimates adjusted to reflect the decision to relocate Riverside Shore Memorial Hospital (RSMH).

The PSA Board held its first meeting on August 24, 2010. The meeting focused on organizational matters, previous efforts, the County's operation of the Bayview system and the relationship with the T-CUP PMT. The Board elected Bob Meyers as Chairman and Bob Panek as Vice Chairman. As authorized by the Board, the Chairman and Vice Chair subsequently met with RSMH Administrator Joe Zager and representatives from the other facilities currently supported by the RSMH utilities system to discuss service needs after the hospital relocates. All parties expressed a desire to work cooperatively to integrate these needs into T-CUP Northern Node planning and to transfer operation of the new system to the PSA.

RECOMMENDATION:

Provided for information only.



TOWN OF
CAPE CHARLES

AGENDA TITLE:
FY 2009 Audit Report

AGENDA DATE:
September 9, 2010

SUBJECT/PROPOSAL/REQUEST:
Presentation of Annual Audit Report

ITEM NUMBER:
6C

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. The audit firm of Robinson, Farmer, Cox Associates completed the Town audit and as part of the audit report, provided a management letter identifying opportunities for strengthening areas of deficiencies in internal controls and operating efficiency. This report was inadvertently reviewed at the August 12, 2010, regular meeting.

DISCUSSION:

The audit report was distributed to Council on August 13, 2010, for review. If anyone has any questions, please bring them forward for discussion.

RECOMMENDATION:

For Information Only.



TOWN OF
CAPE CHARLES

AGENDA TITLE:

Harbor Area Design Guidelines

AGENDA DATE:

September 9, 2010

SUBJECT/PROPOSAL/REQUEST:

Adopt the Harbor Area Design Guidelines

ITEM NUMBER:

6D

ATTACHMENTS: Harbor Area Design Guidelines Final Version
(to be emailed to Council 9/7/10)

FOR COUNCIL:

Action (X)

Information ()

STAFF CONTACT (s):

Tom Bonadeo / Heather Arcos

REVIEWED BY:

Heather Arcos, Town Manager

BACKGROUND:

Several years ago, the Town contracted with CMSS Architects in Virginia Beach to develop the Harbor Area Design Guidelines. Public input sessions were held to obtain feedback from the citizens regarding this area and a Steering Committee was appointed.

In April 2010, the Harbor Area Review Board reviewed a draft of the guidelines and recommended several changes.

A joint work session was held on July 22nd with the Town Council, Planning Commission and the Harbor Area Review Board. Mr. John Crouse from H & A Architects & Engineering (formerly CMSS Architects) gave a presentation regarding the Harbor Area Design Guidelines. Several additional suggestions were discussed.

DISCUSSION:

A public hearing was held earlier this evening to receive public comment and to review the guidelines with the citizens of the Town.

RECOMMENDATION:

Staff recommends adoption of the Harbor Area Design Guidelines as an addendum to the Town's Comprehensive Plan.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Town Code Revision – Section 38-36
Retailers

**AGENDA
DATE:** Septembert 9,
2010

SUBJECT/PROPOSAL/REQUEST: Better define the peddlers
and itinerant merchant section of the Town Code.

ITEM NUMBER:
7A

ATTACHMENTS:
None

FOR COUNCIL:
Action (x)
Information ()

STAFF CONTACT (s):
Tom Bonadeo - Heather

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Town Code section for retail licenses has a rather short and incomplete definition of retail sales categories. This code change is intended to better define the “peddler and itinerant” section of the code and to clarify the retail licenses available in Cape Charles.

DISCUSSION:

During a work session staff presented retail license options for inclusion in the code related to peddlers and itinerant merchants. After much discussion some changes were recommended. The concern was for the preservation of existing businesses and their ability to compete in the “peddler” environment. The following modifications allow a price for peddler only businesses and an existing business that wishes to engage in sales as a peddler without paying extra tax.

The state code requires that business licenses be issued for specific places of business. This would require an existing business to obtain a peddlers license but only pay tax at the existing rate for their primary location.

(d) Food/Retail Carts/Open Trailers – Food or retail sales from a cart or trailer that is not enclosed and not self - propelled. Carts or trailers shall be moved daily and only allowed in the public right of way or public property as specified by the Town Manager and in accordance with Section 62-11. A Dept. of Health Certification is required for food sales and no generators are allowed.

1. The license tax for a peddler is \$50.
2. The license tax for an existing business is \$0.20/\$100 of gross sales.

(e) Food/Retail Trailers (Enclosed) – Food or retail sales from a trailer that is enclosed and may have a generator or electrical service connection. The trailer must be moved daily and only allowed in the public right of way as specified by the Town Manager and in accordance with Section 62-11. A Dept. of Health Certification is required for food sales.

1. The license tax is \$500.

(f) Bona-fide producers of goods or food and catchers of seafood are required to obtain a license from the Town at no cost. As defined in Section 58.1-3719 of the Code of Virginia, Bona-fide producers are: i) A distributor or vendor of seafood who catches seafood and sells only the seafood caught by him; ii) A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by him; iii) A farmers’ cooperative association.

1. A license is required at no cost.

(g) Food/Retail Vehicles – Food or Retail Sales from a vehicle including but not limited to ice cream, candy and other goods. The vehicle may be a golf cart, car, truck, bicycle or other mobile vehicle. Sales from vehicles are subject to Sect. 62-11 and may also be subject to locations as allowed by the Town Manager and approved by the Chief of Police.

1. The license tax is \$ 50

(h) As used in this section, the term “itinerant merchant” means any person who engages in, does or transacts any temporary business within the town and who, for purposes of carrying on such business, occupies any private property location for a period of less than one year.

1. The license tax is \$50

RECOMMENDATION:

Recommend discussion of these changes and make modification as required and/or schedule a public hearing prior to the next Council meeting to hear public comment on the proposed modifications to the ordinance.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Signs/Political Zoning Ordinance Change		AGENDA DATE: September 9, 2010
	SUBJECT/PROPOSAL/REQUEST: Better define political sign size and deployment		ITEM NUMBER: 7B
	ATTACHMENTS: Proposed modification to Article IV, Section 4.1, Subsection C.5.g.		FOR COUNCIL: Action <input checked="" type="checkbox"/> Information <input type="checkbox"/>
	STAFF CONTACT (s): Tom Bonadeo	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The zoning ordinance allows temporary signs in every zoning district. Section 4.1.C.5.g.iv. allows "political campaign signs provided proper and prompt removal of such sign within seven days of the election." Northampton County only allows political signs no earlier than 45 days prior to the election.

Currently, Contractor and Real Estate signs are limited to 4 square feet and must not be in the right of way. There is no size limitation imposed on political signs nor is there a limitation of time before the election.

DISCUSSION:

A public hearing was held earlier this evening to hear comments regarding the proposed modifications which are as follows:

- iv. political campaign signs, no more than four square feet in area, may be displayed no more than 45 days prior to the election and shall be removed no later than seven days after the election. Political signs are not permitted between the sidewalk and street or within the public right of way.

RECOMMENDATION:

Staff requests Council approve the proposed modifications to the Zoning Ordinance.

ARTICLE IV – General Regulations Applicable to All Districts

Section 4.1 – Sign Regulations

Subsection C.5.g.:

- iv. political campaign signs, no more than four square feet in area, may be displayed no more than 45 days prior to the election and provided proper and prompt removal of such sign with shall be removed no later than seven days of after the election. Political signs are not permitted between the sidewalk and street or within the public right of way.

Clean Version:

- iv. political campaign signs, no more than four square feet in area, may be displayed no more than 45 days prior to the election and shall be removed no later than seven days after the election. Political signs are not permitted between the sidewalk and street or within the public right of way.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Invitation for Bids – Town Fuel Contract

AGENDA DATE:
September 9, 2010

SUBJECT/PROPOSAL/REQUEST:
IFB for fueling Town Vehicles and the Harbor

ITEM NUMBER:
7C

ATTACHMENTS:
None

FOR COUNCIL:
Action
Information

STAFF CONTACT (s):
Smitty Dize, Jr.

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

In 2005 the Town of Cape Charles received bids for all fuel services to the town. The contract was awarded the contract to Bagwell Oil who was the low bidder. The Contract was for one year, beginning December 1, 2005, but the Town had an option to extend for three additional years. Last year, the Town asked Bagwell Oil Co. for another one-year extension on the contract, which they accepted. The contract is currently scheduled to expire as of midnight on November 30, 2010.

DISCUSSION:

The Town of Cape Charles will advertise for bids for all fuel, gas and propane services. The contract will be awarded effective December 1, 2010.

RECOMMENDATION:

Authorize Town Manager to advertise an Invitation for Bids for all fuel services.



TOWN OF
CAPE CHARLES

AGENDA TITLE:
Request for Proposal – IT/Computer Support

AGENDA DATE:
September 9, 2010

SUBJECT/PROPOSAL/REQUEST:
Approval to advertise for an IT/Computer Support Consultant

ITEM NUMBER:
7D

ATTACHMENTS:
None

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

Over the past several years, Mike Sullivan has been the IT Support consultant for the Town.

DISCUSSION:

In order to formalize this service, a Request for Proposal is recommended to accept proposals from qualified sources for IT Support. The contract term shall be for two years; however, the IT Contractor shall serve at the will and pleasure of the Town Council.

The Scope of Services to include:

1. Network Management
 - a. Server Administration
 - b. Network Hardware installation and management
2. PC Services, Desktop and Laptop Management
 - a. Consulting services for desktop hardware and software configuration
 - b. Desktop installation
 - c. Network connection management
 - d. Security software management
3. Printer Management
 - a. Desktop printers
 - b. Networked printers
 - c. Canon networked printer/scanners
4. Website and Email management
 - a. Web and Email Hosting contract management
 - b. Emailing of Monthly newsletter
 - c. Special web page creation and management
5. Remote site management
 - a. Harbor
 - b. Water Treatment Plant
 - c. Wastewater Plant
 - d. ADP time clocks

RECOMMENDATION:

Authorize the Town Manager to advertise the RFP for an IT Contractor.