

TOWN COUNCIL Public Hearing

April 14, 2011

St. Charles Parish Hall

6:00 PM

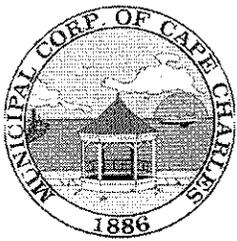
1. Call to Order at 6:00 PM

- A. Roll Call
- B. Establish quorum

2. Public Hearing Comments:

- A. Proposed granting of options to Southport Investors LLC to purchase tax parcels 83A3-12 and 83A3-17

3. Adjournment



TOWN COUNCIL

Regular Meeting

April 14, 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. Old Business
 - *A. OpSail 2012 / Tall Ships Initiative
 - *B. Southport Lease Amendments
 - *C. Town Code Modifications – Golf Cart Ordinance
7. New Business
 - *A. Correction to Planning Commission Payment Procedure
 - *B. Schedule Public Hearing for Conditional Use Permit for 548 Madison Avenue
 - C. Wind Turbine Update
 - D. Support of Business
8. Announcements
 - April 17, 2011 – Easter Egg Hunt, 3PM at Central Park
 - April 20, 2011 – Town Council Work Session – Budget @ 6PM
 - April 28, 2011 – Town Council Work Session – Budget @ 6PM
 - April 30, 2011 – Friends of the Library Book Sale
 - April 30, 2011 – Cape Charles Historical Society Low Country Shrimp Boil
 - May 5, 2011 – Town Council Work Session – Budget @ 6PM
 - May 11, 2011 – Friends of the Library Bus Trip to Harrington Casino
 - May 12, 2011 – Town Council Regular Meeting @ 6PM
 - May 14, 2011 – Citizens for Central Park Pirates & Wenches Ball, 7PM at Fire Hall
9. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL
Public Hearing
St. Charles Parish Hall
March 10, 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 Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Town Consultant Bob Panek and Town Clerk Libby Hume. The Department Heads were also in attendance along with 18 members of the public.

Mayor Sullivan announced the evening's public hearing was to hear public comment regarding the proposed changes to Connection Charges for Water and Sewer Service.

PUBLIC COMMENTS:

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

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon 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
March 10, 2011

Immediately Following the Public Hearing

At 6:03 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Consultant Bob Panek, Police Chief Charles Brown, Public Utilities Director Dave Fauber and Town Clerk Libby Hume. The Department Heads were also in attendance along with 23 members of the public.

Councilwoman Natali offered the invocation and led the Pledge of Allegiance.

PUBLIC COMMENTS:

Marion Naar, Cape Charles Museum:

Ms. Naar addressed the Council regarding the financial status of the Cape Charles Historical Society. Each year the Town provides \$2500 of funding for maintenance of the museum and Ms. Naar requested that this funding continue this year adding that the museum's 2011 operating budget was \$35,300. Ms. Naar informed Council that the museum was awarded a \$10K Challenge Grant for the Morgan Grant in Richmond and needed to raise the \$10K match and asked that the Town's funding be designated toward meeting this match. Ms. Naar continued by stating that she was happy to announce that the Mayor and all Council members were members of the Cape Charles Historical Society. The museum is in need of additional space and she would like "mini-exhibits" to be located in the Town Hall, the Library and other locations in Town. Ms. Naar added that the museum continues to operate without a professional director and eventually she would like the Town to add funding for a director at a salary of \$22K - \$30K annually, adding that the goal would be to operator the museum similar to the Barrier Islands Center. Ms. Naar gave a copy of the annual report to Mayor Sullivan who stated that the report would be scanned and emailed to Council for their review.

Don Clarke, 304 Fig Street:

Mr. Clarke addressed the Council regarding the Arts Enter and the Local Government Challenge Grant application. (See attached.)

Bill Neville, Mt. Vernon, MD:

Mr. Neville addressed the Council stating that he wanted to speak a little about tall ships and that several times in the past, tall ships were brought into the area. This would be an excellent opportunity for Cape Charles to capitalize on traffic that usually just went by the Town when visitors would go to tall ship events held in Baltimore, Annapolis, Norfolk, etc. The Town needed to put out a "welcome" to the tall ships inviting them to stop and offering perks for them to do so. This would be a good tourist attraction. Mr. Neville added that he was unsure of the financial commitment, but that Mr. Kabler would provide the information to Council. Mr. Neville concluded by stating that he would appreciate any consideration given to this issue.

John Burdiss, 117 Mason Avenue:

Mr. Burdiss stated that he was addressing Council on behalf of the Cape Charles Rotary Club adding that he was not here to ask for money. The Rotary Club was working on two projects with Town staff. The New Roots Garden Project was written by Ms. Laurie Klingel for a community garden. Soon, there will be some earth moving at the site which may involve some Town staff helping with the work. The projects were part of the obesity campaign to combat obesity in children and this would be a beautiful place coming into town and the idea was for children to help work in the

garden and eat food grown in the garden. The other project was the Get Fit Club, which Jen Lewis would be talking about later. This project was written by Ms. Roberta Newman and was scheduled to start April 4th. The Rotarians would provide volunteers and \$3,250 this year in support of these projects. Mr. Burdiss concluded by thanking the Town for their support.

Sandy McFall – Gallery 209, Dawn Freudig – Bayside Café, Gene Kelly – Kelly's Pub:

Ms. McFall stated that she was here on behalf of some of the small business owners in Town to inform the Council of the dire circumstances they were in. Ms. McFall stated that she was speaking for herself, Steve Hairfield of Impact Fitness, Roberta Romeo of the Cape Charles Coffee House and Dave Burden. The economy was affecting everyone and several businesses were "circling the drain" and on the brink of closing. Ms. McFall stated that she would hate to see the effect to the Town if several of the businesses closed. Ms. McFall stated that she has no budget and was an unofficial "non-profit" business and added that she had not paid herself in a long time. Ms. McFall asked whether a committee could be put together and some relief actions taken to help the businesses in Town. Ms. McFall continued by stating that she had been here seven years and did not want to close her business but had decided to give it until the end of the year and if she did not see any improvement, she would have to close.

Ms. Freudig asked whether there were any funds available from a government level for businesses that were trying to establish themselves in a Town that was trying to come back to life. Cape Charles was a tourist town and was wondering if the Town could legally designate the Town as a tourist town so businesses, even though opened year-round, could possibly pay for seasonal licenses and permits, such as the ABC License and a Board of Health permit, vs. having to pay the entire annual fees. Ms. Freudig stated that she believed that businesses that were open only seasonally currently pay a fraction of the annual licensing fees and if the Town could be legally designated as a tourist Town, all the businesses could take advantage of reduced fees. Ms. Freudig concluded by stating that the businesses were in a lot of trouble and every little bit helps.

Mr. Kelly added that he keeps his business open seven days per week and the reason that he did was because there were people here during the winter months. Mr. Kelly stated that he struggled during the winter months because his fixed costs were the same during the winter as in the summer. The weekends were good, but during the week, he would go in the hole because he would not make enough to cover his expenses. Mr. Kelly stated that he realized that customers could not be invented but something could be done to encourage customers to come to Town such as making the Town more inviting during the fall and winter. Need to come up with a solution. If not, he was not sure whether he would still be here next year. Mr. Kelly added that he has people tell him that they did not eat out because they did not want to pay the 10% meals tax. If that amount could be reduced, especially in the off season, that would help get the people out. If his business was not here next year, the meals tax revenue would be gone for the Town. Mr. Kelly concluded by stating that the Town needed to get creative to help the businesses in the off season.

Jim Mahaffy, 415 Tazewell Avenue:

Mr. Mahaffy stated that he was speaking in support of Gene Kelly, Sandy McFall and Dawn Freudig. Two weeks ago, a business owner told him that they grossed \$30 for an entire weekend. When he first moved here in 1998-1999, there were only four stores open – a trading center, a grocery store, Watson's Realty and Rayfield's. All the other store fronts had "For Sale or Lease" signs in the windows. We were going back to that. The business owners were having a desperate time and he would hate to have to go through the winter months with no businesses being open. We were in a recession or depression and could not just raise the prices because fewer people were here. The Town had to do something positive to support the realtors and business owners in Town. Otherwise, the Town would look like the early 90s when there was nothing to bring the tourists here. Something needed to be done to support the businesses so they would be here in the summer when the tourists do come.

Additional comments were received by email from 10 residents from Cape Charles and the surrounding area expressing their support of Operation Sail 2012. Emails were received from: Tom Atkinson – 555 Monroe Avenue, I. Reese Smith – Capeville, Bill Neville – Princess Anne, MD,

Susan Kovacs - Machipongo, Honey Moore - Gull Hummock-213 Mason Avenue, Arts Enter/Historic Palace Theatre, William Akin, Eloise Nunn, Jean Steffens, and Richard Williams - Franktown. (See attached for comments.)

CONSENT AGENDA:

Mayor Sullivan stated that new Item 7G - Purchase Option was being added under New Business.

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

The Town Council reviewed the minutes of the February 1, 2011 Joint Public Hearing with the Planning Commission, the February 10, 2011 Public Hearing, the February 10, 2011 Regular Meeting, the two February 16, 2011 Executive Sessions, the February 24, 2011 Work Session and the February 24, 2011 Executive Session.

Motion made by Councilman Evans, seconded by Councilman Sullivan, to approve the minutes for the February 1, 2011 Joint Public Hearing, the February 10, 2011 Public Hearing, the February 10, 2011 Regular Meeting, the two February 16, 2011 Executive Sessions, the February 24, 2011 Work Session and the February 24, 2011 Executive Session as presented. The motion was approved by majority vote with Councilwoman Natali abstaining since she was not in attendance at the two February 16, 2011 Executive Sessions.

REPORT PRESENTATIONS:

A. Town Manager's Report:

Town Manager Heather Arcos began by stating that she was committed to help the business owners get through this difficult time. Heather Arcos went on state that she did not have anything to add to her report but that she wanted to present the first Citizens Recognition Award and an Employee Recognition Award.

The Citizen Recognition Award was presented to Ms. Liz Jones, a citizen of Cape Charles who was always available to assist in making the town of Cape Charles a better place by putting the interests of everyone else ahead of hers. Without her help, the Recreation Program would not be what it was today. Ms. Jones was always first in line to offer her help by creating programs, helping to set up and take down events, helping with fundraisers and spreading the word about upcoming events. Ms. Jones was the founder of Trunk or Treat and even though she had a family emergency and could not attend last year's event, she made sure her car was there and everything was organized before she left town. Thank you, Liz Jones.

The Employee Recognition Award was presented to Ms. Sharon Silvey, the Library Assistant, who exceeded the boundaries of her job almost every day but lending a hand whenever possible. Ms. Silvey was the first to show up and the last to leave and had taken items home to clean and return so that others would not have to be bothered after a long event. Ms. Silvey worked hard to reach out to the children, constantly reminding them of upcoming events and had developed a wonderful relationship with the children in Town. There were times when she could not make it to events due to her work schedule but she always made sure that her family was there to support the event. It was reassuring to know that Ms. Silvey was there every day and ready to help at a moment's notice. Thank you, Sharon.

Certificates were presented to Ms. Jones and Ms. Silvey.

Mayor Sullivan stated that this program would continue and that it was great for morale and good for citizens and staff to be recognized.

B. Treasurer's Report:

The Treasurer's report dated February 28, 2011 showed \$135,508 in the Bank of America checking account and \$3,043,620 in the Local Government Investment Pool ("LGIP") with a Total Cash on Hand of \$3,179,128. Treasurer JoAnna Leatherwood informed Council that she

had distributed a list of 10 property owners with the highest balances of unpaid real estate taxes. Only four properties were eligible for tax sales. To be eligible for tax sale, the taxes must be in arrears for at least three years or the property value must be assessed at less than \$100K. The County was getting ready to refer the delinquent 2008 taxes to their attorney. If any of these properties have outstanding balances to Cape Charles, the Town could get some of the delinquent balances repaid after the sale if there was any money left after County taxes and fees were paid off.

Councilman Veber asked how many businesses were in Town. JoAnna Leatherwood stated that she did not know. Councilman Veber suggested that a meeting be scheduled with all business owners to discuss their situation to see if anything could be done to help them. Mayor Sullivan agreed.

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:

Community Events/Recreational Coordinator Jen Lewis distributed the New Roots Youth Garden plan developed by Ms. Laurie Klingel asking Council to review it and to contact her with any questions. Jen Lewis added that she was working with the Cape Charles Rotary Club, as stated by Mr. John Burdiss, on the Get Fit Program to help combat childhood obesity.

Councilman Veber asked Jen Lewis to discuss the program with First Tee. Jen Lewis stated that a six-week golf program was being organized to help kids learn to play golf. There was a \$10 fee per child for members of the YMCA and \$15 fee for non-members which was paid to First Tee. The kids would be bussed to Quinby to play at their golf course if a course could not be located closer to Town. She was looking for volunteers to sponsor a child since many children cannot pay the \$10 or \$15 participation fee.

D. Library Report:

Librarian Ann Rutledge was not in attendance.

E. Harbor Report:

Harbor Master Smitty Dize passed around a notebook of photographs of the construction at the Harbor and the poster for the 4th Annual Blessing of the Fleet for Council's review then went on to report the following: i) The wave attenuator would arrive by next Friday and the C-Dock would not be completed until the wave attenuator was installed. The D and C Docks were scheduled to be completed by the Blessing of the Fleet and there was a chance that the B-Dock could be completed as well. The construction was on schedule and included 44 floating boat slips and a total of 56 additional docking spaces. There would be 116-120 total docking spaces in the Harbor upon completion of the construction; ii) On May 20-22, 2011, the Northampton Chamber of Commerce would be holding the Lower Chesapeake Bay Black Drum Classic at the Cape Charles Harbor. For more information, please contact the Chamber of Commerce; and iii) To date, 13 Buy Boats were scheduled to arrive in Cape Charles for the Chesapeake Bay Buy Boat Reunion on August 5-8, 2011. He was working with staff and area businesses regarding activities for the weekend. In response to Mr. Bill Neville's comments, Smitty Dize stated that several years ago, the Town Council had adopted rules permitting boats of historical value, such as tall ships and buy boats, to dock at the Town Harbor for free and letters were sent to many of the tall ships inviting them to come to Cape Charles Harbor.

F. Public Works / Public Utilities Report:

Public Works / Public Utilities Director Dave Fauber reminded Council and everyone in attendance that the construction work on Mason Avenue would begin soon and notices were distributed to all residents and business owners along Mason Avenue. The construction should be completed by May 15th.

G. *Code Enforcement:*

Code Enforcement Officer Jeb Brady reported the following: i) Several punch list items for Central Park were left unfinished until warmer weather arrived. The bollards and benches were not installed correctly. The Central Park was approximately 80% complete as a whole and approximately 95% if the fountain issues were excluded. The Town has retained approximately \$60K from the contract for not addressing these issues which would be enough if the Town had to hire another contractor to complete the work; ii) He has been working with the engineers to address the standing water problem at the park and they were working on a plan to draw down the water. The problem was due to clay beneath the sand which hinders drainage; and iii) He has developed a guide for homeowners with contractor regulations and explanations as to the various permit requirements, etc. He distributed copies to Council and advised that it was also available on the Town's website.

H. *Planning Report:*

Town Planner Tom Bonadeo stated that several new businesses were coming to Town. The Cape Charles Hotel renovations were getting underway to create 16 guest rooms with a goal to open by summer for year-round clientele. This would bring approximately 30 people to Town to eat meals and shop. Also, a number of houses in Town were being renovated.

Councilman Veber asked Tom Bonadeo to develop something, similar to the Homeowners' Guide developed by Jeb Brady, to provide to prospective businesses regarding the various tax advantages, tax credit programs, etc.

OLD BUSINESS:

A. *Water and Sewer Facility Fees:*

Consultant Bob Panek stated that the current connection charges totaling \$20K were approved in 2009 based on growth projections, water and wastewater capacity expansion cost estimates and grant/loan estimates available at that time. The Town had achieved a greater grant percentage principally due to obtaining additional funding under the American Recovery and Reinvestment Act (ARRA). At the February meeting, Council considered two estimates of connection charges and approved drafting an ordinance reducing the residential connection charges to \$12,350 and rebating the difference to those individuals who have paid the \$20K. A public hearing was held earlier this evening and no comments were heard. In order for these changes to be approved, Council must adopt Ordinance #20110310 Reducing the Water and Sewer Connection Charges.

Mayor Sullivan moved for adoption of Ordinance #20110310 Reducing the Water and Sewer Connection Charges. Ordinance #20110310 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

B. *Wastewater Treatment Plant Construction Update:*

Bob Panek informed Council that, as of the February 2011 progress meeting, construction on the new wastewater treatment plant was on schedule for completion in November 2011. A fifth interim project evaluation had recently been completed by DEQ with no significant issues raised. An additional wage determination has been requested from the U.S. Department of Labor under the Davis-Bacon Act and the contractor was awaiting approval. An invoice of \$1.1M had recently been paid by the Town totaling \$7.3M paid to date, which represented approximately 50% of the contract. The contract value was \$15M which included two change orders for effluent reuse and unsuitable soil at the site. A third change order for \$34K was ready for approval for miscellaneous items, including changes to better accommodate the new membranes and capping an abandoned water pipe.

C. *PSA & Regional Wastewater System Update:*

Bob Panek stated that the Southern Node Preliminary Engineering Report (PER) had been completed and the State Water Control Board (SWCB) 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 to remain within the boundaries of Cheriton which would reduce the project

cost. A revised PER was expected by the end of March. The draft PER for the Northern Node had been reviewed by the Project Management Team (PMT) and was being finalized by the consulting team. The Nassawadox Town Council voted against mandatory connections, therefore, the first phase of this node will be the Town of Exmore and the Nassawadox medical community. This project would cost approximately \$11.3M. Financial applications have not yet been submitted. Both projects were dependent upon significant amounts of grant funding to yield affordable rates and it was planned to apply to both USDA Rural Development and the Virginia Department of Housing and Community Development for grant/loan packages. The PSA had also been in discussion with Riverside Health System concerning a capital contribution for the Northern Node project.

The PSA had been meeting monthly since August 2010 but not a great deal of progress has been made. Two PSA Board members had spoken in opposition to the Southern Node project before the SWCB and the County Board of Supervisors (BOS) and two other board members have resigned and have yet to be replaced by the BOS. With the completion of the PERs for the Southern and North Nodes under the planning grants looming, it was critical that the PSA assume responsibility for the projects but thus far had refused to do so. A meeting with the County BOS had been scheduled for April 20th to discuss the future of the PSA.

Councilman Bennett asked whether the zero interest loan had a time limit. Bob Panek did not know if there was an official time limit but an update needed to be provided to the SWCB before their next meeting regarding where the PSA stood regarding accepting responsibility for the projects.

Councilman Veber asked Bob Panek to explain that the PSA was different from the Town and that the Town would not be liable for any money regarding the PSA. Bob Panek stated that Councilman Veber was correct. The PSA would need a co-signer for the loans which would probably be Northampton County, but the PSA was not in position yet to move forward since commitments had not been secured yet for grant funding which was necessary to make this project affordable.

Councilwoman Natali asked about the status of the financial disclosure filing requirements from the PSA Board. Bob Panek replied that all board members had met the filing requirements.

NEW BUSINESS:

A. *Tree City USA Presentation by Robbie Lewis:*

Mayor Sullivan introduced Mr. Robbie Lewis and his daughter, Skye, adding that this was the son and granddaughter of Mayor Bo Lewis of Cheriton.

Mr. Lewis stated that he currently resides in Onancock but grew up in Cheriton with very fond memories of Cape Charles. Mr. Lewis added that he works for the Forestry Department for Accomack and Northampton Counties dealing with fire suppressions and education. Mr. Lewis went on to state that he wanted to inform the Council of the Tree City USA Program which was a program sponsored by the Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters and provided direction, technical assistance, public attention and national recognition for urban and community forestry programs in thousands of towns and cities across the country. This program was based on trees on public property and to qualify as a Tree City USA community, a town needed to meet four criteria: i) create a Tree Board comprised of people interested in trees; ii) develop a Tree Care Ordinance; iii) develop a Community Forestry Program with an annual budget of at least \$2 per capita; and iv) plan an Arbor Day observance and proclamation. Mr. Lewis explained that the Arbor Day observance did not have to be elaborate and a number of things could be done and added that he would be happy to help in any way possible. The Tree City USA designation was a really nice designation and if Council was interested, give him a call and he would assist in the process.

B. *Tall Ships Economic Development Initiative Presentation by David Kabler:*

Mr. David Kabler addressed Council regarding Operation Sail (OpSail) 2012 which was scheduled for June 2012 stating that this was an economic development plan and the inspiration behind his desire to bring the tall ships to Cape Charles was to encourage visitors to Town which, in turn, would help the businesses in Town. Mr. Kabler went on to state that he had given similar presentations to the Northampton County Ad Hoc Economic Development Committee, the Eastern Shore of Virginia Tourism Commission, the Northampton County Chamber of Commerce, the Northampton County Planning Commission and the Board of Supervisors, all of which have expressed their support. Mr. Kabler added that he was not asking for a commitment tonight but would like to have a meeting with County Administrator Katie Nunez and Heather Arcos to answer any questions they may have regarding this event. Heather Arcos added that she had already started discussions with Ms. Nunez and that they would like to include Ms. Donna Bozza from the Eastern Shore of Virginia Tourism Commission. Mr. Kabler went on to state that the Town should not underestimate the potential for this event to bring tourism, business, etc. into the area but there was a financial commitment involved and the Town needed to name a chairperson for the event planning. Mr. Kabler stated that his goal was to bring in one ship each week through the entire tourist season and he was trying to get them to come here for free dockage or minimal cost vs. the Town having to invest a substantial amount of money in fees. Advertisements would be placed in the newspaper regarding the ships and the dates they would be here so hundreds of visitors would come to Town. Mr. Kabler added that in November 1999, the *Clipper City* was anchored here for five weeks awaiting dockage in Newport News and logged 3,500 visitors over the five week period. OpSail 2012 event would be the largest flotilla in the nation's history and the number of visitors to the region was estimated at over 2M. Mr. Kabler stated that the event was scheduled for 2012 but the commitment was needed now, by the April 15th deadline. Council needed to assign a spokesperson to attend all the planning meetings in Norfolk and Fest Events would share their expertise regarding grants, security, etc. Everybody would be a partner in bringing this event to Town – the Town of Cape Charles, all the businesses in Town, the Cape Charles Museum, Northampton County, Chamber of Commerce, Eastern Shore of Virginia Tourism Commission, etc.

Mayor Sullivan stated that Council was prepared to adopt a resolution in support of OpSail 2012 without committing financially at this time. Mr. Kabler responded that the resolution was not needed tonight, but wanted a commitment to schedule a meeting with Heather Arcos, Ms. Nunez, Ms. Bozza and himself to discuss this further. Heather Arcos stated that she would set the meeting up next week.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to table adoption of the resolution to endorse and support Operation Sail 2012. The motion was approved by unanimous consent.

C. *Federal Highway Safety Grant Application:*

Heather Arcos explained that the Federal Highway Safety Grants were awarded annually to law enforcement agencies to combat violations of alcohol/impaired driving, occupant protection – seat belts/child passenger safety, aggressive driving/speeding, and pedestrian and bicycle safety. The Town received \$5,500 from this grant for FY 2010/2011. For FY 2011/2012, the Town would be requesting \$8,570 to purchase a much needed in-car camera, to pay for saturation patrols and highway check points in our jurisdiction, and officer training. This grant requires a 20% in-kind match but the Town would be able to show fuel usage and vehicle maintenance costs towards the match. Heather Arcos requested approval to submit the grant application by the March 15, 2011 deadline. Police Chief Charles Brown added that the grant would not be effective until October 2011 but the application had to be submitted by March 15th to get on the agenda for approval.

Motion made by Councilman Evans, seconded by Councilman Sullivan, to approve the submission of the application for the Federal Highway Safety Grant by March 15, 2011. The motion was approved by unanimous consent.

D. *Grounds Maintenance Contract Award:*

Heather Arcos informed Council that an Invitation for Bids (IFB) for the Grounds Maintenance Service was advertised in February. Four bids were received and were opened on February 28th. The bids were reviewed and staff recommended Eastern Shore Landscape Management, Inc. (ESLM) be awarded the contract. ESLM was not the low bidder but had been the grounds contractor since 2008 and had performed the duties professionally and safely in a responsible and responsive manner. Advantage Lawn Care was the low bidder but their bid package was incomplete and past experience with the company was not favorable.

ESLM's base bid for mowing services was \$21,090, which was less than last year. Their bid for the maintenance for Central Park, including mowing, fertilization, aeration, herbicide spraying, mulching, pruning and irrigation was \$16,075 for a total contract of \$37,165.

Councilwoman Natali stated that the Mason Avenue side of the hump needed to be landscaped and asked whether this was included in the contract. Heather Arcos stated that it was not but ESLM was asked to provide a bid for this area which would be reviewed during the budget meetings. Vice Mayor Bannon agreed that something needed to be done at the hump.

Heather Arcos added that a new landscaping plan was being developed for the area around the Cape Charles Welcome Sign at Route 13 and should be ready for review by Council at the April meeting.

Motion made by Vice Mayor Bannon, seconded by Councilman Evans, to award the Grounds Maintenance Service Contract, including the maintenance of Central Park, to Eastern Shore Landscape Management, Inc. The motion was approved by unanimous consent.

E. *Contract Award for Emergency Generator at Plum Street Pump Station:*

Heather Arcos informed Council that an IFB for the replacement of the Plum Street Emergency Generator and Transfer Switch was advertised in February. Two bids were received and were opened on March 3rd. The bids were reviewed and staff recommended that low bidder Harris Power of Yorktown be awarded the contract whose bid came in at \$23,200. \$45K was budgeted this year for a replacement generator.

Also included in the IFB was the option to bid on the Pine Street and Washington Avenue Pump Stations to be installed in the 2012 and 2013 budgets. The low bidder submitted bids of \$24,500 and \$25,300 respectively. Neither the Town nor the contractor were obligated to either of these pump stations until a separate contract was executed for each.

Councilman Bennett suggested that since the low bid for the first generator came in at \$23,200 and the Town had already budgeted \$45K for this project, for an additional \$2,700, the second generator could also be installed this year. Dave Fauber stated that the contractor may be willing to do both for \$45K and would contact the contractor regarding the second generator.

Motion made by Councilwoman Bennett, seconded by Councilwoman Natali, to award the Plum Street Emergency Generator contract to Harris Power and Equipment and if the contractor was willing to do the Pine Street Generator within the \$45K total budget, then both generators should be included in the contract. The motion was approved by unanimous consent.

F. *Local Government Challenge Arts Grant Application:*

Heather Arcos informed the Council that as Mr. Don Clarke explained earlier, the Town has participated in the Virginia Commission for the Arts Local Government Challenge Grant since 1997 and the Commission matches local government funds up to \$5K. The grant application deadline was April 1, 2011. The grant application was typically drafted by the Arts Enter and signed by Town staff. The Town must confirm in writing to the Commission the Council's decision to appropriate the matching funds by July 1, 2011. In the last several years, the Town had designated \$2500 for the Arts Enter, since Mr. Clarke asked for \$5K this year, she recommended that the application be submitted for \$5K. The application did not commit the Town to \$5K. The dollar amount could be evaluated

during the upcoming budget discussions and the Town's commitment be confirmed in writing by July 1, 2011.

Motion made by Councilman Evans, seconded by Councilman Sullivan, to approve submittal of the Local Government Challenge Grant application in the amount of \$5K by the April 1, 2011 deadline. The motion was approved by unanimous consent.

G. Purchase Option:

Heather Arcos stated the current leases of five parcels of Town property to Southport Investors contain purchase options for Parcels 83A3-19 and 83A3-20 and the Town was negotiating amendments to the two leases to refine: i) permitted uses of the property; ii) insurance requirements; iii) assignment provisions; and iv) exclusion of areas required for public utilities. Southport has requested a purchase option be added for Parcels 83A3-12 and 83A3-17 to enhance their ability to develop the planned yacht center. The Town expected to receive Southport's agreement with the lease amendments in the near future. The Code of Virginia required a public hearing be held prior to disposal of real property and that such sale be made pursuant to an ordinance passed by a recorded affirmative vote of three-fourths of Council. A purchase option must be treated in the same manner as a sale. Heather Arcos recommended that a public hearing be tentatively scheduled for March 30, 2011, contingent upon Southport's agreement with the proposed lease amendments.

Motion made by Councilman Bennett, seconded by Councilman Evans, to schedule a public hearing for granting purchase options for Parcels 83A3-12 and 83A3-17, tentatively for March 30, 2011 contingent upon Southport's agreement with the proposed lease amendments. The motion was approved by unanimous consent.

OTHER ISSUES:

Mayor Sullivan thanked all the attendees for coming to the meeting and stated that the Council did hear them.

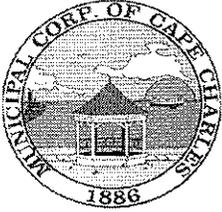
ANNOUNCEMENTS:

- March 30, 2011 - Tentative Town Council Public Hearing, 6PM at the Town Hall
- March 31, 2011 - Town Council Budget Work Session, 6PM at the Town Hall
- April 4, 2011 - State of the County Breakfast, 8AM at Aqua
- April 7, 2011 - Town Council Budget Work Session, 6PM at the Town Hall
- April 8-9, 2011 - 4th Annual Blessing of the Fleet
- April 14, 2011 - Town Council Regular Meeting, 6PM at the St. Charles Parish Hall

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to adjourn the Town Council Regular Meeting. The motion was unanimously approved.

Mayor Sullivan

Town Clerk



**DRAFT
TOWN COUNCIL**

Special Meeting

Town Hall
March 22, 2011
6:00 p.m.

At 6:02 p.m. at the Town Hall, Mayor Dora Sullivan, having established a quorum, called to order the Special Meeting 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. and Councilman Bennett arrived at 6:09 p.m. Also present were Town Manager Heather Arcos, Treasurer JoAnna Leatherwood, Harbor Master Smitty Dize 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: A. Riverside Shore Memorial Hospital; B. Award Change Order on the Harbor Redevelopment Project; and C. Employee Health and Dental Insurance.

Riverside Shore Memorial Hospital

Town Manager Heather Arcos stated that the County had asked for the Town's support regarding this issue advocating a comprehensive medical plan to cover both counties and added that Riverside Shore Memorial Hospital's Certificate of Public Need (COPN) application stated that there was no need for emergency medical services in Northampton County. A letter had been drafted, to be signed by the Mayor, and would accompany the Resolution being adopted this evening.

Vice Mayor Bannon asked whether Bay Creek was aware of this information. Councilman Sullivan stated that Mr. Oral Lambert was the Economic Development Director for the Chamber of Commerce and was the spokesperson for the Chamber in opposition to this COPN. Vice Mayor Bannon stated that when people move to the area, they wanted good medical services available. Mayor Sullivan requested that this information be forwarded to Bayshore Concrete as well.

Motion made by Councilman Veber, seconded by Councilman Sullivan, to adopt the resolution to support the County in this endeavor to keep medical services in the County.

Mayor Sullivan moved for adoption of Resolution #20110322 – In Opposition to Riverside Shore Memorial Hospital's Certificate of Public Need #7820. Resolution #20110322 was adopted by unanimous vote. Roll call vote: Bannon, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

Award Change Order on Harbor Redevelopment Project

Heather Arcos informed the Council that Change Order 1 had been received from Somerset Paving & Marine to install a new water main and conduit for broadband services. A quote was also received from JCB Construction, who was working on the Mason Avenue Forcemain and Pump Station Upgrade Project, but Somerset Paving's pricing came in lower with a price of \$278,509.23. Heather Arcos added that this amount was less than the

estimate in the original bid request. Harbor Master Smitty Dize stated that the new water line would supply water to the fire hydrants, docks, and the future restaurant, bath house, Harbor Master's office, etc. Some of the cost would be reimbursed through the Broadband Grant.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali, to authorize the Town Manager to sign the Changer Order from Somerset Paving & Marine in the amount of \$278,509.23 for the new water line and conduit at the Harbor. The motion was approved by unanimous consent.

Employee Health and Dental Insurance

Heather Arcos states that the premiums for the Town's Employee Hospitalization and Dental Coverage Plan were increasing effective April 1st. The increased cost per employee was \$112.44 which equated to \$9.37 per month. Heather Arcos recommended that the Town pay the increased cost in its entirety. Employees on the Keycare 15 plan would continue to pay \$40.95 per month and employees on the Keycare 10 plan would pay \$158.79 per month. Treasurer JoAnna Leatherwood added that the cost increase was covered in this year's remaining budget.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to approve the Town paying the increased premiums with employees under the Keycare 15 and 10 plans paying the difference as discussed. The motion was approved by unanimous consent.

Councilman Bennett stated, for the record, that he would have voted in favor of adopting Resolution 20110322 – In Opposition to Riverside Shore Memorial Hospital's Certificate of Public Need #7820.

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

Mayor Sullivan

Town Clerk



**DRAFT
TOWN COUNCIL**

Executive Session

Town Hall

March 22, 2011

Immediately Following the Special Meeting

At 6:13 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Evans, Sullivan and Veber and Councilwoman Natali. Also in attendance was Town Manager Heather Arcos.

Motion made by Councilman Evans, seconded by Councilman Bennett and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of:

Paragraph 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: Potential Land Acquisitions

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

Mayor Sullivan

Town Clerk



DRAFT TOWN COUNCIL

Work Session

Town Hall

April 7, 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, Sullivan and Veber. Councilwoman Natali arrived at 6:02 pm and Councilman Evans arrived at 6:58 p.m. Also present were Town Manager Heather Arcos, Treasurer JoAnna Leatherwood and Town Clerk Libby Hume. Other department heads in attendance were Police Chief Charles Brown, Harbor Master Smitty Dize, Public Works/Public Utilities Director Dave Fauber, Community Events / Recreational Coordinator Jen Lewis, Library Manager Ann Rutledge and Consultant Bob Panek. There was one member of the public in attendance.

Mayor Sullivan announced the business for the evening would be to review the proposed operating and capital budgets for FY 2011-2012.

Town Manager Heather Arcos began by reviewing the budget assumptions and highlights and explained that: i) There were no cost of living increases factored into the personnel costs. The Town had not given cost of living increases to its employees since FY2008; ii) There was an increase in the number of hours for the part time clerk in the Town Clerk's budget; and iii) Two days per week have been allocated for a part time assistant town manager position. Several departments have requested step increases for employees.

Heather Arcos went on to review the assumptions and highlights for professional services, other operating expenses and capital projects. There was an overall increase of \$8K for Public Officials Liability Insurance included in the Town Manager and Police Department budgets. The new policy would increase the amount of coverage to \$2M and provide access to various services such as human resources, training, etc. The insurance amount for the new wastewater treatment plant was \$12K for six months. This figure would be reduced after the old plant had been decommissioned. A new line item in the Town Manager and Police Department budgets was the Line of Duty Act (LODA) Insurance Coverage which was mandated by the State effective July 1, 2011. The LODA provided state-funded death and disability benefits for state and local public safety officers or their beneficiaries due to death or disability resulting from the performance of duties. The expense for the 21 active volunteer fire fighters had been added to the Town Manager budget and the expense for the 5 police offices was included in the Police Department budget. Heather Arcos went on to explain that a new line item for Broadband Service had been included in several budgets for the cost of broadband service to the Municipal Building, the Library and computer lab, and the Harbor. The estimated monthly cost for broadband was significant but would provide high speed connections, improved capabilities for networking and phone system options. There was a program in place where libraries would receive a 90% reimbursement of broadband costs. The Town would apply for this reimbursement.

Heather Arcos asked the Council to make note of any areas, during this evening's review, where items can be cut or reduced.

The operating and capital budgets for the following departments were reviewed: i) Library; ii) Recreation; iii) Police Department; and iv) Harbor.

There was some discussion regarding the increases across the board for State Unemployment. Treasurer Jo Anna Leatherwood explained that the State had changed the process used to determine rates. Councilman Veber added that the increase in unemployment benefits to 99 weeks also played a role in the rate increases.

The Library budget included a \$5K increase for books and subscriptions to purchase additional CDs and audio books.

The Recreation budget included a request to lease a handicap-accessible port-a-potty to be located at South Peach Street.

The Police Department budget included the following: i) a request to lease a 2011 Ford Explorer to replace the 2004 Dodge Intrepid driven by the Chief. The Police Department was in need of a 4WD vehicle which became evident during the heavy snows this past winter. The roads were impassable and several officers were forced to use their personal vehicles to patrol the Town; and ii) \$2K for emergency radio system changes which was a result of Federal mandated changes to the 911 and police system.

The Harbor budget included the following: i) an increase in part-time wages due to the hiring of one (1) part-time employee and three (3) seasonal part-time positions. This increase was due to the additional slips and anticipated increase in boater traffic; ii) Legal expenses were added to the budget to cover the cost of collection of accounts receivables. Last year, the Town paid \$1,999 in legal costs to collect a \$38K debt; iii) \$1,200 was added for a maintenance contract for the cameras and software for the docks; iv) with the addition of the seasonal part-time staff, an additional time clock would be installed at the Harbor; v) janitorial supplies were increased due to the purchase of additional supplies for the proposed bath houses; vi) \$3,500 in educational expense was added to allow Harbor Master Smitty Dize to attend a marina operators course. This cost was for the first of three parts; vi) increases were included for operating supplies, fuel purchases, lube & oil purchases, ice purchases, and miscellaneous resale items due to the expected increase resulting from the additional boat slips; and vii) \$35K was included for the construction of a walkway by the new docks. A quote of \$75K was received from the Somerset Paving but the Town opted to purchase the materials and construct the walkway in-house.

There was much discussion regarding the debt service for the offshore breakwater and various scenarios were reviewed.

At 8:10 p.m., Mayor Sullivan suggested adjournment of this meeting stating that everyone has had a long day and after two hours, Council and staff were not able to think clearly. An additional budget work session was scheduled for Tuesday, April 12th, beginning at 6:00 PM to continue the review of the operating and capital budgets. The Executive Session was also rescheduled to April 12th immediately following the work session.

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

Mayor Sullivan

Town Clerk

Town Manager Report
Highlights
March 11, 2011 – April 7, 2011

Harbor Development Update

- The construction of the floating slips at the Harbor is moving along nicely. C-Dock and D-Dock are complete and B-Dock is close to completion. The electric pedestals are expected to be installed later this month.
- Monthly meetings are held with the contractor and the Town is pleased with their quality of work.
- The Harbor Area Review Board (HARB) completed their review of the plans for the Harbor Bathhouses.
- Staff is working to review the bathhouse recommendations made by the HARB and considering streamlining the design of the building to make it more economically feasible. The final design will be provided to Council for review.
- The award of funding through the Virginia Port Authority will be announced in May.

Northampton County Tourism Infrastructure Grant Application Update

- No word has been received regarding the Town's Infrastructure Grant Applications requested funding for the following projects:
 - Golf Cart and Bike Trail to be constructed to provide safe access for golf carts and bicyclists to travel between the Bay Creek Golf Community and the Historic District.
 - An ADA access to be constructed from the boardwalk to the bathroom at the south end of the beach to provide much-needed access to the bathroom for individuals with physical disabilities.

Mason Ave. Forcemains and Sewer Project Update

- Work has begun on the Mason Avenue Forcemains and Pump Station Upgrade and is moving along quickly.

Pump Station Emergency Generators

- Staff has confirmed that we will be able to install 2 generators for the \$45K budgeted for this year, as suggested by Councilman Bennett at the March Council meeting. The contract is being finalized and should be executed shortly.

Central Park Update

- The contractor has begun the repairs to the fountain.
- We are hopeful that the remaining punch list items will be completed within 2 weeks.
- Central Park Trail project will be closed within a month and final reimbursement from VDOT will close this project.
- If approved in the FY2012 budget, the Phase 2 North Peach Street and Washington will be designed with construction only on North Peach Street.

Public Works Update

- Evaluation and Plan for the beach is underway. The Volleyball area will be relocated this year.
- Spring Cleanup is underway.
- The Gazebo at the beach will get a face lift.

Technology Zone

- Staff continues to work on the draft ordinance based on input from Council.

PSA for Regional Wastewater

- The County will be advertising to fill the 2 At-Large position vacancies.

Old Cape Charles School

- Light maintenance is being performed on the exterior of the building. The fence in the back has been installed for security purposes. Prices are being obtained for window repairs.
- The Town is still working on possible uses for this building.

Economic Impact Study / Wind Energy Project

- A meeting was held with the County, Bayshore Concrete, Old Dominion University (ODU) and the Town to provide input on the economic impact study being done by ODU.
- Gamesa has been in Town gathering information from staff and Bayshore Concrete regarding the proposed Wind Energy Project.

Economic Development

- A presentation to Council will be scheduled in July with Liz Povar of the Virginia Economic Development Partnership.
- Heather met with Lynne Lochen, the new Tourism / Marketing Development Specialist, and discussed issues related to Cape Charles. Lynne Lochen has some great ideas regarding the shoulder seasons and we look forward to working with her.

Tall Ships Initiative

- A meeting was held with David Kabler, Donna Bozza and Katie Nunez. This could be a great opportunity for the Town, County and Tourism Commission to work together on this project. The Town has not committed to any financial obligation at this time and the Town's contributions of services and personnel could be significant. The talks have just begun regarding the organization, promotion and funding of the event(s). David Kabler suggested hiring a Tall Ship Ambassador to help promote and organize the event(s).

Landscaping for Route 13 Entrance to Town

- The Town has received an offer and landscape plan from Bay Creek to landscape the entrance into Town along Routes 13 and 184. Much of the property to be landscaped belongs to VDOT so a Land Use Permit must be obtained. Staff has met with VDOT representatives and we are trying to expedite the approval of the plantings so Bay Creek can move forward with their plan. The Town is excited about the possibility of this much needed improvement to beautify the entrance into Town.

Meatland Building & Other Vacant Storefronts

- The plywood on the windows at the old Meatland Building have been painted and looks much better coming into Town. Take a look!
- Looking for ideas to enhance the appearance of the vacant storefronts along Mason Avenue.
 - Marian Naar suggested various displays from the Cape Charles Museum being placed in the windows. This will be shared with the Business Association.

Veterinary Services

- The agreement with Leslie Nelson, DVM is getting close to finalization regarding bringing veterinary services to Cape Charles and the surrounding area. Dr. Nelson will be providing basic examinations, routine vaccinations for dogs and cats, routine wellness testing and medications. The clinic will initially be available once per month during the summer to early fall to allow time to assess the feasibility and need of the community for wellness veterinary services.

Topics for Upcoming Work Sessions:

- Town Code Modifications:
 - Golf Cart Ordinance
 - Animal Ordinance
 - Nuisance Ordinance
 - Sanitation Ordinance
- Future plans for the Cape Charles Memorial Library
- Personnel Policy Review by Section
- Please check out the events page on our website www.capecharles.org/Events.htm

Recreation Department April Council Report

1. Winners were selected for the Water Conservation Survey Contest. Jen joined the Christian School during morning assembly to present the awards. All the pictures that were submitted can be viewed on the Recreation web page. Look in the Eastern Shore News and The Post for pictures of the first, second and third place winners.
2. Thank you to Mike Sullivan who gave his time to prepare a computer for the residents of Heritage Acres. Their computer was set up this week and the residents are excited to have the computer there for their use.
3. The teen night for March was a big success. There was a dance held at Heyward Hall with a St. Patrick's Day theme.
4. The birding festival is moving along. The website is being updated, trips confirmed, rack cards are done and the focus is on how to draw people to Cape Charles.
5. Many organizations and individuals took advantage of what Cape Charles has to offer in March. There was a fund raiser "Reese's Freeze" at the beach, a wedding in the park and a yard sale at the Arts Enter. This is just a beginning to the request for use of facilities in Cape Charles as the weather warms up.
6. Jen is the Town of Cape Charles representative for the Randy Custis Board. Cape Charles will be able to have a better understanding of where the monies they donate are being used and will be able to coordinate events so everyone can participate and have fun with all the Shore has to offer.
7. On March 3 Jen dressed up as The Cat in The Hat and read stories to the children at the library during story time.
8. The Town of Cape Charles and the Rotary have joined together to help combat the obesity epidemic. Jen and volunteers from the Rotary will visit two classes at the Christian School every Friday to talk nutrition and exercise.
9. Children are starting to sign up for the Gold clinic presented by First Tee of Hampton Roads. Dora Sullivan and Chris Bannon have both sponsored a child in need of a scholarship and deserve a big THANK YOU!!
10. There will be an Easter egg hunt in the park on April 17 at 3:00 pm sponsored by the Town of Cape Charles.
11. The Town of Cape Charles has purchased new soccer goals which are for public use in the park.
12. If you get by the park check out the two new "Bouncy" toys that were purchased through a grant and the Town of Cape Charles.
13. 6 schools are participating in painting panels in the park to replace the old ones. The schools are painting a summer time or beach themed panel.
14. The next teen night is April 29 at the library from 7 to 9 pm. The Town of Cape Charles has purchased a Wii and the kids will play Wii games.

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

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 50 children and caregivers attended this month. On March 4, Toddler/Preschool Storytime celebrated **Dr. Seuss' Birthday** with a visit from the Cat in the Hat (Jennifer Lewis), sponsored by the Women's Club of Cape Charles.
2. The book displays for this month featured books for children celebrating Easter and books celebrating Women's History Month.
3. The Library **Board** met on March 9 at 5:00 in the Library and the **Friends of the Library** met on March 13 at 5:00 in the Library.
4. On Wednesday, March 16 a reception was held at the Barrier Islands Center for recipients of the **Cape Charles Holiday Sampler Tour**. Friends President Alice Morehouse received a generous donation for the Library.
5. On March 22 I attended the **Career Fair** at Northampton High School representing the field of Librarianship.
6. On May 11 the **Friends of the Library** will be sponsoring a bus trip to the **Harrington Casino**.
7. The **Friends** will be having their **Book Sales** on the following days: April 30, June 11, July 2, and October 8. Also, you can always check out our used books for sale in the Library lobby. We have some great deals!

Harbor Report

March, 2011.

Maintenance

1. Staff finished power washing and recoating walkways around the harbor.
2. Staff completed repairs on gas powered equipment
3. Staff began gardening work cleaning up flower beds and re-mulching.
4. Staff completed water line inspections from the winter, replaced several valves.
5. Staff began to get ready for the Blessing of the Fleet.

Upcoming, Scheduled Maintenance

1. Replace broken pile caps
2. Paint Fuel Tank

Capitol Projects:

1. Somerset Paving and Marine continued work on the new slips all docks and the Floating wave break are here, d-dock and c-dock are complete and B-Dock is almost complete. The electric pedestals are in there was a back order on the wiring which should be in by early April, the overall project is still on schedule or a little ahead at this point. We are very pleased with the contractor and the work done up to this point.
2. **The Site of the "NEW SLIP AREA" IS A CONSTRUCTION SITE, please obey the no trespassing signs posted, they have been put up for safety and security reasons. The slips can be viewed in the paved parking area by the boat ramps.**
3. The bath houses and site work to be put out to bid on a later date which was reviewed by the Harbor Area Review board.
4. We awarded a change order to Somerset Paving and Marine for the new water line around the harbor and broadband conduit.

Other:

1. The Harbor is now open 7 days a week 9 to 5, we will begin season hours in May.
2. Staff continued with 11/12 budget request.
3. Staff has Continued reviewing chapter 14 of the town code.
4. Follow us on Face Book (**Cape Charles Town Harbor**) Pictures of the slip construction will be posted weekly.
5. Staff processed all annual/seasonal rental agreements that will be mailed on March 1, we also started to contact members of the waiting list for the 45 ft slips, all new slip renters that are removed on the waiting list will show up on April's bill cycle.

Incidents:

Notes:

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

Lower Chesapeake Bay Black Drum Classic, May 20th thru 22nd.

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

Harbor Report

March, 2011.

Business:

Average Rentals per day/night by category:

	<u>Rentals</u>	<u>March</u>	<u>February</u>	<u>10/11</u>	<u>9/10</u>
1. Hourly:		0.0	0.0	0.0	0.0
2. Nightly:		0.1	0.0	1.1	1.4
3. Weekly:		3.6	0.8	4.8	7.6
4. Monthly:		9.6	11.5	11.7	11.9
5. Quarterly:		0.0	0.0	0.0	0.0
6. Seasonal:		1.0	1.0	6.6	8.5
7. Annual:		29.0	27.0	27.4	25.5
8. Total Rentals,		43.3	40.3	52.9	55.0

Wharf Fees by Pounds:

	<u>March</u>	<u>February</u>	<u>10/11</u>	<u>9/10</u>
1. Crabs:	30,645	0	237,645	1,429,920
2. Fish:	6,000	0	486,166	501,141
3. Conchs:	390	0	46,800	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	0	0	0
9. Crab Pots	9,420	0	9,420	0
10. Lg. Trap Piles	0	0	0	414,000
11. Sm. Trap Piles	3,600	11,200	14,800	0
12. Total Pounds:	50,055	11,200	1,794,651	2,481,921

	<u>2/28</u>	<u>Registered</u>	<u>Removed</u>	<u>3/31</u>
1. 60ft Slips:	3	0	0	3
2. 50ft Slips:	3	0	0	3
3. 45ft Slips:	15	1	0	15
4. 36ft Slips:	7	1	0	8
5. 30ft Slips:	22	1	0	23
6. 24ft Slips:	20	0	0	20
7. 20ft Slips:	9	0	0	9
Total	79	3	0	82

Two transfers from 36ft to 45ft

William Smith Dize Jr.
Harbor Master
April 1, 2010

PUBLIC WORKS

March 2011

Dump Fees

- **Oyster Landfill** – 5 Trips Work Orders Open: 4
- **Sludge**- 2.5 Tons Work Orders Completed: 19

Staff Report

Completed Projects

- Trimmed bushes and mulched beds along Mason Ave.
- Mulch was delivered for playground and installed.
- Contractor selected for grounds maintenance. Eastern Shore Landscape Management.
- Replaced mulch in Fig Street Bio-filter.
- Installed gravel/shell road and service area to Keck Wells.

In Progress

- Making repairs to Beach Bathrooms to open in spring.
- Preparing road patches for asphalt. Repairs will be complete when asphalt plant opens.

Upcoming Projects

- Repairs to exterior of Municipal Building.
- Repairs to Boardwalk. (FEMA)
- Replacing lights on pier.

Special Events

- Blessing of the Fleet April 8-10
- Buy Boats coming to Cape Charles Harbor Aug 5-8
- MS Bike Race (June)
- Dog Walk

PUBLIC UTILITIES

March 2011

Work Orders Completed

- Miss Utility Tickets: 34

Staff Report

Completed Projects

- PER for reduction of chlorination byproducts (TTHMs) has been submitted to the Department of Health. Last test results came in just under acceptable limits. We are still just barely above acceptable limits for the annual running average.
- Ran yield and draw down tests for the Virginia Department of Health on the Keck Wells. Great success, good water and lots of it. Pumped both wells at 300 gpm (total 600 gpm for both wells) for over 80 hours during tests. About 3M gallons total pumped during the test.
- Contractor selected for new emergency generator and transfer switch at the Plum Street Pump Station we have opted to do Pine Street as well.
- Repainted pipes and valves in water plant.

New WWTP

- The Operations Building has the roof installed and shingled. The exterior walls have the vapor barrier installed with 50% of the board insulation installed. The interior walls have been prime painted. The foundation has the vapor barrier and insulation installed. The metal siding furring metal is 50% complete. The interior drain and copper water piping is 50% complete. The ceiling drywall and insulation is 30% complete.
- The Headworks Building exterior vapor barrier is 60% complete. The metal roof trusses have been installed. The plywood roof sheathing is 60 % complete. Water and Ice barrier and felt paper has been installed on the roof. The grit classifier unit has been installed. The grit clarifier has been set into place in the grit tank.
- The Reactor Tank plant water piping is being installed. Diffuser support brackets are being installed in the reactor tanks. Process air piping in the reactor tanks is 50% complete.
- The Membrane Tanks have the Structural Steel erected. The walls have been sand blasted and the Chemical Resistant Finish has been applied. Sealant has been installed at construction joints. The overhead crane and roof trusses to be installed this month.
- The Process Building roof erection is 50% complete and will continue thru April. Main electrical room walls and ceiling have been painted. Lighting fixtures and conduit are being installed. Electrical disconnects and control panels for the pumps are being installed. Pump piping is currently being installed. The exterior walls have the vapor barrier installed. The chemical room has been painted.

- The UV Structure currently is having the UV system installed and conduit run to the control boxes. The stairs and handrail are currently been installed.
- The Waste Sludge tanks have air piping 50% installed. The stair landing has been poured, and stair and handrail installation to be completed this month.
- Solids process building metal roof truss erection is 95% complete, with 95% of the roof covered with plywood and felt paper. Interior walls are painted. Electrical cabinets are being installed. Exterior walls have vapor barrier 99% complete.
- Carbon storage retaining structure has the pad and retaining walls poured.
- Outfall piping is 99% complete.
- Various pieces of membrane equipment continue to arrive on site.
- Air scour blowers have arrived on site.

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 36)
- 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 uninstalled. Waiting for repair parts for flow meter. Next location will be the intersection of Plum and Randolph.
- Contractor has begun Mason Ave. pump station and force main improvements. Contract awarded to JCB Construction out of Suffolk.
- Install of new metering system for chemical feed pumps at the water plant.
- Annual inspection of sewer pods in Bay Creek and Marina Village (Vacuum System).

Upcoming Projects

- Draw down and yield testing on Keck Wells for DEQ.
- Paint interior of Water Tower. The town may experience fluctuations in water pressure during the time period that this project is underway.
- PER for connection to Keck Wells.

Code Enforcement
Month of March FY 2011

Building Permits Issued/Permit Fees Collected:

Permits this month: 27	
Permits this year: 138	Total permits last year: 200
Total construction this month: \$317,831	
Total construction this year: \$2,730,110	Total construction last fiscal year: \$3,967,519
Permit fees this month: \$3,516.62	
Total permit fees this fiscal year: \$70,330.67	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: \$40,000	Total Tap fees last fiscal year: \$20,000
Fire Dept. levy this month: \$300.60	
Total Fire Dept. levies this year: \$2,401.34	Total Fire Dept. levies last fiscal year: \$3,282.54
State levy this month: \$60.12	
Total state levies this year: \$481.26	Total state levies last fiscal year: \$664.67
Miscellaneous Revenue: \$100.00 for Rental C.O.'s	

Existing Structures Code Enforcement Cases:

Total Cases: 26	
New this month: 0	
Closed this month: 0	
Rental Inspections: 0	
Rental C.O.'s Issued: 0	
Rental Inspection fees collected: \$0	
Grass cutting enforcement: 0	
Grass cutting: 0	
Enforcement fees charged this month: \$63.93	
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 March FY11

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

Hours spent working on project this month: 15

Key Notes:

- Substantial Construction is complete
- Contractor still has a few items left on punch list however due to weather have been postponed until spring
- Working with Firm to alleviate drainage problems.
- Repair work to fix fountain issues is scheduled to begin April 4, 2011

Other items of note:

1. Completed 33 inspections
 2. Conducted 0 zoning clearances
 3. Completed 2 courtesy residential inspections
 4. Conducted 0 courtesy commercial inspection
 5. Conducted 30 E & S control inspections
 6. Conducted 1 commercial plan reviews for Erosion and Sedimentation Control.
 7. Completed 0 residential plan reviews
 8. Issued 0 Public Utilities Shallow Well permits
 9. Made site inspections throughout the month on the New Waste Water Treatment Plant Project.
 10. 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. Attended a Regional Building Official's Meeting in Hampton Virginia
 13. Attended with along with Tom Bonadeo a Community Rating System Workshop in Virginia Beach.
 14. Made a flyer to provide information to homeowners regarding building and permitting regulations. It is currently available in my office or online at www.capecharles.org and under Code Enforcement page.
-

Address	Type	Permit #	Date	Work Description	Permit Fee	Value
204 Bay Avenue	Electrical	PE110008	3/16/2011	New 400 Amp Service	\$98.00	\$10,000
204 Bay Avenue	Gas	PG110002	3/18/2011	New Gas Service Line	\$56.00	\$400
204 Bay Avenue	Plumbing	PP110004	3/17/2011	New Plumbing for Alteration	\$93.52	\$9,200
204 Bay Avenue	UST/AST	PT110001	3/18/2011	New 330 UST	\$56.00	\$350
214 Blue Heaven Road Mason Avenue	Mechanical	PM110013	3/28/2011	Upgrading Equipment	\$89.11	\$8,412
Pumpstation	E&S	PES11000	3/29/2011	Forcemain Project	\$0.00	\$0
115 Mason Avenue #201	Building	PB110018	3/21/2011	Deck Repair	\$95.20	\$9,500
235 Mason Avenue	Building	PB110014	3/8/2011	Interior Demolition	\$487.20	\$36,000
104 Monroe Avenue A	Building	PB110021	3/30/2011	Tear off/reroof	\$92.40	\$9,000
631 Monroe Avenue	Building	PB110019	3/24/2011	Alteration to make s/f res	\$196.00	\$20,000
631 Monroe Avenue	Plumbing	PP110006	3/24/2011	New plumbing for alteration	\$70.00	\$5,000
11 Old Plantation Drive	Electrical	PE110007	3/15/2011	Electrical for inground pool	\$56.00	\$1,200
217 Peach Street	Building	PB110016	3/16/2011	Tear off/reroof	\$159.60	\$13,500
Pine Street Pump Station	Building	PB110012	3/4/2011	Tear off/reroof	\$0.00	\$1,400
5 Randolph Avenue	UST/AST	PT110002	3/28/2011	Removing UST	\$50.00	\$1,000
6 Randolph Avenue	Building	PB110013	3/4/2011	Alteration to interior	\$148.40	\$11,500
6 Randolph Avenue	Mechanical	PM110012	3/8/2011	3 new air to air heat pumps	\$166.39	\$14,713
6 Randolph Avenue	Plumbing	PP110005	3/21/2011	New Plumbing for Alteration	\$67.76	\$4,600
11 Randolph Avenue	Building	PB110017	3/18/2011	Addition & Alteration	\$684.64	\$107,256
11 Randolph Avenue	Mechanical	PM110014	3/30/2011	1 New Gas Pack	\$165.20	\$14,500
501 Randolph Avenue	Building	PB110020	3/29/2011	Repairing Piers	\$189.60	\$3,000
6 Tazewell Avenue	Electrical	PE110006	3/7/2011	New 400 amp service	\$168.00	\$15,000
6 Tazewell Avenue	Plumbing	PP110003	3/2/2011	New Plumbing for Alteration	\$117.60	\$8,000
541 Tazewell Avenue	Building	PB110015	3/16/2011	Alteration	\$154.00	\$12,500
711 Tazewell Avenue	Gas	PG110001	3/7/2011	New Gas Service Line	\$56.00	\$400

Washington Avenue
Pumpstation

Building

PB110011

3/4/2011

Tear off/reroof

\$0.00

\$1,400

Totals

\$3,516.62

\$317,831

MONTHLY INSPECTION TOTALS

Jeb Brady

Final 03/11/2011
 Final 03/11/2011
 Final 03/07/2011
 Sheathing 03/08/2011
 Framing 03/08/2011

Total 5

David Fauber

Sheathing (West 03/09/2011

Total 1

Jeb Brady

Footing 03/01/2011
 Box Out 03/15/2011
 Foundation 03/15/2011
 Footing 03/16/2011

Total 4

David Fauber

Sheathing 03/09/2011

Total 1

Jeb Brady

Sheathing 03/09/2011
 Footing 03/28/2011
 Framing (Porch) 03/29/2011
 Footing 03/29/2011
 Final 03/07/2011
 Rough-In 03/25/2011
 CUT-IN 03/25/2011
 POOL BONDING 03/16/2011
 Trenching 03/18/2011
 CUT-IN 03/25/2011
 Final 03/07/2011
 Pressure/R.I. 03/07/2011
 Trenching 03/18/2011
 Final 03/07/2011
 COURTESY 03/17/2011
 Rough-In 03/25/2011
 Trenching 03/18/2011
 Final 03/07/2011
 COURTESY 03/17/2011

MONTHLY INSPECTION TOTALS

Rough-In 03/21/2011
Trenching 03/18/2011
Tank in Place 03/24/2011

Total 22
Grand Total 33

InsDateCompleted Range from
03/01/2011 to 03/31/2011

Revenue Totals by Category/Items

From: 03/01/2011 to: 03/31/2011

Miscellaneous		
After fact permit Admin fee	1	\$100.00
Fire Dept Fee	22	\$300.60
Miscellaneous totals	23	\$400.60
Rental Fee		
RENTAL INSPECTION	2	\$100.00
Rental Fee totals	2	\$100.00
Residential		
Valuation Res \$10K >	1	\$150.00
Valuation Res \$2.5K - \$10K	1	\$87.50
Residential totals	2	\$237.50
State Tax		
STATE TAX.	22	\$60.12
State Tax totals	22	\$60.12
Valuation		
com \$2.5 -10k	1	\$80.00
comm > \$10k	1	\$435.00
UST Removal	1	\$50.00
Valuation Res \$0-\$2.5K	4	\$200.00
Valuation Res \$2.5K - 10K	5	\$412.56
Valuation Res \$2.5K-\$10K	2	\$146.00
Valuation Res > \$10K	7	\$1,494.84
Valuation totals	21	\$2,818.40
Grand Totals	70	\$3,616.62

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: April 14, 2011
Subject: Report for Planning Department

Planning Commission Meeting–April 5

1. The Planning Commission held a public hearing and a regular meeting Tuesday April 5.
2. The Planning Commissioners worked on a Conditional Use Permit for 548 Madison.
 - a. CUP for a Home Occupation – The Commission recommends approval of the CUP to Town Council.
 - b. This CUP involves a home occupation that involves cooking in the home kitchen. This use requires approval by USDA. USDA has recently changed its rules so that it will not process an application without an approved CUP. They have had several applications where they did all the work and to permit was issued or obtained. This adds to the lead time for someone to actually open a business.
 - c. This is the regular time cycle for opening a home bakery in your kitchen.
 - i. Application received by Planner on the 15th of the month (Day 1).
 - ii. Planning Commission hears the application and sets a public hearing at its meeting on the first Tuesday of the following month (Day 19).
 - iii. Planning has its public hearing and recommends approval of the CUP at its next meeting (Day 49).
 - iv. Town Council gets the recommendation to approve the CUP and sets a public hearing at its next meeting (Day 58).
 - v. Town Council holds a public hearing and approves the CUP at its next meeting (Day 88).
 - vi. The applicant takes the approved CUP to USDA to schedule an inspection and get a permit. (Day 102).
 - vii. This process assumes that the applicant improves the kitchen to meet USDA requirements prior to having an approved CUP from the Town. The total time involved is about 3.5 to 4 months just for permitting.
3. Two of the newest Commissioners attend the Certified Training Class on March 7 and 8. They enjoyed the class but found some of the session to be very lengthily.
4. The planner has been working on the following projects
 - a. Corridor Overlay
 - b. Wetlands permits
5. The Technical Transportation Advisory Committee met in Accomac and reviewed the ES Bike Plan update. It is online at the A-NPDC website.

Wetlands Meeting – April 4

1. The Wetland Board held a public hearing and regular meeting on April 4. They reviewed and approved the construction of an offshore breakwater for the Bay Vista subdivision off Washington Avenue. This area is between Sea Breeze Apartments and the old Coast Guard Housing. It is also at the end of the Bay Creek set of breakwaters. The area experienced significant erosion since the November Nor'easter (about 30' of loss).
2. Sea Breeze and Mr. Schlegel have also lost significant ground. Sea Breeze is also considering some action as the bank has eroded though Mr. Schlegel's property and the top of the bank is now on Sea Breeze property.

Historic District Review Board Meeting – March 15

The Board met and reviewed the application for the renovation of the Cape Charles Hotel. The Board generally liked the renovation. The Board approved the first and second floor of the hotel and asked for some changes and modifications.

1. The semi-circular transom and surrounding brick should be saved on the entry door.
2. The applicant should revisit the third floor door and cornice to make it more sympathetic with the other buildings on Mason Ave.
3. The applicant should revisit the vertical siding proposed for the third floor.

The applicant has revised the drawings to meet the requirements of the Board. The modifications will be reviewed at the next meeting April 19, 2011.

Harbor Area Review Board Meeting – March 24

The Harbor Area Review Board met for the second review of the Town Harbor Redevelopment Bathhouse project. The Board reviewed the color renderings of the building with its roof, siding and trim colors. The Board reviewed the landscape plan and the overall drainage plan. The Board recommended approval of the plans to Town Council with a few modifications:

1. The metal roof should be painted not galvanized and the color should be gray or taupe.
2. The windows should have divided lights.
3. The large trees near the docks should be removed and some plant substitutions should be made for more salt tolerant varieties. Board member Laurie Klinge submitted those recommendations.

Town staff from several departments met with consultants and engineers to do another value engineering of the bathhouse structure. Many modifications were recommended to provide and better functioning building and lower the cost.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Cape Charles Police Department		AGENDA DATE April 14, 2011
SUBJECT/PROPOSAL/REQUEST: MARCH 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: 23

Calls for Service Outside of Cape Charles: 16

10-13 Calls

(A) By Dispatch: 37

(B) By Phone via Officer/Trooper: 00

(C) In Person 02

Felony Arrests: 01

Misdemeanor Arrests: 01

DUI Arrests: 01

Traffic Summons Issued: 43

Traffic Warnings Issued: 12

Parking Tickets Issued: 02

Assisted Northampton County Sheriff's Office: 06

Assisted Virginia State Police: 02

Assisted Other Local Police: 01

Assisted Other Federal Agencies 00

Assisted Fire & Rescue: 05

Assisted VDOT:

Hours of Training Received & What Type? Child Safety Seat certification-32 hours -- FBI interrogation training 75hours--- In- service dui field sobriety 120 hrs



TOWN OF
CAPE CHARLES

AGENDA TITLE: OpSail 2012 / Tall Ships Initiative

AGENDA DATE:
April 14, 2011

SUBJECT/PROPOSAL/REQUEST: OpSail 2012 / Tall Ships Initiative Discussion and Adopt Resolution of Support

ITEM NUMBER:
6A

ATTACHMENTS: Resolution 20110414 – To Endorse and Support Operation Sail 2012 and a Tall Ships Economic Development Initiative for the Eastern Shore of Virginia

FOR COUNCIL:
Action (X)
Information ()

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.

DISCUSSION:

A meeting was held with Town Manager Heather Arcos, County Administrator Katie Nunez, Donna Bozza, Director of the Eastern Shore of Virginia Tourism Commission and David Kabler to further discuss OpSail 2012 and the Tall Ships Economic Development Initiative.

Heather Arcos and Katie Nunez have continued their discussions and are working together regarding financial support for this initiative in their respective budgets for the upcoming fiscal year.

RECOMMENDATION:

Discuss OpSail 2012 and the Tall Ships Economic Development Initiative and adopt Resolution #20110414 To Endorse and Support Operation Sail 2012 and a Tall Ships Economic Development Initiative for the Eastern Shore of Virginia.

**TOWN OF CAPE CHARLES
RESOLUTION #20110414**

**TO ENDORSE AND SUPPORT OPERATION SAIL 2012
AND A TALL SHIPS ECONOMIC DEVELOPMENT INITIATIVE
FOR THE EASTERN SHORE OF VIRGINIA**

WHEREAS, Operation Sail (OpSail) 2012 is a national military and maritime project sponsored by the U.S. Department of Defense to commemorate the Bicentennial of the War of 1812 and the *Star-Spangled Banner*; and,

WHEREAS, OpSail 2012 Virginia has been endorsed by the Virginia Commission on the Bicentennial of the War of 1812 as a signature event for the Commonwealth; and,

WHEREAS, the nearby Hampton Roads City of Norfolk, Virginia was selected to be one of five official ports of call to participate in the Bicentennial Commemoration; and,

WHEREAS, due to its direct connection to the Hampton Roads region through the Chesapeake Bay Bridge-Tunnel, Northampton County, her incorporated towns, and business owners have an opportunity to increase economic activity as a result of Tall Ships docking for various durations in the Cape Charles Harbor; and,

WHEREAS, the Town of Cape Charles recognizes the importance and potential great benefit to the Town, Northampton County, Virginia's Eastern Shore and the entire Hampton Roads region through increased tourism activity and associated revenues through OpSail 2012 and through Tall Ships visits to locales;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Cape Charles does hereby pledge its support of OpSail 2012 and the Tall Ships Economic Development Initiative and encourages the elected officials of Northampton County and her incorporated towns to make similar official declarations to join in the international camaraderie that it will foster; and,

BE IT FURTHER RESOLVED that the Town of Cape Charles will work together with Northampton County to support, either financially or by use of personnel and incentives, the implementation of the Tall Ships Economic Development Initiative.

Adopted by the Town Council of Cape Charles on this 14th day of April, 2011.

Mayor Dora Sullivan

ATTEST: _____
Clerk of the Council

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Amendment of South Port Leases		AGENDA DATE: April 14, 2011
	SUBJECT/PROPOSAL/REQUEST: Adopt a Resolution approving a settlement agreement and an Ordinance amending two leases of Town property to South Port.		ITEM NUMBER: 6B
	ATTACHMENTS: Resolution and Ordinance.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

We have negotiated amendments to the two leases of five parcels of Town property to South Port to refine: permitted uses, insurance requirements, assignment provisions, and exclusion of areas required for public utilities. The length of the leases would not change. The current leases contain acquisition rights for Parcels 83A3-19 and 83A3-20, the "Wharf Parcels". South Port requested acquisition rights be added for Parcels 83A3-12 and 83A3-17 to enhance their ability to develop the planned yacht center. The proposed amendments include the acquisition rights for these two additional parcels. These lease amendments are associated with settling the law suit brought by South Port. A settlement agreement has also been negotiated.

DISCUSSION:

Council has previously reviewed the details of the proposed amendments and the settlement agreement.

A resolution needs to be adopted to approve the settlement agreement between the Town and South Port. The attached resolution authorizes either the Mayor or the Town Manager to execute the settlement agreement

The Code of Virginia (Sec. 15.2-1800) requires a Public Hearing be held prior to disposal of real property. The Code (Sec. 15.2-2100) also requires such sale to be made pursuant to an ordinance passed by a recorded affirmative vote of three-fourths of Council. A purchase option, or acquisition rights, must be treated in the same manner as a sale. The Public Hearing was held this evening.

The attached ordinance has been structured to approve the two lease amendments in their entirety since all aspects of the amendments, including acquisition rights, are inseparable. The ordinance authorizes either the Mayor or the Town Manager to execute the amendments to the two leases.

RECOMMENDATION:

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

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

RESOLUTION 20110414A

RESOLUTION APPROVING THE SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN MUNICIPAL CORPORATION OF CAPE CHARLES AND SOUTH PORT INVESTORS, L.L.C.

WHEREAS, the Town of Cape Charles, Virginia, in the capacity of Landlord (the "Town"), entered into that certain Lease Agreement dated December 14, 2007 (the "Parcel 12 Lease") with South Port Investors, L.L.C., as Tenant ("South Port"), pursuant to which South Port currently leases from the Town certain property known as Tax Parcel 83A3-12; and

WHEREAS, the Town has also entered into that certain Lease Agreement dated February 27, 1996 between the Town and the Joint Industrial Development Authority of Northampton County (as original Lessee), as amended and assigned by that certain Second Amendment to Lease dated December 14, 2007¹, as amended by that certain Third Amendment to Lease dated January 9, 2008 (collectively the "Parcel 14 Lease"), pursuant to which South Port currently leases from the Town certain property known as Tax Parcel 83A3-14, Tax Parcel 83A3-17, Tax Parcel 83A3-19, and Tax Parcel 83A3-20; and

WHEREAS, in order to interpret, clarify, and resolve certain terms under the Parcel 12 Lease and the Parcel 14 Lease, the Town Council has determined that it is in the best interests of the Town to enter into that certain Settlement Agreement and Release of Claims between the Town and South Port dated _____, 2011, a copy of which is attached hereto as Exhibit A (the "Settlement Agreement");

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CAPE CHARLES, VIRGINIA:

1. **Approval of Settlement Agreement.** The Council hereby approves and authorizes the Town to execute the Settlement Agreement. The Mayor and the Town Manager, either of whom may act, are authorized to execute the Settlement Agreement.
2. **Headings.** Any headings in this Resolution are solely for convenience of reference and shall not constitute a part of the Resolution nor shall they affect its meaning, construction, or effect.
3. **Effective Date.** This Resolution shall be effective from the date of its adoption. .

Adopted: April 14, 2011.

By: _____
Mayor of the Town of Cape Charles, Virginia

ATTEST:

Clerk of the Town of Cape Charles, Virginia

¹ The First Amendment to the Parcel 14 Lease dated April 10, 2001 was terminated by the Second Amendment to the Parcel 14 Lease dated December 14, 2007.

Exhibit A

Settlement Agreement and Release of Claims

4820-5720-0393, v. 1

ORDINANCE 20110414

ORDINANCE APPROVING (I) THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN MUNICIPAL CORPORATION OF CAPE CHARLES AND SOUTH PORT INVESTORS, L.L.C., INCLUDING CERTAIN ACQUISITION RIGHTS GRANTED THEREUNDER, AND (II) THE FOURTH AMENDMENT TO LEASE AGREEMENT BETWEEN MUNICIPAL CORPORATION OF CAPE CHARLES AND SOUTH PORT INVESTORS, L.L.C., INCLUDING CERTAIN ACQUISITION RIGHTS GRANTED THEREUNDER

WHEREAS, the Town of Cape Charles, Virginia, in the capacity of Landlord (the "Town"), entered into that certain Lease Agreement dated December 14, 2007 (the "Parcel 12 Lease") with South Port Investors, L.L.C., as Tenant ("South Port"), pursuant to which South Port currently leases from the Town certain property known as Tax Parcel 83A3-12; and

WHEREAS, the Town has also entered into that certain Lease Agreement dated February 27, 1996 between the Town and the Joint Industrial Development Authority of Northampton County (as original Lessee), as amended and assigned by that certain Second Amendment to Lease dated December 14, 2007¹, as amended by that certain Third Amendment to Lease dated January 9, 2008 (collectively, the "Parcel 14 Lease"), pursuant to which South Port currently leases from the Town certain property known as Tax Parcel 83A3-14, Tax Parcel 83A3-17, Tax Parcel 83A3-19, and Tax Parcel 83A3-20; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town to amend both the Parcel 12 Lease and the Parcel 14 Lease, and to grant South Port acquisition rights with respect to Tax Parcel 83A3-12 and Tax Parcel 83A3-17, all as more fully set forth in the First Amendment to the Parcel 12 Lease, a copy of which is attached hereto as Exhibit A, and in the Fourth Amendment to the Parcel 14 Lease, a copy of which is attached hereto as Exhibit B.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CAPE CHARLES, VIRGINIA:

1. **Approval of First Amendment to Parcel 12 Lease.** The Council hereby approves and authorizes the Town to execute the First Amendment to the Parcel 12 Lease. The Mayor and the Town Manager, either of whom may act, are authorized to execute the First Amendment to the Parcel 12 Lease.

2. **Approval of Fourth Amendment to Parcel 14 Lease.** The Council hereby approves and authorizes the Town to execute the Fourth Amendment to the Parcel 14 Lease. The Mayor and the Town Manager, either of whom may act, are authorized to execute the Fourth Amendment to the Parcel 14 Lease.

¹ The First Amendment to the Parcel 14 Lease dated April 10, 2001 was terminated by the Second Amendment to the Parcel 14 Lease dated December 14, 2007.

3. **Headings.** Any headings in this Ordinance are solely for convenience of reference and shall not constitute a part of the Ordinance nor shall they affect its meaning, construction, or effect.

4. **Effective Date.** This Ordinance shall be effective from the date of its adoption.

THIS ORDINANCE REQUIRES AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL MEMBERS ELECTED TO COUNCIL.

Adopted: April 14, 2011.

By: _____
Mayor of the Town of Cape Charles, Virginia

ATTEST:

Clerk of the Town of Cape Charles, Virginia

Exhibit A

First Amendment to Parcel 12 Lease

Exhibit B

Fourth Amendment to Parcel 14 Lease

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Golf Cart Ordinance Modification		AGENDA DATE: April 14, 2011
	SUBJECT/PROPOSAL/REQUEST: Review proposed changes to the Golf Cart Ordinance		ITEM NUMBER: 6C
	ATTACHMENTS: Modified Ordinance and Operational list		FOR COUNCIL: Action <input checked="" type="checkbox"/>) Information <input type="checkbox"/>)
	STAFF CONTACT (s): Tom Bonadeo - Heather	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Town Council and staff agreed to review and update 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 existing ordinance had numerous errors and duplications. The policy surrounding the implementation of the ordinance had been modified over two or three management teams and some confusion existed. The existing ordinance contains extra costs for the users and needed restructuring. The modifications will make using a golf cart easier, police enforcement easier and ultimately a better and safer experience for the citizens.

Prior to final draft, staff will create a written policy statement for the operation and enforcement of the ordinance.

RECOMMENDATION:

Review the modifications to the ordinance, comment and set a public hearing.

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

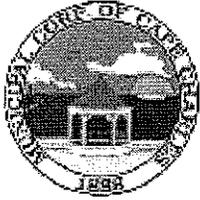
This chapter is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the Town of Cape Charles in no way advocates or endorses their operation on public streets or roads. The Town of Cape Charles "assumes" no liability for 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.

Operational Procedures

1. Golf carts require inspections and proof of insurance.
2. The inspection is to verify that the cart meets the requirements of the ordinance.
3. This inspection can be done by a police officer or other qualified staff person.
4. Three things are required to drive a cart on the street.
 - a. Inspection for required equipment
 - b. Proof of insurance
 - c. Town Sticker
5. You currently get the sticker by:
 - a. Getting an inspection at only one place in Town.
 - b. Bringing proof of insurance and the inspection to the Town office during the weekday open hours.
 - c. Paying the fee for inspection and license.
6. If the police encounter a cart without a sticker when it is not possible to complete the process in #4 they could issue a sticker using their existing "ticket" system.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Planning Commission Payment Procedure		AGENDA DATE: April 14, 2011
	SUBJECT/PROPOSAL/REQUEST: Correction to Planning Commission Payment Procedure		ITEM NUMBER: 7A
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT(s): Tom Bonadeo / Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Cape Charles Planning Commission is comprised of seven (7) members and meets monthly on the first Tuesdays of each month. Occasionally, the Commission has a necessity to hold a second meeting during any given month and the third Mondays of each month are reserved for such a meeting.

On February 10, 1976, the Town Council approved the payment of \$25 per month for attendance at the meeting.

“Mayor Ward recommended members of the Planning Commission be paid \$25 per month if a meeting is held. Should more than one meeting be held during the month, they will be paid only \$25. Failure to attend the meetings will result in non-payment to the member. Mr. Lambertson moved acceptance of this recommendation, seconded by Mr. Godwin and unanimously carried.”

DISCUSSION:

The \$25 monthly payment to Commissioners continues, but at some point, the procedure was unofficially changed and Commissioners are paid \$25 per month regardless of attendance. No documentation has been located regarding approval of this change.

RECOMMENDATION:

Staff recommends Council discuss this issue and clarify that payment to be made to members in attendance at the meeting(s).

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: CUP – 548 Madison – CUP – Home Occupation		AGENDA DATE: April 14, 2011
	SUBJECT/PROPOSAL/REQUEST: Review the application, PC recommendation and schedule a public hearing		ITEM NUMBER: 7B
	ATTACHMENTS: PC staff report		FOR COUNCIL: Action (x) Information ()
	STAFF CONTACT (s): Tom Bonadeo - Heather	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Planning Commission received and reviewed an application for a Conditional Use Permit for 548 Madison Avenue. The Conditional Use is required for a Home Business – Bakery. As you can see from the Planning Commission staff work, the application meets all the criteria in the zoning ordinance.

DISCUSSION:

The Planning Commission received the application, notified adjoining property owners and held a public hearing with no objections. A neighbor did provide a supportive email for the home business.

RECOMMENDATION:

Review the Planning Commission recommendation and set a public hearing.

Planning Commission Staff Report

From: Tom Bonadeo
Date: April 5, 2011
Item: 7A – 548 Madison CUP Home Occupations
Attachments: Application, letter and email comment

Item Specifics

A complete application for a home occupation has been received to operate a home business in the R-1 zone at 548 Madison Avenue. The R-1 zone allows home occupations by conditional use permit.

Mr. and Mrs. Elton have requested a CUP to operate a home business producing baked goods. The required request letter and application is attached.

Discussion

Article 4 of the zoning ordinance has 9 criteria for operating home businesses. This application meets all nine criteria.

1. The use is clearly incidental to single family residence.
2. No change to the exterior is proposed.
3. No storage of goods is proposed outside the house.
4. Less than 50% of the space will be used for the business.
5. No accessory building will be used.
6. None of the hazards listed will be produced by the business.
7. The business will not increase traffic.
8. The applicant is meeting the CUP requirement.
9. The applicant has made application with other agencies as required.

As stated in the letter, Mrs. Wagner-Elton wishes to start a home based bakery business. The use of Bakery is not an excluded use as listed in the Article 4 of the Zoning Ordinance. The application meets all 9 of the above criteria.

This is the second such application to start a home occupation with expectations for growth to a larger business outside the home. This is generally considered an early sign of revitalization in urban areas.

Recommendation

Review Public comment and discuss the application. Staff recommends forwarding the application to Town Council will approval recommendation.

MUNICIPAL CORPORATION OF CAPE CHARLES, VIRGINIA
Application for Conditional Use Permit

Date: 2-9-11 Permit No. _____
 Fee \$300

Proposed Use HOME BASED BAKERY
 Present Zoning RESIDENTIAL Location 548 MADISON AVE
 Acreage 725 Tax Map 83A3-1-257 Parcel/Lot No.(s) 257

I (We) hereby petition the Cape Charles Town Council for a Conditional Use Permit to locate the above-mentioned use on the property listed above.

I (We) acknowledge the fact that all pertinent information required by the Planning and Zoning Office must be submitted in a timely manner so that required public hearings can be scheduled and advertised. Applicant or representative must be present in the public hearing.

Land Owner's Signature Miriam Wagner-Elton
 Address PO Box 432 / 548 MADISON AVE CAPE CHARLES VA 23310
 Phone Number C: 703 625 1830 H: 757 331 1124

Planning Commission Public Hearing:
 Date 4-5-11 Time 6 PM Place 2 PLUM ST.
 Action _____
 Conditions _____

Town Council Public Hearing:
 Date _____ Time _____ Place _____
 Action _____
 Conditions _____

Conditional Use Permit Checklist
 (Applicant must attach items 1 - 7)

1. completed application
2. payment of fees (\$300.00 + \$25.00 per acre)
3. letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. concept plan (see attached information for recommended contents)
5. plot plan of property
6. disclosure statement signed and notarized verifying ownership
7. names and addresses of adjacent property owners
8. Zoning Administrator's review of documentation

WAGNER ELTON LLC MIRIAM A. WAGNER-ELTON 10-07 757-331-1124 548 MADISON AVE. CAPE CHARLES, VA 23310-2800	1009 68-1/510 VA 1286	DATE <u>2/9/11</u>
PAY TO THE ORDER OF <u>Town of Cape Charles</u> \$ <u>300.00</u> <u>Three hundred + 00/100</u> DOLLARS		
Bank of America		
ACH/R/T 051000017 		

Miriam Wagner-Elton
548 Madison Ave
Cape Charles, VA 23310
C: 703-625-1830/ H: 757-331-1124 / E: eltonassocinc@aol.com

Town of Cape Charles
Planning Department
2 Plum Street
Cape Charles, VA 23310

RE: Application for Conditional Use Permit Lot # 257

February 8, 2011

Dear Mr. Bonadeo,

I, Miriam Wagner-Elton, am the owner(s) of real property generally located at 548 Madison Ave, Cape Charles, Lot # 257, consisting of approximately >.25 acres, and am requesting a Conditional Use Permit for my residence.

This letter serves as my request to start a home-based bakery business from my property. As a start up business, the hope is that this initial cottage industry bakery will establish a CSB (Community Based Bakery).

The 26 week bakery subscription will offer fresh baked artisan breads to a small targeted market once a week.

There will be no effect on the surrounding properties as products will be delivered to bakery subscribers and will not be picked up from the residence. There will be no large trailers delivering supplies. Traffic will not be disrupted or increased.

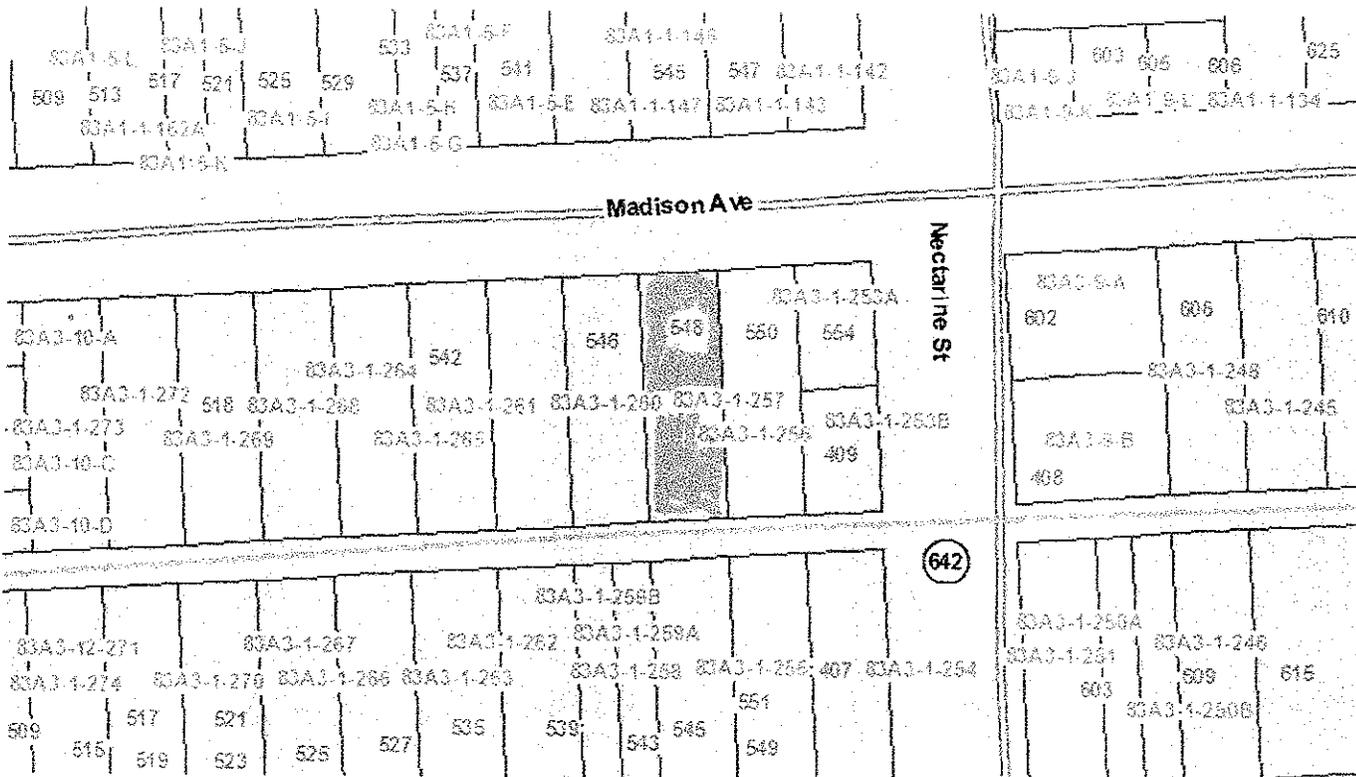
Recently, completed renovations of my existing kitchen were designed to meet the Virginia Department of Agriculture's requirements for a home based bakery business without having to change the original home's footprint. The character of the existing zoning district will not change as no evidence of a home based bakery will be apparent.

You will find attached to this letter a current survey, lot map, disclosure statement, list of adjacent property owners and check made payable to the Town of Cape Charles in the amount of \$300.00.

Please contact me directly if you have any questions or concerns.

Regards,


Miriam Wagner-Elton



Tom Bonadeo

From: George Proto <gproto@hvc.rr.com>
Sent: Monday, March 14, 2011 2:16 PM
To: Tom Bonadeo
Subject: Conditional Use Permit for 548 Madison Avenue

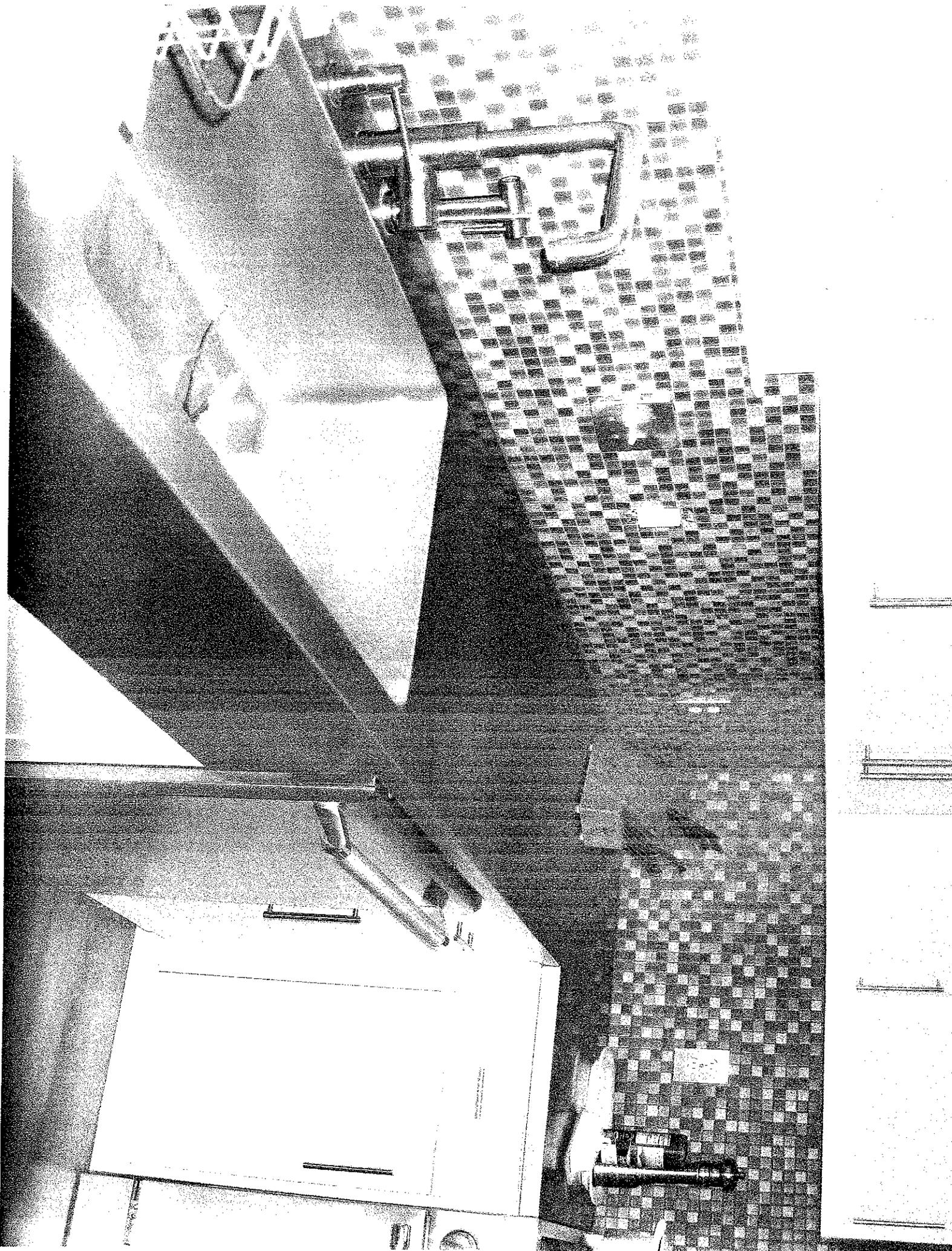
Tom,

Nancy and I support approval of the application for a Home Occupation for a home-bakery business at 548 Madison Avenue in the town of Cape Charles.

We believe it will have no impact whatsoever on the surrounding neighborhood and will have only a positive impact on the Town of Cape Charles itself, due to the additional revenues it will bring in and the potential for increased visibility of our area as a business-friendly environment.

Regards,
George







TOWN OF
CAPE CHARLES

AGENDA TITLE: Wind Turbine Update

AGENDA DATE:
April 14, 2011

SUBJECT/PROPOSAL/REQUEST: Status of current and future applications

ITEM NUMBER:
7C

ATTACHMENTS: Bay Location for VMRC permit

FOR COUNCIL:
Action ()
Information (x)

STAFF CONTACT (s):
Tom Bonadeo - Heather

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Gamesa/Northrup Grumman partnership submitted a Joint Permit Application (JPA) to the Virginia Marine Resources Commission (VMRC) to explore the bottom of the Chesapeake Bay just off Cape Charles near buoy 36A. The complete permit can be viewed online at ccrm.vims.edu and locating permit #11-0220. This exploration is required to find out if the area is capable of supporting a 5Mgw Turbine. If the bottom is found suitable, an application will be filed to erect the turbine.

DISCUSSION:

The partnership plans to develop a truly "offshore" turbine capable of producing 5Mgw of electricity. The turbine planned for the Chesapeake Bay is a research and development project as no turbines of this type exist today. The turbines installed in Europe were generally modified land turbines and suffer from reliability issues after some time in salt water. There is no plan to create a wind farm in this area of the Bay. The wind is not of sufficient quality to make that economically promising. The development process here in the Bay would be efficient and can be done sooner than in the open ocean.

The partnership has also indicated that it is interested in placing a turbine on land in the Cape Charles area. This turbine would be used to develop and certify a product through the industry certifying bodies. Thus two turbines in the same vicinity with convenient access would be the prototypes for offshore turbines placed 15 to 20 miles of the Atlantic Coast from New Jersey to South Carolina.

Virginia could be the center of the supply chain business for this offshore wind energy production with the electricity coming ashore somewhere in Virginia Beach (Fentress Substation).

The partnership plans to begin a series of public information meetings very soon. The permitting process for turbines in the Bay will be done by DEQ and VMRC. The VMRC unanimously approved permit #11-0220, for the partnership, at its meeting last week. The permitting process of a turbine on land with the Town limits would be done by CUP process here in Cape Charles by the Planning Commission and Town Council.

The permitted wind turbine farm in Highland County, VA, has been delayed due to the global economic situation and a change of ownership of the company.

RECOMMENDATION:

Review the attached drawing and for more information go to the VIMS website and view the whole application. All Wetlands Applications are viewable on the website statewide.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Support of Business		AGENDA DATE: April 14, 2011
	SUBJECT/PROPOSAL/REQUEST: Review Town actions supporting business.		ITEM NUMBER: 7D
	ATTACHMENTS: Event schedule.		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

At the March 10, 2011 Council Meeting, the owners of several businesses within the Town spoke about the difficult economic conditions and asked the Council to consider ways to support existing businesses. The Mayor and Council asked the Town Manager to explore this issue.

DISCUSSION:

While there are several business incentives that exist at the state level, there are limited opportunities for local governments to provide support to existing businesses without shifting the financial burden to the residential sector to pay for public services (police, library, parks and recreation, etc.). Local government can provide the necessary precursors for a good business climate, such as amenable zoning and public infrastructure to attract both residents and visitors.

In that regard the Town has accomplished the following:

1. A Comprehensive Plan and Zoning Regulation to encourage appropriate development.
2. Redevelopment of the Town Harbor, including breakwaters, improvements to the existing docks and fueling system, and new floating docks.
3. Improvements to the water and wastewater systems to ensure a reliable supply of potable water, better treatment of wastewater and prevention of sewer overflows.
4. The fishing pier, beach breakwaters and beach sand replenishment.
5. Handicap ramp and dune crossovers at the beach in partnership with the Tourism Commission.
6. The first phase of the Community Trail, including redevelopment of Central Park.
7. A fiber optic broadband loop in partnership with ESVBA.
8. Lease of waterfront property to South Port Investors to facilitate development of a yacht center.
9. Beautification of public spaces by planting trees and shrubs donated by Bobtown Nursery.
10. A Town entrance sign at the intersection of US 13 and SR 184 in partnership with ANPDC.
11. Institution of commercial water and sewer rates.

Additionally, the Town is continuing efforts to expand the number and improve the quality of public events in cooperation with volunteer community organizations. For example, the Fourth Annual Blessing of the Fleet was held last week inaugurating the tourist season.

Also, this year the Town is contracting for a professional fireworks display as part of the annual Independence Day celebration. The schedule of currently planned events is attached (available at www.capecharles.org/Events.htm).

The Town Manager is currently pursuing the following:

1. Working with Lynne Lochen, the new Tourism/Marketing Development Specialist appointed by Governor McDonnell, to discuss ideas for the Town regarding the shoulder seasons.
2. The Tall Ships/OpSail 2012 opportunity in coordination with the County Administrator.
3. Additional Tourism Infrastructure grants from the Tourism Commission.
4. Beautification of the US 13/SR 184 intersection with Bay Creek Resort and Club.
5. Creating designations for Technology and Tourism Zones within the Town.

RECOMMENDATION:

Provided for information only.