

TOWN COUNCIL Public Hearing

March 10, 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. Water and Sewer Facility / Connection Fees

3. Adjournment



TOWN COUNCIL

Regular Meeting

March 10, 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. Water and Sewer Facility Fees
 - B. Wastewater Treatment Plant Construction Update
 - C. PSA & Regional Wastewater System Update
7. New Business
 - A. Tree City USA Presentation - Robbie Lewis
 - *B. David Kabler – Tall Ships Economic Development Initiative & Resolution of Support
 - *C. Federal Highway Safety Grant Application
 - *D. Grounds Maintenance Contract Award
 - *E. Contract Award for Emergency Generator at Plum Street Pump Station
 - *F. Local Challenge Arts Grant Application
8. Announcements
 - March 31, 2011 – Town Council Work Session – Budget
 - April 7, 2011 – Town Council Work Session – Budget
 - April 8-9, 2011 – 4th Annual Blessing of the Fleet
 - April 14, 2011 – Town Council Regular Meeting
9. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL & PLANNING COMMISSION
Joint Public Hearing
Town Hall
February 1, 2011
6:00 p.m.

At 6:04 p.m. Chairman Bruce Brinkley, having established a quorum, called to order the Public Hearing of the Planning Commission. In addition to Chairman Brinkley, present were Commissioners Ben Lewis, Dennis McCoy, Roger Munz, Joan Natali and Mike Strub. Commissioners Malcolm Hayward was not in attendance.

In the absence of Mayor Dora Sullivan and Vice Mayor Chris Bannon, Councilman Bruce Evans officiated the meeting. Councilman Evans, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Councilman Evans, present were Councilmen Sullivan and Veber and Councilwoman Natali. Mayor Sullivan, Vice Mayor Bannon and Councilman Bennett were not in attendance. Also in attendance were Town Manager Heather Arcos, Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were also three (3) members of the public in attendance.

Town Planner Tom Bonadeo announced the evening's public hearing was to hear public comment regarding the new Wind Energy Ordinance, § 4.12 of the Cape Charles Zoning Ordinance.

PUBLIC COMMENTS:

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

Motion made by Joan Natali, seconded by Dennis McCoy, to close the Planning Commission Public Hearing. The motion was approved by unanimous consent.

Motion made by Councilman Sullivan, seconded by Councilman Veber, to close the Town Council Public Hearing. The motion was approved by unanimous consent.

Councilman Evans

Chairman Brinkley

Town Clerk



DRAFT
TOWN COUNCIL
Public Hearing
St. Charles Parish Hall
February 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, Town Planner Tom Bonadeo and Town Clerk Libby Hume. The Department Heads were also in attendance along with 12 members of the public.

Mayor Sullivan announced the evening's public hearing was to hear public comment regarding i) a Conditional Rezoning Application for a portion of the Mack Building located at Strawberry Street and Randolph Avenue; and ii) the proposed modifications to the Cape Charles Town Code regarding Water and Sewer Ordinances.

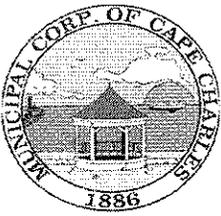
PUBLIC COMMENTS:

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
February 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, Town Planner Tom Bonadeo, Harbor Master Smitty Dize and Town Clerk Libby Hume. The Department Heads were also in attendance along with 12 members of the public.

Vice Mayor Bannon offered the invocation and led the Pledge of Allegiance.

PUBLIC COMMENTS:

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

CONSENT AGENDA:

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

The Town Council reviewed the minutes of the December 7, 2010 Joint Public Hearing with the Planning Commission, the January 13, 2011 Regular Meeting, the January 27, 2011 Executive Session, and the January 28, 2011 Town Council Retreat.

Councilman Bennett apologized for not being able to attend the January 13, 2011 Regular Meeting and added that he wanted to comment on the January Planning Report which stated that "the computers and tables purchased through the broadband grant had been set up in the Cape Charles Christian School and a plan would be developed regarding usage by the public." Councilman Bennett stated that he was in favor of the computers being available for the students at the Cape Charles Christian School but also wanted the public to be able to access these computers and would like to have a set date when the plan would be in place regarding usage of the computers by members of the public.

Motion made by Councilman Veber, seconded by Vice Mayor Bannon, to approve the minutes for the December 7, 2010 Joint Public Hearing, the January 13, 2011 Regular Meeting, the January 27, 2011 Executive Session, and the January 28, 2011 Town Council Retreat as presented. The motion was approved by majority vote with Councilman Evans abstaining since he was not in attendance at the December 7, 2010 Joint Public Hearing and the January 13, 2011 Regular Meeting.

REPORT PRESENTATIONS:

A. Town Manager's Report:

Town Manager Heather Arcos reported the following: i) On February 3rd, Heather Arcos, Harbor Master Smitty Dize, Police Chief Charles Brown, Code Official Jeb Brady and Town Clerk Libby Hume attended Legislative Day in Richmond to hear representatives from the Virginia Municipal League speak regarding legislation that would affect the municipalities in Virginia.

The group also met with Senator Ralph Northam. Earlier in the day, the group attended a meeting with representatives from the Virginia Port Authority and Delegate Lynwood Lewis to give an update on the Harbor Redevelopment Project and submit a request for additional grant funding to continue the work at the Harbor; ii) Earlier today, Heather Arcos and Tom Bonadeo attended the ribbon cutting ceremony for the Offshore Wind Technology Center in Chesapeake. Governor McDonnell gave a speech and Cape Charles was mentioned as a possible location; iii) A meeting would be set up with the Virginia Economic Development Partnership for a representative to give a presentation to Council regarding economic development; and iv) Heather Arcos was working on the Council Priorities discussed at the Retreat to prioritize the projects and would forward the information to Council upon completion.

B. *Treasurer's Report:*

The Treasurer's report dated January 31, 2011 showed \$206,400 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 \$3,250,020. Treasurer JoAnna Leatherwood added the following: i) delinquent real estate tax bills were mailed two weeks ago and have been very productive so far; ii) a report of the 10-20 highest unpaid tax bills would be presented to Council on a monthly basis with copies being forwarded to Mr. James W. Elliott, an attorney specializing in tax sales. Mr. Elliott also handled tax sales for both Accomack and Northampton Counties. Vice Mayor Bannon asked if the Town could initiate tax sales or whether it had to go through the County and also whether the Town could seize property vs. selling at a tax sale. JoAnna Leatherwood responded that she would check into these items and report her findings at a later date; and iii) the new accountant, Mr. Jerry Murphy, would be starting on March 15th.

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

C. *Recreation Report:*

Community Events/Recreational Coordinator Jen Lewis was not in attendance at the meeting.

D. *Library Report:*

Librarian Ann Rutledge reported that the Cape Charles Memorial Library now had a Facebook page and all events would be posted.

Councilman Veber stated that he was very impressed with the turnout for the recent showing of the *Clamdigger's Daughter* and added that it was a very good idea and a great fundraiser for the Library.

E. *Harbor Report:*

Harbor Master Smitty Dize passed around a notebook of photographs of the construction at the Harbor and reported the following: i) some of the floating slips arrived today and more are expected to arrive tomorrow; and ii) the Blessing of the Fleet was scheduled to begin April 8th and would start off the 2011 season. Blessing of the Fleet organization meetings were scheduled for February 23rd, March 16th and April 6th.

Councilman Veber asked Smitty Dize to provide information regarding the buy boats. Smitty Dize stated that he had spoken with the representative from the Chesapeake Bay Buy Boat Association and the boats would be arriving on August 4th and departing on August 8th. The boats would be open to the public and there would be a weekend of activities in Cape Charles. The buy boats were used heavily to dredge and transport oysters and crabs before trucks were used for transportation. Heather Arcos added that the Town was working on a schedule of events and a press release for this event.

F. *Public Works / Public Utilities Report:*

Public Works / Public Utilities Director Dave Fauber reported the following: i) The invitation for bids for grounds maintenance had been advertised. The park would be a separate item in the contract; ii) An invitation for bids for a new emergency generator for the Plum Street Pump Station would be advertised soon; and iii) the Public Utilities crew had been working on a portion of Pine Street to repair the high water at the pump station. The crew had to dig to find the problem.

Councilman Bennett asked about the location of the shell road on the Keck property. Dave Fauber responded that the road would run from Old Cape Charles Road to the corner of the property along the hedge to the wells.

G. *Code Enforcement:*

Code Enforcement Officer Jeb Brady stated that he had no additions to his written report.

Councilman Veber asked how the code enforcement process was going regarding houses in Town in disrepair. Jeb Brady responded that unfortunately, the property owners were not very responsive to his correspondence but he had met with Heather Arcos to develop a game plan. Currently there were six buildings that have been on his list for action for over four years. Due to the economy, it was difficult to get anyone to make costly repairs on a property, but the Town did not want to demolish a house, especially in the Historic District which could affect the Town's historic designation. Councilman Veber asked if the Town could do anything regarding the repairs, especially regarding safety. Jeb Brady stated that he could obtain quotes from contractors if that was what Council decided to do. The Town could also take legal action but the fees were high. Jeb Brady continued to state that he preferred to work with the property owners before taking legal action, if possible, but all costs incurred by the Town including the cost of certified mailings, could be placed as a lien against the property. Councilman Veber concluded by stating that he was concerned with the aesthetics of the Town especially with the number of tourists visiting the Town.

H. *Planning Report:*

Town Planner Tom Bonadeo reported that the Broadband Management Team was scheduled to meet on February 15th and planning for public access to the computers at the community center was on the agenda.

OLD BUSINESS:

A. *Zoning Ordinance Modification – Wind Energy Ordinance:*

Tom Bonadeo stated that Council, numerous citizens and potential businesses had expressed interest in alternative energy. The Governor of Virginia planned to promote Virginia as a center for Offshore Wind Power Development. The Planning Commission had worked on this ordinance for some time and the proposed document incorporated input from outside sources of expertise. A joint public hearing with Town Council and the Planning Commission was held on February 1, 2011 and no comments were heard. After the public hearing, the Planning Commission further reviewed the proposed ordinance and made two additional text changes which clarified the ordinance. The acronym "ANSI" was spelled out and the requirement of a Cape Charles building permit was added.

Councilman Bennett stated that he was glad that the installation of the wind turbine would be by conditional use and expressed his concerns regarding permitting wind turbines within the Town limits stating that he felt it would harm the Town. Councilman Bennett stated that he was in support of building wind turbines offshore, but not in Town. Councilman Bennett went on to state that he read that the Historic District Review Board voted against allowing micro systems in the Historic District and added that he did not see where this decision was reflected in the ordinance. Tom Bonadeo explained that any limitations in construction of wind turbines in the Historic District would be outlined in the Historic District Guidelines and reminded Council that

a conditional use permit was required and Council had the ability to put conditions on any proposed wind project.

There was much discussion regarding this issue and the ability to construct wind turbines in various areas of the Town. Councilman Evans asked whether the current zoning ordinance contained any language regarding wind turbines and what process would be followed if an application were submitted requesting to build a wind turbine. Tom Bonadeo stated that it would be considered a special use permit and went on to explain that it would be impossible to cover everything in the zoning ordinance. A special use permit covers everything that was not specifically listed in the zoning ordinance and in 2001 Council approved the construction of six wind turbines in Town. Unfortunately, the company was not able to raise the needed funds to begin construction.

Motion made by Vice Mayor Bannon, seconded by Councilman Veber, to adopt the proposed Wind Energy Ordinance as part of the Cape Charles Zoning Ordinance. The motion was approved by majority vote with Councilman Bennett opposed.

B. Conditional Rezoning Request – Portion of the Mack Building:

Tom Bonadeo stated that the Planning Commission received a complete application for rezoning a portion of the Mack Building located at the corner of Strawberry Street and Randolph Avenue from C-1 Commercial to CR Commercial Residential. The Planning Commission held a public hearing and recommended approval of the application with the express intent to use this zone as a bridge between commercial and residential areas.

This application for rezoning included the following proffers: i) creation of four parking spaces in the rear of the building for the potential tenants to keep cars from being parked on the street; ii) removal of the utility poles which currently block the alley access and installation of a 12' wide easement across the property connecting to the alley easement entering from Mason Avenue to restore the alley for emergency vehicle access at the least. The easement would encumber portions of two lots owned by the Mack building; iii) planting of a 12' evergreen landscape easement on 609 Randolph Avenue which was the vacant lot to the east of this property to block the view of the alley from Randolph Avenue; and iv) creation of a 12' rear yard area for the Randolph Avenue spaces to provide tenants space in the rear of the building to be used as a yard. The building front was on the sidewalk property lines and previous renters used the sidewalk as their front yard. The Planning Commission and the applicant agreed that all leases for the units in the building should, to the extent permitted by law, include requirements that no personal property be permitted in the front of the unit and no loitering was permitted on the public right of way. The Commission received two letters of support and one personal public comment which was answered during the Commissions' review.

Council held a public hearing earlier this evening and no comments were heard.

Councilwoman Natali asked that since this was a conditional rezoning application, what would happen to the proffers if the property was sold. Tom Bonadeo explained that the conditions would be recorded with the Circuit Court Clerk and would transfer with the property.

Councilman Veber stated that this was not the first time a project of this type had been done and added that this applicant had done a great job with Blue and felt that he would do a great job on this project. Councilman Veber added that he would like to add a date for the proffers to be completed.

Motion made by Councilman Veber, seconded by Councilman Bennett, to approve the Conditional Rezoning Application with proffers as discussed and for Heather Arcos to meet with the applicant, Patrick Hand, regarding the timeframe for completion of the proffers. The motion was unanimously approved.

C. *Mason Avenue Force mains & Pump Station Upgrade Contract Award:*

Consultant Bob Panek stated bids were received for Phase 1 of the Mason Avenue Force mains and Pump Station Upgrade project on January 27, 2011 with the lowest bid of \$1.285M from JCB Construction. GHD completed review of the contractor's qualifications and recommended award of the contract. GHD also submitted the required procurement documentation to the Department of Environmental Quality (DEQ) for clearance.

Heather Arcos asked Bob Panek to give Council some background on JCB Construction. Bob Panek explained that the company specialized in water/sewer pipeline work and had done work for the cities of Chesapeake, Portsmouth and Norfolk. They have a low overhead and did not initiate a lot of change orders and a history of completing their projects on schedule. Nothing but good reports has been received regarding JCB Construction.

Councilman Bennett asked regarding an estimated cost for Phase 2 and whether the Town had a time limitation to complete Phase 2. Bob Panek stated that the estimated cost was approximately \$500K which was increased due to flood plain issues. Bob Panek went on to state that the Town had shown good faith in moving forward with the work in Phase 1 which would improve performance of the pump station by at least 50%. The Environmental Protection Agency and the Department of Environmental Quality have approved this approach.

Motion made by Councilman Bennett, seconded by Councilwoman Natali, to authorize the Town Manager to execute the contract documents awarding the Mason Avenue Force main and Pump Station Upgrade Project to JCB Construction contingent upon DEQ clearance. The motion was approved by unanimous consent.

Mayor Sullivan asked Council to amend the agenda by moving New Business Item #7B – Cape Charles Volunteer Fire Company Presentation by President Nick Braatz up to this point in the meeting since several individuals from the fire company were in attendance, including a child, and she did not want them having to stay at the meeting any longer than necessary. Council agreed to this agenda amendment.

NEW BUSINESS:

B. *Cape Charles Volunteer Fire Company Presentation:*

President Nick Braatz introduced himself as the new president of the Cape Charles Volunteer Fire Company (CCVFC) and thanked Council for the opportunity to address them. Nick Braatz stated that the elections were held in December 2010 and went on to introduce the new Board of Directors as follows: Vice President – Doug Walker; Treasurer – Hollye Carpenter; Assistant Treasurer/Assistant Secretary – Jackie Barton; Secretary - Currently vacant; Chief – Steve Wilson; Deputy Chief – Charlie DeMarino; Assistant Chief – Matt Pruitt; Chief Engineer – Billy Powell; Captain Engineer – Doug Walker; Captain – Jeb Brady; and Lieutenant – Alex Kennedy. Nick Braatz reviewed the meeting schedule and informed Council of their upcoming events which included the Blessing of the Fleet, July 4th, the Poker Run and Tool Mania. There were also several committees: Texas Hold'em; 4th of July/Blessing of the Fleet; Poker Run and Membership Committee.

Chief Steve Wilson thanked the Mayor and Council for the opportunity to speak and informed Council that the Annual Seafood Fest was scheduled for July 2nd. Steve Wilson continued to state that the CCVFC responded to 140 calls in 2010 and assisted the Cape Charles, Nassawadox and Exmore Rescue Squads on 23 occasions. There were 26 firefighters on the roster, not including the 4 administrative personnel and 12 fund raising staff. 14 members have been certified by the State of Virginia and 4 students were currently enrolled in the Virginia Fire Training Academy. 200 hours of training was required for certification with an examination for each level completed. The firefighters usually attend training for 6-8 hours each week which was a lot to do since this was an all-volunteer force.

Councilman Bannon asked about the cost for certification. Steve Wilson responded that each fire company paid a yearly \$1K user fee to the Fire Training Center which was paid by Northampton County for all fire departments in the County. The fire departments have asked Accomack County to help fund a new burn building at an approximate cost of \$500K and the fire departments were trying to raise funds for this building.

Steve Wilson continued to inform Council of the cost savings for the Town by having a volunteer force vs. a paid force. In 2009, the cost savings totaled \$2,563,000 which breaks down to approximately \$900 per year. Steve Wilson went on to review funding received by the CCVFC as follows: i) The Town of Cape Charles contributes a portion of new permit fees; ii) The State of Virginia contributed \$8K annually; and iii) Northampton County contributed \$19K, which was down from \$21K in fiscal year 2010. The CCVFC paid \$23K annually for insurance and the cost to outfit one new firefighter with all new equipment was \$25K.

Councilman Veber thanked the CCVFC for being here in Town and stated that the firefighters were all very well respected and appreciated by the Town.

OLD BUSINESS:

D. *Revision of Town Code – Chapter 70 – Water, Sewers and Sewage Disposal:*

Bob Panek stated that the existing provisions of the Town Code pertaining to water and sewer needed to be revised primarily for the following reasons: i) to incorporate current sewer use standards required by the Environmental Protection Agency (EPA) and the DEQ; ii) to incorporate current requirements for water conservation and use restrictions during water shortage emergencies now required by the State Code and for renewal of the Town's Ground Water Withdrawal Permit; iii) to more clearly delineate the separate requirements pertaining to water and sewer, as they are governed by different federal and state laws and regulations; and iv) to update outmoded provisions of the existing code. The proposed revisions had been organized into three Chapters: 70 – Water Supply, 71 – Sewers and Sewer Use, and 72 – Water and Sewer Service Charges and Council held several work sessions to review the proposed ordinance and the resulting changes have been incorporated. A public hearing was held earlier this evening and no comments were heard. In order for the proposed changes to be approved, Ordinance #20110210 – Revising Water and Sewer Provisions of the Town Code needed to be adopted.

Councilman Veber asked whether it was fair to charge a monthly utility fee for a property when the house had been demolished. Bob Panek stated that the current ordinance required payment of the user fees. In the past, there was an unauthorized program in place where this charge was suspended, but it was never authorized by Council or by ordinance. If the Town did not charge this fee, other users would have to cover the cost with increased prices. Councilman Evans thought that it was a condition of the original bond that all users were required to pay the minimum fee and if the original bond was not paid in full, he did not see how the Town could get around this requirement. JoAnna Leatherwood confirmed that the original bond had not been paid off. Bob Panek mentioned that the Town could assess an availability fee, which was charged by other municipalities. This issue was discussed previously but, at that time, Council did not want to charge this fee. Councilman Veber added that he had a difficult time charging this fee and that a property was vacant for over 20 years, the monthly fees would total more than the connection charges. Bob Panek stated he would draft a proposal regarding the charging of availability fees vs. minimum monthly fees for review by Council but surmised that the new charge would not be much lower than the current minimum fee. Heather Arcos added that she recommended that Council adopt these ordinance revisions and re-evaluate this section during the upcoming budget meetings.

Mayor Sullivan moved for adoption of Ordinance #20110210 Revising Water and Sewer Provisions of the Town Code. Ordinance #20110210 was adopted by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Natali, yes; Sullivan, yes; Veber, yes.

Councilman Bennett complimented Bob Panek for doing such a great job on these ordinances.

NEW BUSINESS:

A. Water and Sewer Connection Charges:

Bob Panek stated that this issue was discussed at the Council Retreat where Council reviewed an estimate of \$16,850 for connection charges which reflected the following: i) the larger percentage of grant funding achieved; ii) a two-year delay of the previous growth projection; and iii) assumption of no payment under the Annexation Agreement. As requested by Council, he had prepared two additional estimates of connection charges taking into consideration payment of applicable costs under the Annexation Agreement. The first estimate which totaled \$12,350 assumed payment of 50% of applicable costs under the Annexation Agreement. The second estimated which totaled \$6,150 assumed payment of 100% of applicable costs under the Annexation Agreement.

There was much discussion and debate regarding the current connection charge and the three estimates. There was some concern regarding lowering the connection charge and refunding the difference to those that had paid the \$20K. Councilwoman Natali expressed her concern stating that she would not want to have to increase the connection charge again if the Town were to lower it too much. Bob Panek stated that the Code of Virginia stated that the fees must be "fair and reasonable" and with the additional money received in grants, etc., \$20K may not be considered "fair and reasonable." There was further discussion regarding the possibility that a lower connection charge could have a positive effect for builders coming to Cape Charles.

Motion made by Councilman Veber, seconded by Councilman Bennett, to schedule a Public Hearing on March 10, 2011, immediately preceding the Town Council Regular Meeting, to hear public comment regarding the reduction of the water and sewer connection charges to \$12,350 effective immediately upon approval next month and to refund the difference to those individuals/contractors who had paid the \$20K fee. The motion was approved by majority vote with Vice Mayor Bannon opposed.

C. Harbor Rates:

Smitty Dize stated that each year, staff reviewed all rates at the Harbor and recommendations were brought to Council. This year, staff felt that revisions were needed in the docking, storage and wharfage categories. Smitty Dize continued to review the recommended changes. Under Docking: i) a 25¢ per foot increase on the base rate for annual, seasonal and nightly in-season rentals; ii) the bulkhead rate would no longer be offered; iii) quarterly rates would be added; iv) off-season monthly and weekly rates would be added; v) hourly docking fees would be added; and vi) a reservation cancellation fee would be added for boaters that do not rebook with the same calendar year as well as the charge of one night's docking for boaters that do not cancel within 48 hours of scheduled arrival for non-holiday weekend and one week prior to scheduled arrival for holidays. Under Storage: i) increase in seasonal rate to match Cape Charles Marine; ii) boat davit increase to match the 60' slip rate; iii) reduction of the monthly rate to bring it more in line with Cape Charles Marine's fees; iv) offer a discount for trailer storage to boaters renting short term slips; v) add a rate for heavy equipment storage; and vi) nightly rate for storage of gravel, piles and pots over 10 days. Under Wharfage: i) add a rate for small trap piles; ii) add rates for clams and oysters; and iii) add rates for crab and conch pots.

Councilman Sullivan asked how these rates compared to other areas on the Eastern Shore. Smitty Dize stated that the majority of rates were still lower than the other Towns and marinas.

Councilman Bennett stated that some areas had slight increases and other areas had decreases and overall the rates were good.

Motion made by Councilman Bennett, seconded by Councilman Sullivan, to adopt the proposed rate changes for the Cape Charles Harbor as presented. The motion was approved by unanimous consent.

D. Harbor Rules and Regulations:

Smitty Dize stated that each year, the Town Manager and staff review the Harbor Rules and Regulations and recommendations were brought to Council. This year, three changes were being proposed to the Permits section of the Rules and Regulations. Smitty Dize reviewed the recommended changes as follows: i) in item #2, a one-year minimum lease requirement was added to renters of annual and seasonal slips; ii) item #3, language was added to state that sub-letting was not permitted. This language was inadvertently omitted from the previous rules which were updated in 2009; and iii) item #19 was added requiring completion of the Use of Facility Application – Harbor for rental of dock space or the gazebo for parties or events.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to adopt the proposed revisions to the Town Harbor Rules and Regulations as presented. The motion was approved by unanimous consent.

OTHER ISSUES:

Councilman Veber informed Council that, as requested by Council at the Retreat, he had met with Messrs. Richard Foster and Oral Lambert of Bay Creek and other groups regarding economic development issues. Bay Creek was interested in working with the Town to promote Cape Charles. Mr. Lambert had asked that Council answer several questions, which were distributed by Councilman Veber, to help him prepare for discussions with Bay Creek's marketing and advertising people. Councilman Veber asked Council to send him their responses as soon as possible so he could forward the information to Mr. Lambert.

ANNOUNCEMENTS:

- February 15, 2011 – Town Council Executive Session, 6PM at the Town Hall
- February 21, 2011 – Town offices closed for President's Day
- February 24, 2011 – Town Council Work Session, 6PM at the Town Hall
- March 10, 2011 – Town Council Regular Meeting, 6PM at the St. Charles Parish Hall
- March 31, 2011 – Town Council Budget Work Session, 6PM at the Town Hall

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

Mayor Sullivan

Town Clerk



**DRAFT
TOWN COUNCIL**

**Executive Session
Town Hall
February 16, 2011
6:00 P.M.**

At 6:05 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. Councilwoman Natali was not in attendance. Also in attendance were Town Manager Heather Arcos, Consultant Bob Panek and Michael Sterling of Vandeventer Black, LLP. Present representing South Port Investors were Eyre Baldwin and Rosemary Bosworth, Hugh Patterson of Willcox & Savage and Bert Turner of Turner & Turner, attorneys for South Port Investors, and Tom Langley of Langley & McDonald, architects for South Port Investors.

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.

Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Specifically: South Port Lease

Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Specifically: Potential New Business

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

Motion to certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by

the public body. Roll call vote: Bannon, yes; Bennett, yes; Evans, yes; Sullivan, yes; Veber, yes.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan and unanimously approved to adjourn the Town Council Executive Session.

Mayor Sullivan

Town Clerk

DRAFT



DRAFT
TOWN COUNCIL

Executive Session
Town Hall
February 16, 2011
6:40 P.M.

At 6:40 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. Councilwoman Natali was not in attendance. Also in attendance were Town Manager Heather Arcos, Consultant Bob Panek and Michael Sterling of Vandeventer Black, LLP.

Motion made by Councilman Evans, seconded by Councilman Bennett, and unanimously approved to amend the agenda to discuss the last item on the February 16, 2011 Executive Session agenda in a separate session.

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

Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

Specifically: Potential New Business

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett 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; Sullivan, yes; Veber, yes.

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

Mayor Sullivan

Town Clerk



DRAFT

TOWN COUNCIL

Work Session

Town Hall

February 24, 2011

5:15 PM

At 5:15 p.m. at the Town Hall, Mayor Dora Sullivan, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Sullivan, present were vice Mayor Bannon, Councilmen Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett was not in attendance. Also present were Town Manager Heather Arcos and Town Planner Tom Bonadeo.

Mayor Sullivan announced the business for the evening would be to discuss the Technology and Tourism Zones.

Town Planner Tom Bonadeo stated that there were currently approximately 19-20 Technology Zones throughout the State and information regarding these zones was previously distributed to Council. Tom Bonadeo stated that he reviewed the ordinances from the other localities and compiled some information for Council review as follows: i) Definitions; ii) Business Qualifications; iii) Geographic Area; and iv) Incentives.

Tom Bonadeo went on to state that the proposed Business Type, or definitions, were broken down by manufacturing and non-manufacturing businesses so businesses using applied technology to install, repair or upgrade computer and technology equipment and software, could also be considered in this zone. The phrase "as defined in another jurisdiction of the commonwealth" was also included in the definition to incorporate the definitions from all other localities in the State into the Cape Charles ordinance.

The proposed Business Qualifications were as follows: i) the business must create and maintain a minimum of 25 new, full-time employees for at least a one-year period; ii) each new employee must be compensated at twice the rate of the defined federal minimum wage which was currently \$7.25 per hour; and iii) the business must make a new verified minimum capital investment on the property, either in building improvements or in machinery and tools, of \$ 1M.

Tom Bonadeo proposed that the entire area of the Town of Cape Charles be designated a Technology Zone.

Possible Incentives would be an economic stimulus grant credit for qualified businesses as follows: i) up to 100% of the amount of new or increased machinery and tools tax paid to the Town; ii) up to 100% of the amount of the net increase in real estate tax paid to the Town; iii) up to 100% of the amount of BPOL tax paid to the Town; iv) up to 100% of the facility and connection fees paid to the Town; and v) up to 100% of the building permit fee paid to the Town. The business would pay all applicable fees and taxes to the Town and the Town would issue a credit for fees/taxes paid once the qualifications were fulfilled. Tom Bonadeo proposed that the incentives be offered for up to 5 years. The Code of Virginia permitted going up to 10 years, but most localities used 5 years.

Councilman Veber asked whether existing businesses would be eligible. Tom Bonadeo stated that if an existing business were to create 25 new jobs and met the other requirements; they would qualify for the incentives.

Councilwoman Natali asked if a business would continue to qualify if, after the first year, they reduced the work force from the initial 25 positions. Tom Bonadeo stated that the business hired the new employees and made the necessary capital investment and even though the number of employees may have to be cut after the first year, they could still qualify for some incentives.

Tom Bonadeo went on to review a scenario that he had prepared. In the scenario the business met the capital improvement requirement but only hired 20 employees, 15 of which earned twice the minimum wage. In the example, this business would get a credit for hiring 60% of the required employees.

Mayor Sullivan asked why a business would be required to pay twice the minimum wage. There was some discussion regarding this requirement and Council agreed that individuals qualified to work in the technology field would not work for \$7.25 per hour which equated to approximately \$15K per year.

Councilman Veber asked whether the proposed development on the Tavi property would qualify for these incentives. Councilwoman Natali stated that this development would qualify for incentives under a Tourism Zone. Tom Bonadeo added that similar definitions and qualifications needed to be outlined for a Tourism Zone which would include hotels, restaurants, conference centers, etc. Requirements for jobs in this zone could be lower paying jobs with a higher quantity of employees.

Discussion continued regarding other Federal and State incentives available to property owners and several businesses that have applied for various tax credits. Another incentive which has been utilized by property owners in the past was the 10-year tax "freeze" in which a property owner could apply to have their tax assessment "frozen" at the pre-renovation assessment for a period of 10 years.

Councilman Veber suggested that information regarding the available incentives be distributed to the real estate companies in the area so the agents could inform prospective buyers of the various programs that were currently available.

Tom Bonadeo asked Council to review the recommendations discussed and provide feedback for the next step/meeting. Councilman Veber stated that he was in favor of crediting up to 100% of the fees and taxes paid as proposed.

Heather Arcos asked Council their thoughts regarding the facility and connection fees. Commercial operations could use a large portion of the Town's capacity. Councilman Sullivan suggested only crediting the amount of the connection fees since the facility fees went into the reserve account for capacity expansion.

There was some discussion regarding the 5-year period for the Town to credit back fees and taxes. Tom Bonadeo stated that he had used 5 years in his proposal since many of the other localities also used 5 years but the number of years could be changed. The Code of Virginia allowed up to 10 years and some localities used a sliding scale after a number of years.

Tom Bonadeo proposed that the incentives be offered for up to 5 years. The Code of Virginia permitted going up to 10 years, but most localities used 5 years.

There was some discussion regarding the required \$1M minimum capital investment and whether that amount could be prorated. Tom Bonadeo stated that Council could change this amount and could prorate anything but he used \$1M as the base for a business to qualify.

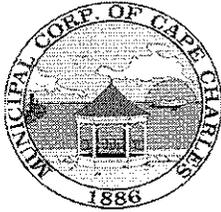
Tom Bonadeo stated that this would only affect the Town's taxes, which amounted to approximately 1/3 of the total taxes which would be assessed, and suggested Council talk to our County Supervisor to try to get the County to agree to designate Cape Charles as their Technology Zone as well and offer similar incentives.

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

Mayor Sullivan

Town Clerk

DRAFT



**DRAFT
TOWN COUNCIL**

Executive Session

Town Hall

February 24, 2011

Immediately Following Work Session

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Evans, Sullivan and Veber and Councilwoman Natali. Councilman Bennett was not in attendance. Also in attendance was Town Manager Heather Arcos.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali 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.

Paragraph 7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Specifically: South Port Lease & Potential Land Acquisitions

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

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

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan and unanimously approved to adjourn the Town Council Executive Session.

Mayor Sullivan

Town Clerk

Recreation Department March 2011 Council Report

1. Teen night is becoming a big success for the recreation and library departments. For the month of February we got the kids together and let them hang out. Sharon Silvey made baked Ziti. Sharon, Anne and Jen sat down with the kids to discuss different activities they would like to have. We have some great ideas. The kids did some crafts, had make overs and enjoyed each others company for the night. Our next event with the teens will be a St. Patrick's Day social. We will have music and snacks. The Cape Charles Christian School are donating Heyward Hall for the event.
2. Heather and Jennifer met again with a small group to discuss the future of the Community Garden and Fitness Club. The Town of Cape Charles has so far met the needs of the Garden and are hoping to see progress in the very near future. It was discussed that the garden may not be ready for planting during the summer but we can certainly get the kids involved in preparations to get to that point. Heather and Jennifer have decided to proceed with a small group to pilot the Get Fit program. The Rotary will be a key player in this program as well.
3. Jen is in the process of scheduling a cheerleading clinic. This will be a six week program that will start once the school year ends. If necessary the clinic will be broken up to accommodate all age groups.
4. Jen is again working with First Tee. There were some administrative changes and we are back on track to organize a six week program that can accommodate up to 22 children. There is a small fee of \$15 for each child to participate that will be paid to First Tee.
5. Jen will be starting back at Heritage Acres. There was a small break during the winter due to the cold weather. She will be calling BINGO on the First Tuesday and last Thursday of the month. She will again try to get them involved in other activities. She spoke with Pearline and they are very interested in the computer the Town of Cape Charles would like to donate. They have internet service already hooked up and will be responsible for any maintenance. They have an existing computer that is so old it is not useable.
6. Cornhole games have started back up on Saturday afternoons, 3:00 p.m. at the Cape Charles Firehouse. There were six teams on February 27 from ages 9 to 40. A great time was had by all.
7. Jen will attend the monthly birding festival meeting on March 8, 2011 at 12:00. Jen has been obtaining use of various facilities for the festival. She is working on bringing the focus back to the services available through Cape Charles to host this event.
8. Jen and Heather will be meeting with the SPCA at 1:30 p.m. on March 3, 2011 to discuss having their annual dog walk in Cape Charles.

9. Our first event in the park will take place on April 2, 2011. The park has been reserved for a private wedding. We are excited by the inquiries for such events throughout the spring and summer. Different departments have worked to make changes to the use of facility form to accommodate everyone's needs for such events.
10. Jen will hold a Horseshoe tournament as part of the Blessing of the Fleet Activities on April 9, 2011 at 10 a.m.
11. Arts and crafts continue to draw a great crowd on Wednesday afternoons. Sometimes we are joined by some of the afterschool kids from the Christian School.
12. The Town of Cape Charles recently participated in a auction for St. Mary's Home for Disabled Children. Donations were made by Smitty at the Town Harbor, Chris Bannon from Sea Gate, Berkley Rayfield from Rayfield's Pharmacy, Cape Charles Fire Department and Sarah Diley with Driftwood. All items were auctioned off in Virginia Beach with all proceeds benefiting St. Mary's. Thanks to all who helped and if we missed you this year we will be around next year to ask for donations.

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

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 79 children and caregivers attended this month.
2. Etta Kaye Pruitt held a three week **Beginning Computer Class** starting February 3.
3. The Library **Board** February 8 at 5:00 in the Library.
4. On February 9 the Friends of the Library sponsored a bus trip to the **Harrington Casino**.
5. The **Friends of the Library** met on February 14 at 5:00 in the Library.
6. Ann Rutledge took the **CPR Course** being offered by the Town on February 16.
7. The theme for the **2011 Summer Reading Program** is *Amazing Tales at Your Library!* and we are busy planning the summer programs.
8. On Friday, January 18 we held a **Teen Night** at the Library and Sharon Silvey cooked baked ziti for supper. We had 8 teens to attend. Crafts and games were provided and they all had fun.

Harbor Report

February, 2011

Maintenance

1. Staff began power washing and recoating walkways around the harbor.
2. Staff ran routine maintenance checks on all gas powered equipment, some carburetor problems existed.

Upcoming, Scheduled Maintenance

1. Replace broken pile caps
2. Paint Fuel Tank

Capitol Projects:

1. Somerset Paving and Marine has began construction on the floating dock's as of today's date D-Dock was just about completed without utilities and all of C-Dock has arrived.
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.

Other:

1. The Harbor will only be open Monday through Friday 9am to 5pm. We will reopen on weekends on March 5th.
2. Staff continued working on the Blessing of the Fleet, we will schedule a series of meetings for February and March.
3. Staff continued with 11/12 budget request.
4. Staff has Continued reviewing chapter 14 of the town code.
5. Follow us on Face Book (**Cape Charles Town Harbor**) Pictures of the slip construction will be posted weekly.
6. 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.
8th Annual Buy Boat Reunion, August 5th, thru the 8th 2011.

Harbor Report February, 2011

Business:

Average Rentals per day/night by category:

<u>Rentals</u>	<u>February</u>	<u>January</u>	<u>10/11</u>	<u>9/10</u>
1. Hourly:	0.0	0.0	0.0	0.0
2. Nightly:	0.0	0.1	1.2	1.5
3. Weekly:	0.8	1.7	5.0	7.8
4. Monthly:	11.5	8.8	12.0	12.9
5. Quarterly:	0.0	3.0	1.3	0.3
6. Seasonal:	1.0	2.0	7.3	14.9
7. Annual:	27.0	29.0	27.2	26.3
8. Facility	0.0	0.0	0.1	0.1
9. Total Rentals,	40.3	44.6	54.1	63.8

Wharf Fees by Pounds:

	<u>February</u>	<u>January</u>	<u>10/11</u>	<u>9/10</u>
1. Crabs:	0	0	206,820	1,429,920
2. Fish:	0	15,720	480,166	501,141
3. Conchs:	0	0	46,410	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	0	0	0	0
10. Lg. Trap Piles	0	0	0	414,000
11. Sm. Trap Piles	11,200	0	11,200	0
12. Total Pounds:	11,200	15,720	1,744,596	2,481,921

<u>Waiting List:</u>	<u>1/31</u>	<u>Registered</u>	<u>Removed</u>	<u>2/28</u>
1. 60ft Slips:	3	0	0	3
2. 50ft Slips:	3	0	0	3
3. 45ft Slips:	13	2	0	15
4. 36ft Slips:	9	0	2	7
5. 30ft Slips:	22	0	0	22
6. 24ft Slips:	20	0	0	20
7. 20ft Slips:	9	0	0	9
Total	79	2	2	79

Two transfers from 36ft to 45ft

William Smith Dize Jr.
Harbor Master
March 1, 2011

PUBLIC WORKS

February 2011

Dump Fees

- **Oyster Landfill** – 2 Trips Work Orders Open: 7
- **Sludge**- 0 Tons Work Orders Completed: 36

Staff Report

- Michael Mullner has been hired to fill the vacancy left with the departure of Diego Upshur. Michael was selected from a pool of 21 applicants.

Completed Projects

- Trimmed bushes and mulched beds along Mason Ave.
- Helped with Pine Street force main repair.
- Made repairs to banners.

In Progress

- Making repairs to Beach Bathrooms to open in spring.
- Mulch has been delivered for playground and is being installed.
- Preparing road patches for asphalt. Repairs will be complete when asphalt plant opens.
- Bids are in for the Ground Maintenance for grounds maintenance.
- Replacing lights on pier.

Upcoming Projects

- Repairs to exterior of Municipal Building.
- Repairs to Boardwalk. (FEMA)

Special Events

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

PUBLIC UTILITIES

February 2011

Work Orders Completed

- Miss Utility Tickets: 17

Staff Report

- Thomas Stratton and Ron Bailey attended courses sponsored by Va. Rural Water Association in Basic Water Analysis, and Process Instrument Verification Water and Wastewater.
- Patrick Christman attended a course sponsored by Va. Rural Water Association in Nutrient Testing.

Completed Projects

- Repaired water lateral leak in Bayside Village.
- Repaired water main leak on Bayshore Road.
- PER for reduction of chlorination byproducts (TTHMs) has been submitted to the Department of Health.
- Cleared Pine Street force main which had a restriction in it, causing the station to run in high water from time to time.
- Installed two new 4" pumps at the Mason Avenue pump station (MAPS). Replaced faulty breaker.
- Contractor selected for re-phased Mason Ave. pump station and force main improvements. Contract awarded to JCB Construction out of Suffolk.

New WWTP

- The Operations Building has the roof installed and 99% shingled. The dormers have the plywood sheeting installed and are ready for vapor barrier installation. The interior walls have been prime painted. The foundation has the vapor barrier and insulation approx. 40% installed.
- The Headworks Building has block walls 100% complete. The mechanical coarse screen, and both fine screens have been placed in position. Stop gate frames are installed. Grit pumps are on the equipment pads. Metal roof trusses will be installed in early March.
- The Reactor Distribution Box weir gates are being installed. The Reactor slide gates and MLSS recycle piping has been installed. All davit cranes, mixer masts and mixers have been installed. Handrail installation is currently at 80%. Expansion joint filler material has been prepared for sealant. Pipe hangers and the 14 inch ductile iron piping and the stainless steel piping are installed along the entire south side of Reactor #1.
- The Membrane Tanks have 90% of the Structural Steel erected. This work to continue through March. The walls have been sand blasted for the Chemical Resistant Finish to be applied. Sealant has been installed at construction joints.

- The Process Building block installation is 98% complete. Structural roof steel erection is 50% complete and will continue thru March. Main electrical switchgear has been installed in the electrical room.
- The UV Structure currently is having the UV system installed and conduit run to the control boxes. Both plant water pumps and piping have been installed.
- The Waste Sludge tanks have had the fill concrete installed in the bottom of the tanks, and are currently being leak tested and leak repaired. All process piping has been installed. All blower pads to the east of the tanks have been installed.
- Solids process building is 100% complete with block installation. Metal roof truss erection is 75% complete, with 40% of the roof covered with plywood and felt paper. Belt filter press is installed in the building, along with the screw conveyor and 2 sludge pumps.
- Electrical man holes and hand hold continue to have tops installed and grouted to required elevation. Conduit bushings are being installed in the manholes and hand holes and strings are being pulled thru the conduit from point to point. Underground duct banks are 98% complete.
- 100 % of yard piping has been installed to date.
- The Emergency Generator is on site and in place on the pad.
- Outfall piping is 90% complete, and has passed all conflicting pipe. Installation will be completed in March.
- Various pieces of equipment have arrived on site for the membrane system from GE.

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 35)
- Repainting pipes and valves in water plant.(75% Complete)
- Working with DEQ to finalize Keck Well Aquifer Plan. Collecting data for response to DEQ review letter on the Keck Well Aquifer Test Plan.
- Collecting flow data looking for sources of inflow and infiltration in the Plum Street Pump Station Basin sewer mains. Current flow meter location is the intersection of Peach and Jefferson.
- Installing shell road to Keck Wells. Held up due to wet weather.
- Held pre-bid meeting for new emergency generator and transfer switch at the Plum Street Pump Station.

Upcoming Projects

- Draw down and yield testing on Keck Wells
- Paint interior of Water Tower.
- Mason Ave Pump Station force main rerouting
- Fig Street Force Main rerouting.
- Install of new metering system for chemical feed pumps at the water plant.
- PER for connection to Keck Wells.
- Painting of interior of water tower tank (Spring).

Code Enforcement
Month of February FY 2011

Building Permits Issued/Permit Fees Collected:

Permits this month: 16	
Permits this year: 111	Total permits last year: 200
Total construction this month: \$441,453	
Total construction this year: \$2,412,279	Total construction last fiscal year: \$3,967,519
Permit fees this month: \$5,065.84	
Total permit fees this fiscal year: \$66,814.05	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: \$443.38	
Total Fire Dept. levies this year: \$2,100.74	Total Fire Dept. levies last fiscal year: \$3,282.54
State levy this month: \$88.68	
Total state levies this year: \$421.14	Total state levies last fiscal year: \$664.67
Miscellaneous Revenue: \$50 for Temporary C.O.	

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: \$203.63	
Enforcement fees charged this year: \$2,715.63	Fees charged last fiscal year: \$7,351.98
Enforcement fees collected: \$203.63	
Enforcement fees collected this year: \$2,053.841	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 February 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
- Received Ornamental Bollards and Chain for around Fountain just waiting on better weather to install them.
- Pay Request #9 has been approved for payment with a few minor modifications.

Other items of note:

1. Completed 19 inspections
2. Conducted 0 zoning clearances
3. Completed 6 courtesy residential inspections
4. Conducted 0 courtesy commercial inspection
5. Conducted 30 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 residential plan reviews
8. Issued 1 Public Utilities Shallow Well permits
9. Made site inspections throughout the month on the New Waste Water Treatment Plant Project.
10. Continued work on a nuisance ordinance update to incorporate piling of trash, garbage, materials, etc of an unnecessary quantity as a violation.
11. Met with Town Manager and Treasurer on upcoming Budget Cycle.
12. Some regulations containing exemptions from contractor's license have been brought to my attention. After contacting the Department of Occupational Regulations and getting a legal interpretation from the Town Attorney the Code Enforcement Office policy on permit issuance is going to be slightly different. The State Code states that in order for an owner to be exempt from a Contractors License in order to obtain permits it must be the person's primary residence. Primary as stated in the interpretation entails a home of first in rank of importance, where one ordinarily lives most of the time and that there can be only one such location at any one time. It goes on to say that in accordance with this interpretation, where an owner of a seasonal (secondary, vacation, non-primary residence) is required in accordance with the Virginia Uniform Statewide Building Code to obtain a building permit, they would likely not be exempt from the requirements of a contractor's license or the use of a licensed contractor to perform or superintend repairs/alterations to a single family residence. This regulation in the past has been vastly interpreted, therefore I recently being appointed the new Building Official, felt the need to get a legal interpretation on the requirements of exemption.

Permit/Construction Fee Report

Feb-11

Address	Type	Permit #	Date	Work Description	Permit Fee	Value
204 Bay Avenue	Mechanical	PM110011	2/23/2011	New Mech. For First Floor	\$133.28	\$9,400
1134 Bayshore Lane	Building	PB110009	2/24/2011	Roll Back Girder Bed Structure	\$3,055.36	\$265,300
120 Creekside Lane	Shallow Well	PU110001	2/7/2011	Shallow Well	\$100.00	\$675
506 Jefferson Avenue	Building	PB110008	2/10/2011	Alteration Per Application	\$56.00	\$1,000
400 Mason Avenue	Electrical	PE110005	2/25/2011	New 100 Amp Service	\$0.00	\$400
623 Monroe Avenue	Building	PB110006	2/2/2011	Replace Rotten Floor Joists	\$56.00	\$2,000
623 Monroe Avenue	Mechanical	PM110008	2/16/2011	Switching Out Equip w/ New Duct Work	\$105.28	\$6,900
11 Old Plantation Drive	Building	PB110010	2/24/2011	In Ground Swimming Pool	\$364.00	\$50,000
111 Peach Street	Electrical	PE110004	2/25/2011	Changing Out Service	\$56.00	\$1,000
109 Plum Street	Mechanical	PM110007	2/16/2011	2 New Mini Split Systems	\$164.64	\$7,200
6 Tazewell Avenue	Building	PB110007	2/2/2011	Small Addition To Rear of Structure	\$364.00	\$50,000
6 Tazewell Avenue	Mechanical	PM110006	2/8/2011	New Mechanical For Res.	\$201.60	\$21,000
530 Tazewell Avenue	Mechanical	PM110009	2/17/2011	New Mech. For Alteration	\$117.60	\$8,000
530 Tazewell Avenue	Plumbing	PP110002	2/28/2010	New Plumbing for Alteration	\$84.00	\$5,000
541 Tazewell Avenue	Building	PB110005	2/1/2011	Interior Demolition	\$106.40	\$7,000
310 Washington Avenue	Mechanical	PM110010	2/18/2011	Install New Boiler	\$101.68	\$6,578

Totals

\$5,065.84 \$441,453

MONTHLY INSPECTION TOTALS

Jeb Brady

FINAL	02/22/2011
COURTESY	02/22/2011
Final	02/25/2011
Final	02/07/2011
Final	02/17/2011
COURTESY	02/22/2011
Final	02/25/2011
CUT-IN	02/01/2011
Final	02/04/2011
COURTESY	02/22/2011
Final	02/25/2011
COURTESY	02/22/2011
Final	02/25/2011
COURTESY	02/22/2011
Final	02/25/2011
Final	02/01/2011
COURTESY	02/22/2011
Final	02/25/2011
S/W FINAL	02/14/2011

Total 19

Grand Total 19

InsDateCompleted Range from
02/01/2011 to 02/28/2011

Revenue Totals by Category/Items

From: 02/01/2011 to: 02/28/2011

C. of O.		
Temporary C. O.	1	\$50.00
C. of O. totals	1	\$50.00
Miscellaneous		
Fire Dept Fee	14	\$443.38
Miscellaneous totals	14	\$443.38
Shallow Well		
Well Inspection	1	\$100.00
Shallow Well totals	1	\$100.00
State Tax		
STATE TAX.	14	\$88.68
State Tax totals	14	\$88.68
Valuation		
comm > \$10k	1	\$2,728.00
Valuation Com \$2.5 >	1	\$147.00
Valuation Res \$0-\$2.5K	3	\$150.00
Valuation Res \$2.5K - 10K	6	\$578.78
Valuation Res > \$10K	3	\$830.00
Valuation totals	14	\$4,433.78
Grand Totals	44	\$5,115.84

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: March 10, 2011
Subject: Report for Planning Department

Planning Commission Meeting—March 1

1. The Planning Commissions meeting was held on Tuesday March 1st.
2. The Planning Commissioners worked on a Conditional Use Permit for 548 Madison.
 - a. CUP for a Home Occupation – A public hearing was set for April 5, 2011.
 - b. Letters and advertising go out next week.
3. The Commission worked on the Corridor Overlay project and will be submitting items to the County Planning Commission for their review. Items include:
 - a. Architectural Guidelines
 - b. Landscaping
 - c. Zoning
 - d. Road Access and many more.
4. Two of the newest Commissioners will attend the Certified Training Class on March 7 and 8.
5. The planner has been working on the following projects
 - a. Corridor Overlay
 - b. Wetlands permits
 - c. Grant Applications
 - d. Flood Zone Review by DCR
 - e. Review of the Chesapeake Bay Preservation Act and our implementation.
6. Numerous setback informational issues for new and prospective property owners.
7. Shore Erosion issues for some Cape Charles residents. A preliminary on-site meeting was held with Sea Breeze, Bay Vista owners and all the state and federal agencies to review erosion and to discuss the options available to the owners. An application has been received and a Wetlands Public Hearing schedules for April 4, 2011.
8. Economic development work with several possibilities.

Historic District Review Board Meeting – February 15

Several historic homes have been sold in the last two months and we expect a busy spring.

The Board reviewed and approved an application by David Gomer for 6 Randolph to rebuild and expand a rear addition and to brick over a window on the east side of the house.



TOWN OF
CAPE CHARLES

AGENDA TITLE:
Cape Charles Police Department

AGENDA DATE
March 10,2011

SUBJECT/PROPOSAL/REQUEST: FEBRUARY 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: 11

10-13 Calls

(A) By Dispatch: 33

(B) By Phone via Officer/Trooper: 00

(C) In Person 01

Felony Arrests: 01

Misdemeanor Arrests: 01

DUI Arrests: 01

Traffic Summons Issued:19

Traffic Warnings Issued: 06

Parking Tickets Issued:01

Assisted Northampton County Sheriff's Office: 00

Assisted Virginia State Police: 00

Assisted Other Local Police: 00

Assisted Other Federal Agencies 00

Assisted Fire & Rescue: 04

Assisted VDOT: 00

Hours of Training Received & What Type? 24 HOURS FIRE-ARMS



TOWN OF
CAPE CHARLES

AGENDA TITLE: Water and Sewer Connection Charges

AGENDA DATE:
March 10, 2011

SUBJECT/PROPOSAL/REQUEST: Reduce water and sewer connection charges.

ITEM NUMBER:
6A

ATTACHMENTS: Proposed Ordinance

FOR COUNCIL:
Action
Information

STAFF CONTACT (s):
Bob Panek

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The current connection charges for water and sewer service total \$20,000. These charges were approved in 2009 based on growth projections, water and wastewater capacity expansion cost estimates, and grant/loan estimates available at that time. We are now well into construction of the new 250K GPD wastewater treatment plant, including the infrastructure on the plant site required for effluent reuse. We have achieved a greater grant percentage than assumed when the \$20,000 connection charge was adopted, principally due to obtaining significant additional funding under the American Recovery and Reinvestment Act (ARRA). Council was provided a re-estimate of connection charges, totaling \$16,850, for discussion at the recent Retreat. This reflected current cost estimates, the larger grant percentage, and a two year delay of the previous growth projection. As with the current connection charge, it assumed no payment under the Annexation Agreement, though Bay Creek Resort and Club represents about 68% of the growth projection driving capacity expansion needs.

DISCUSSION:

Council considered two additional estimates of connection charges at the February meeting. The first assumes payment of 50% of applicable costs under the Annexation Agreement; this estimate totals \$12,350. The 50% estimate presumes negotiation of "applicable costs". The second assumes payment of 100% of applicable costs under the Annexation Agreement; this estimate totals \$6,150. Council approved: (1) drafting an ordinance reducing the residential connection charges to \$12,350 and rebating the difference to those individuals who have paid the \$20,000, (2) scheduling a public hearing. The draft ordinance is attached. The public hearing was conducted this evening.

RECOMMENDATION:

Staff requests a roll call vote on adoption of the attached ordinance.

Sec. 70- 35. Connection Charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the costs associated with maintaining the waterworks. The facility fee covers the capital cost of creating waterworks capacity.
- (b) Class I - The connection fee shall be \$875 and the facility fee shall be \$4,000, for a total charge of \$4,875. Such charge, plus \$100 for inspection and review fees, shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.
- (c) Class II -- The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee + (Class I facility fee x residential equivalent x 10%). Residential equivalent shall be the estimated daily water consumption rate for the building, as defined by the Virginia Department of Health Waterworks Regulations, divided by the residential daily water consumption rate of 125 gallons per day. For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. The inspection and review fees above also apply to Class II permits.

Sec. 71- 42. Connection Charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the Town's costs associated with maintaining the treatment works. The facility fee covers the capital cost of creating treatment works capacity.
- (b) Class I - The connection fee shall be \$875 and the facility fee shall be \$6,600, for a total charge of \$7,475. Such charge, plus \$100 for inspection fees and review fees, shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.
- (c) Class II -- The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee + (Class I facility fee x residential equivalent x 10%). Residential equivalent shall be the estimated daily water consumption rate for the building, as defined by the Virginia Department of Health Waterworks Regulations, divided by the residential daily water consumption rate of 125 gallons per day. For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. The inspection and review fees above also apply to Class II permits.

ORDINANCE 20110310
REDUCING THE WATER AND SEWER CONNECTION CHARGES

WHEREAS, water and sewer connection charges should be set at a level sufficient to finance the anticipated capital cost of necessary system capacity; and

WHEREAS, growth over the next thirty years will necessitate expansion of system capacity; and

WHEREAS, new estimates of capital costs have been made based on a revised growth projection and a higher percentage of grant funding achieved for construction of the new wastewater treatment plant; and

WHEREAS, the new estimates assume significant payment for such capacity expansion pursuant to the Annexation Agreement; now

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles, this 10th day of March, 2011, that:

1. Sections 70-35 and 71-42 of the Town Code be revised to reduce the total residential connection charge from \$20,000 to \$12,350, per the attached.
2. Refunds of the difference between the former and new amounts be made to those individuals who have paid the former amount.

Adopted by the Town Council of Cape Charles on March 10, 2011.

By: _____
Mayor

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Wastewater Treatment Plant (WWTP) Status		AGENDA DATE: March 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Update on construction.		ITEM NUMBER: 6B
	ATTACHMENTS: None.		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Town awarded a \$14.7M contract for construction of the new WWTP to W.M. Schlosser Company in September 2009. Two change orders have been executed: \$164K for over-excavation of unsuitable material; \$177K for modifications to enable effluent reuse. These change orders bring the contract value to \$15M. The total project is now estimated at \$19.2M, including design, engineering, construction management and inspection. This includes the water reuse modification. We are funding the project as follows:

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

DISCUSSION:

Construction is on schedule as of the February 2011 progress meeting. Structures are being closed in and major equipment being set in place.

We have had one introductory fraud prevention visit from the U.S. Environmental Protection Agency (EPA) Inspector General's office, and ARRA compliance inspections by both the Virginia Department of Environmental Quality (DEQ) and the EPA. Several minor ARRA administrative issues have been corrected. We had an EPA inquiry concerning the country of origin for sluice gates being used in our project; we've confirmed that they are manufactured in the U.S.

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

Several additional wage determinations have been requested from the U.S. Department of Labor under the Davis – Bacon Act and have been approved. One additional wage classification is being prepared by the contractor.

About \$6.2M has been billed to date, all of which has been reimbursed from WQIF and VCWRLF.

RECOMMENDATION:

Provided for information only.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Public Service Authority (PSA) & Regional Wastewater System.		AGENDA DATE: March 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Provide an update on the PSA and potential regional wastewater system.		ITEM NUMBER: 6C
	ATTACHMENTS: PSA Resolution		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

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

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

DISCUSSION:

The Southern Node Preliminary Engineering Report (PER) has been completed and the State Water Control Board (SWCB) has approved a Department of Environmental Quality (DEQ) zero interest loan for the \$11 million project. No grant funding has been approved to date. Because of community opposition, the PER is being revised to reduce the service area to remain within the boundaries of Cheriton. This will reduce the project cost. Wastewater treatment for this node would be done at the new Cape Charles Wastewater Treatment Plant. The Cheriton Town Council has adopted a resolution in support of the project, including mandatory connections if necessary, contingent on the monthly service fees not exceeding \$35. It is likely that this will need to be revisited as project planning and financial assistance is refined.

The draft PER for the Northern Node has recently been reviewed by the PMT and is 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 (currently served by the hospital treatment plant). This project will cost about \$11.3 million. Mayor Moore of Exmore has expressed strong support for the project. Future phases could serve areas between the two towns as well as customers within Nassawadox. Financial assistance applications are yet to be submitted.

Both projects are dependent upon significant amounts of grant funding to yield affordable rates. It is planned to apply to both USDA Rural Development and the Virginia Department of Housing and Community Development for grant/loan packages. Additionally, the PSA is in discussion with Riverside Health System concerning a capital contribution for the Northern Node project.

The PSA Board held its first meeting on August 24, 2010. The Board has been meeting monthly since, but has accomplished little. The Board has focused on organizational matters, review of previous efforts, review of the Bayview system, initiating discussions with Riverside, and monitoring the T-CUP PMT's efforts. Two PSA Board Members have spoken in opposition to the Southern Node project before the SWCB and the County Board of Supervisors (BOS). Two other Board Members have recently resigned and have yet to be replaced by the BOS. With the completion of the PERs for the Southern and Northern Nodes under the planning grants looming, it is critical that the PSA assume responsibility for the projects. Thus far, the Board has refused to do so. At the February meeting, the Vice Chairman made a motion (attached) that the PSA assume responsibility. The motion failed on a 4 in favor, 2 opposed vote; 6 in favor being required to pass. A subsequent motion was approved to meet with the County BOS to discuss the future of the PSA. That meeting is scheduled for April 20.

RECOMMENDATION:

Provided for information only.

February 15, 2011

Eastern Shore of Virginia Public Service Authority
Meeting of February 15, 2011

1. Assumption of responsibility for project management, including administration of financial assistance (grants and loans). What is the appropriate point for the Authority to accept this responsibility? A proposal:
 - a. Project Management. PSA should assume responsibility for project management when planning grant efforts are complete. Re-establish T-CUP Project Management Teams under the PSA, tailored to Northern and Southern Nodes.
 - b. Financial Assistance.
 - i. DHCD Planning Grants. Continue administration by Northampton County through completion of contracted work and close out of grants.
 - ii. DEQ CWRLF Loan (Southern Node). PSA should become co-applicant with Northampton County.
 - iii. Future Financial Assistance Applications (USDA RD, DEQ, etc.). PSA should be co-applicant with Northampton County and/or applicable Towns.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Tree City USA Presentation		AGENDA DATE: March 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Tree City USA Presentation by Robbie Lewis		ITEM NUMBER: 7A
	ATTACHMENTS: Flyer-Tree City USA Community		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT(s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Mayor Sullivan received a request from Robbie Lewis wanting to make a presentation to the Town Council regarding the Tree City USA program which is sponsored by the Arbor Day Foundation in cooperation with the USDA Forest Service and the National Association of State Foresters. The program provides direction, technical assistance, public attention, and national recognition for urban and community forestry programs in thousands of towns and cities that more than 135 million Americans call home.

DISCUSSION:

To qualify as a Tree City USA community, a town or city must meet four standards established by The Arbor Day Foundation and the National Association of State Foresters which were established to ensure that every qualifying community would have a viable tree management plan and program. It is important to note that they were also designed so that no community would be excluded because of size.

1. A Tree Board or Department
2. A Tree Care Ordinance
3. A Community Forestry Program with an Annual Budget of at least \$2 per capita
4. An Arbor Day Observance and Proclamation

RECOMMENDATION:

Listen to Robbie Lewis' presentation.



TREE CITY USA®

Why your city should become a Tree City USA Community

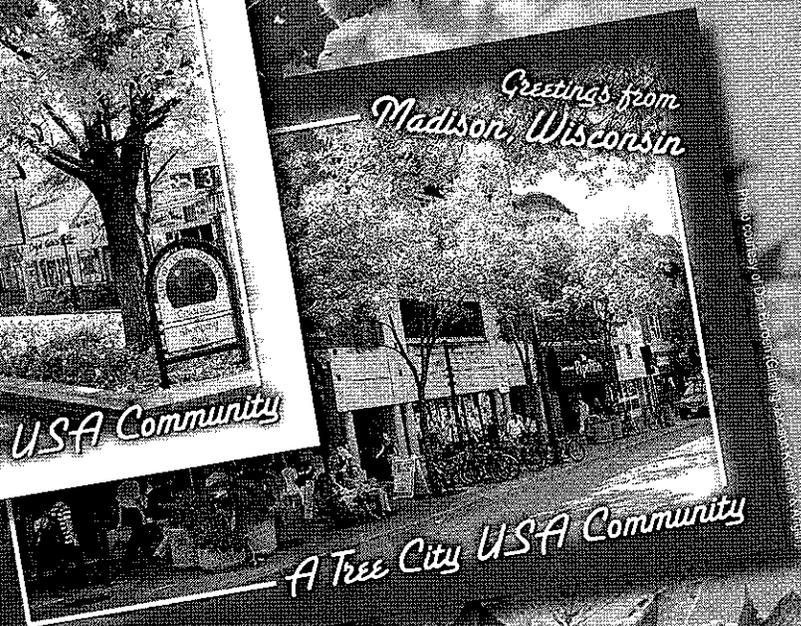
The Tree City USA program provides direction, assistance, and national recognition to your community by supporting the framework for a sustainable urban forest.

- **Reduce costs** for energy, storm water management, and erosion control. Trees yield up to three times their cost in overall benefits to the city, averaging \$273 per tree.
- **Cut energy consumption** by up to 25%. Studies indicate that as few as three additional trees planted around each building in the United States could save our country \$2 billion, annually, in energy costs.
- **Boost property values** across your community. Properly placed trees can increase property values from 7-21% and buildings in wooded areas rent more quickly and tenants stay longer.
- **Build stronger ties** to your neighborhood and community. Trees and green spaces directly correlate to greater connections to the neighborhood and neighbors.
- **Honor your community** and demonstrate your commitment to a healthier environment through Arbor Day celebrations and Tree City USA recognition.

Learn More: www.arborday.org/TreeCity
 (888)448-7337
 E-mail: TreeCity@arborday.org



Arbor Day Foundation™



 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Tall Ships Economic Development Initiative & Resolution of Support		AGENDA DATE: March 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Presentation by David Kabler re: Operation Sail 2012		ITEM NUMBER: 7B
	ATTACHMENTS: David Kabler's Presentation		FOR COUNCIL: Action <input checked="" type="checkbox"/> (X) Information <input type="checkbox"/> ()
	STAFF CONTACT(s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

David Kabler contacted Heather Arcos requesting an opportunity to address the Town Council regarding Operation Sail (OpSail) 2012 which is scheduled for June 2012.

DISCUSSION:

David Kabler will be making his presentation to the Town Council at the March 10th Regular Meeting and asks that the Council adopt a resolution to endorse and support of OpSail 2012. The Eastern Shore of Virginia Tourism Commission and the Northampton County Chamber of Commerce have already adopted similar resolutions and the Northampton County Board of Supervisors will be reviewing it at their March meeting.

RECOMMENDATION:

Listen to David Kabler's presentation and adopt Resolution #20110310 To Endorse and Support Operation Sail 2012.

Tall Ships Economic Development Initiative for Northampton County and her Incorporated Towns

Celebrating our History, Unique Identity, and Beloved Stories while leveraging our Cultural Assets for attracting People, Business and Investment.

Supporting and stimulating Existing Businesses and creating New Jobs and Opportunities

- Recognizes our ability to act to improve our economy
- Recruits stakeholders who need to be involved in this project
- Identifies and categorizes our assets
- Finds ways our community can use them to create new jobs and opportunities

Our Present Situation in Northampton County

- Adapting agrarian economy formerly dependent on water and rail transportation
- Community challenged to retain educated youth
- Major industries and employers facing regulatory, budget, costs issues
- Stagnant population rate, changing demographics, declining school enrollment
- Reliant on real estate tax revenue
- Bulk of skilled jobs carried in relatively few industries
- Strong entrepreneurship exhibited in many small businesses

Available Economic Development Options in Tourism and Hospitality

- Invites outside investment and stimulates job growth
- Supports existing businesses with outside revenue flow into county
- Low demands on public services and infrastructure

As an Economic Development Centerpiece

The Tall Ships initiative will form new regional and municipal partnerships, integrate the activities of various organizations and increase the diversity of stakeholders engaged with the community.

Funded and incorporated into a county-wide economic development strategy sharing costs, data, and human resources.

A proven track record in coastal communities around the world

- ◆generates tourism and commerce
- ◆promotes community involvement and investment
- ◆demonstrates community unity and pride
- ◆produces positive growth for all industrial classes
- ◆provides a platform for outreach ambassadorship

Unique Infrastructure already in place with plans for improvement

- ◆deep water harbor close to shipping lanes and port of Virginia
- ◆placement of breakwaters improve harbor's safety and refuge
- ◆plans for installation of new marina complex and public spaces
- ◆proximity of harbor to downtown, Central Park, residential district
- ◆USCG base, boat ramps, accommodations for tall ships, parking

Tall Ships seek venues for visitation and education

- ◆ships traverse the Chesapeake already and CC is close to Atlantic Ocean
- ◆we must invite the ships to take advantage of our hospitality at any time
- ◆civic groups in place to provide hospitality and community support

Celebration of Eastern Shore Maritime and Rail Road heritage

Readily acceptable theme among segments of Eastern Shore community

- ◆connects with wide spectrum of industries across the Eastern Shore
- ◆excellent public relations vehicles and huge tourism attractions
- ◆provides valuable sponsorship opportunities for event funding
- ◆includes everyone in the celebration

Provides incentives for solving difficult community challenges

- ◆combating roadside litter and encourages rt. 13 beautification
- ◆inspiring infrastructure improvement with increased tax revenue
- ◆supporting and expanding existing businesses

Benefits for boosting economic development

Promotes confidence among new business prospects

- ◆presents a positive image of our community
- ◆attracts visitors and invites entrepreneurship

Encourages economic growth and exploration of business opportunities

- ◆stimulates creativity, volunteerism, community cooperation
- ◆excellent marketing platform for all industries

Tall Ships Festival Community Commitments – Public and Private

- ◆Security, Dockage, Utilities, Shore transportation, Supplies
- ◆Volunteer participation, Festival grounds and venues
- ◆Publicity, Entertainment, Education, Tourism
- ◆Vendor participation and support

Recommended Course of Action

- ◆Investigate the opportunity represented by OpSail 2012
- ◆The County and Towns pass resolutions supporting OpSail 2012
- ◆Accept the invitation to join OpSail 2012 as a participating community
- ◆Adopt a long-term economic strategy based upon the Tall Ships theme
- ◆Experience first-hand the power of tall ships at attracting tourism and commerce

A Tall Ships plan will “create significant, meaningful and measurable economic and social impact for...participating communities through the following initiatives:

Tourism, Historical, Educational, Economic Development, International Military and Government Relations, Virginia Port, Maritime Trade, Cultural Arts

through the engagement of Government, Corporate, Community and Civic organizations with Commemorative Events and Activities.” *

*from OpSail 2012 letter of invitation

Execution of the Tall Ships Economic Development Initiative

The planning and execution of organizing the community's support for participation in OpSail 2012 goes hand-in-hand with beginning an immediate and focused effort to attract Tall Ships and historically important vessels of character (hereafter referred to as Tall Ships) to Northampton County ports-of-call, including the municipal harbors of Cape Charles, Oyster, and Willis Wharf. An independent contractor position will be created where the responsible individual should devote up to twenty hours per week towards fulfilling these objectives. The position will require an individual familiar with the following goals:

Community and Public Relations

- ◆ Organizing stakeholders who need to be involved in the projects
- ◆ Formation and maintenance of regional and municipal partnerships
- ◆ Recruiting and organizing sponsors, participants and volunteers
- ◆ Insuring the provision of support for the Tall Ships' accommodation

Marketing Relations for Attracting Tall Ships

- ◆ Outreach to tall ship organizations, owners, captains and crews
- ◆ Design and publication of marketing materials
- ◆ Electronic and postal communications
- ◆ Accounting for results of efforts to attract tall ships

Compensation and Expense Reimbursement Package

- ◆ Monthly compensation (\$2,000. - \$3,000.)
- ◆ Annual travel and lodging expenses to be approved in advance (\$3,000.)
- ◆ Design and maintenance of website
- ◆ Publication of marketing materials and postage for same

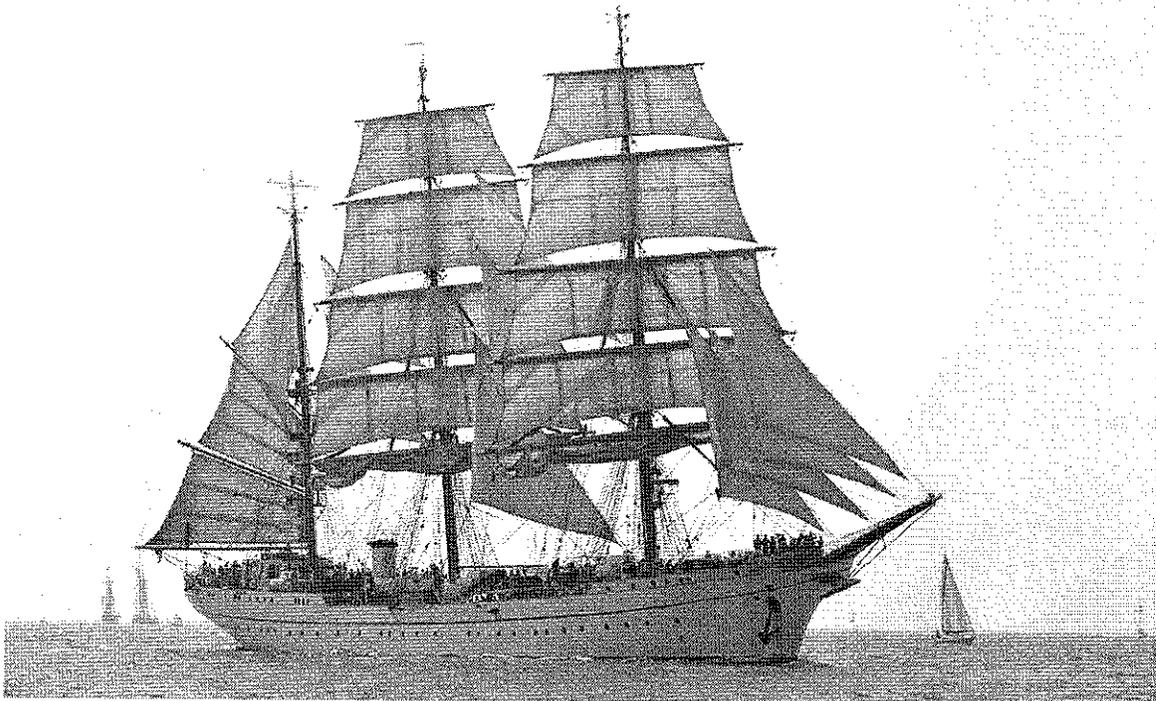
Return on Investment

The immediate need for attracting tourists to Northampton County is evident and the arrival of Tall Ships has proven to be a magnet for tourists and visitation. Quantifying the results of attracting Tall Ships is as simple as recording over a period of time the number of Tall Ships calling on our ports, the number of days they stay, and the number of visitors the ships' Captains log. An economic impact may then be estimated.

While Norfolk, Virginia provides public support for accommodating Tall Ships, a private agency is responsible for their attraction and celebrations. The key to a rewarding and profitable effort may be to focus on maintaining an on-going effort at attracting tall ships to come sailing into our ports-of-call at anytime in order to fulfill their missions. The huge festivals, which of course can provide significant, short-term, economic benefit, may also be a drain on revenues and resources leaving a community with an empty feeling and pocketbook. Efforts for attracting the vessels may pay big dividends if the risk of the big festivals is left for the private sector. This plan calls for two interrelated objectives, the first for planning for participation in OpSail 2012 and the second for an on-going program for attracting Tall Ships to our community.

From the Desk of David Kabler

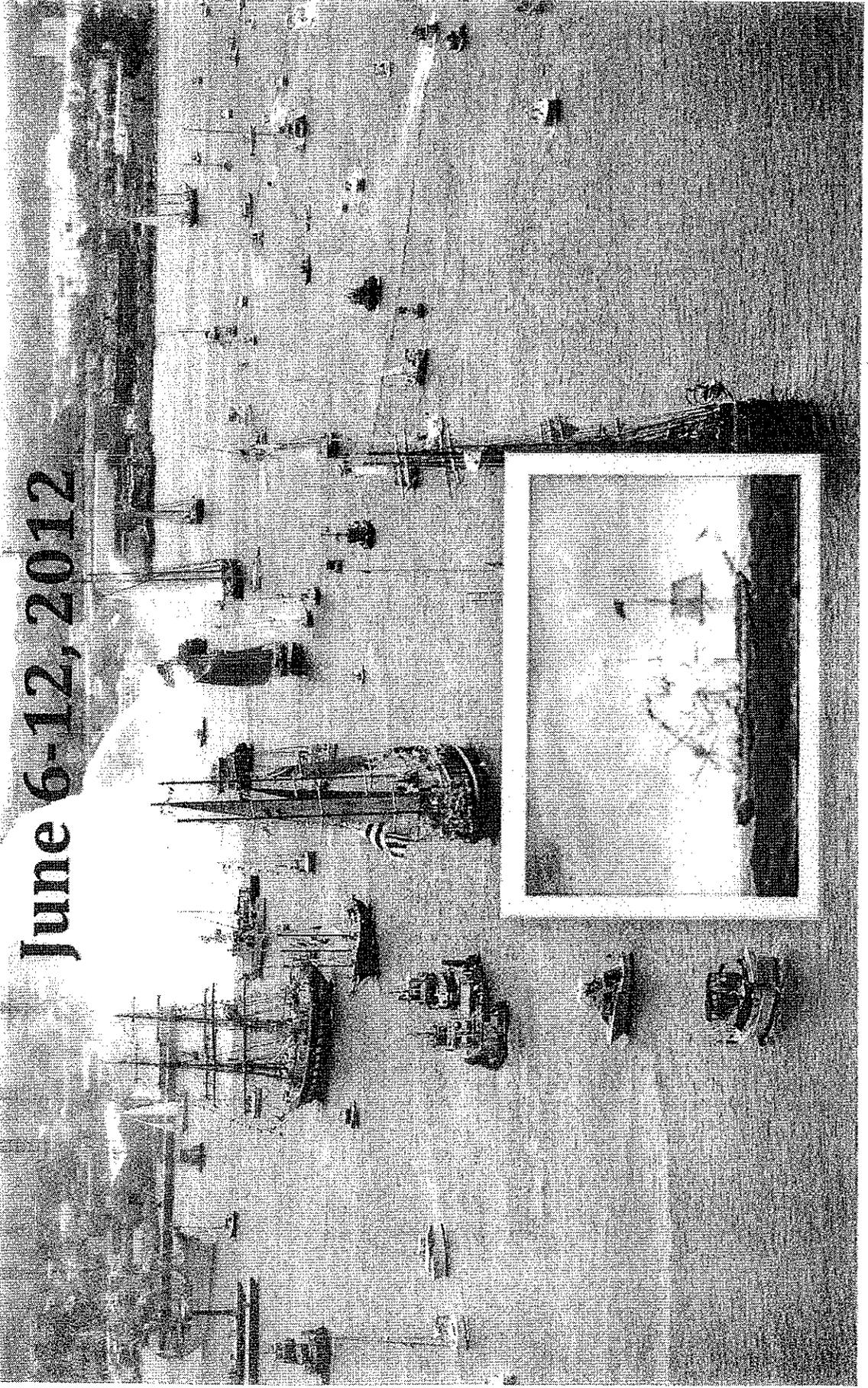
Tall Ships
Economic Development Initiative for
Northampton County
and her Incorporated Towns



Presented to the Northampton County Board of Supervisors, March 8, 2011

Opsail 2012 Virginia

June 6-12, 2012





120 W. Main Street, Norfolk, VA 23510 • Phone (757) 441-2345 • Fax (757) 441-5198 • festevents.org

FOR IMMEDIATE RELEASE
July 23, 2010

Press Contact: Karen Scherberger
OpSail 2012 Virginia
(757) 675-1144
Scherbergerk@festevents.org

Operation Sail 2012 and the United States Navy Announce Norfolk and the Port of Hampton Roads to Host *Star-Spangled Banner* and War of 1812 Bicentennial Celebrations

WASHINGTON, D.C. –Operation Sail, Inc. (OpSail) and the U.S. Navy announce the participation of five historic U. S. ports in the forthcoming 2012 events that will commemorate the bicentennial of the War of 1812 and the birth of *The Star-Spangled Banner*. The ports include New Orleans, Norfolk/Hampton Roads, Baltimore, and Boston. Events in 2012 will also include New York City's Fleet Week.

OpSail and the U. S. Navy will bring tall ships, naval vessels, and the *Blue Angels* flight demonstration team to each port city, beginning in New Orleans in May 2012 and ending in Boston Harbor on July 4, 2012.

Norfolk and the Port of Hampton Roads will host the OpSail flotilla from June 6-11, 2012, in conjunction with Norfolk's annual Harborfest celebration.

"As home to the largest Naval Base in the world and site where many of the battles of the War of 1812 were fought, Norfolk and the Port of Hampton Roads are particularly honored to host this event that recognizes the history of our U. S. Navy", said Paul D. Fraim, Mayor of Norfolk. "We understand and appreciate the significance of maritime history and events like OpSail that are tremendous opportunities to educate and enlighten our citizens, especially our youth, about our history and the importance of our military forces."

Jose Fuentes, Chairman of Operation Sail 2012, remarked that "The collaborative effort between OpSail, the U.S. Navy and mayors of each of the port cities will prove fruitful to our overall mission. OpSail 2012 will be yet another extraordinary celebration that our nation can add to its long history of proud American commemorations."

"Working in conjunction with OpSail enables the U.S. Navy to showcase the men and women who currently serve our country," said Adm. Jonathan W. Greenert, Vice Chief of Naval Operations. "By infusing our fleet with the flotilla of tall ships, along with the rich history of the participant cities, we bring America's historic beginnings into the context of a new millennium."

OpSail has hosted five Fourth of July Parades of Sail in New York Harbor. These have taken place in 1964, in commemoration of the World's Fair; in 1976, the 200th anniversary of the *Declaration of Independence*; in 1986, to mark the centennial of the Statue of Liberty; in 1992, the 500th anniversary of Christopher Columbus's landing in America and on July 4, 2000, in celebration of the new millennium.



Norfolk has hosted several major tall ship events since 1964. The most recent, Sail Virginia 2007, commemorated the 400th anniversary of the Jamestown Landing. OpSail 2000 Virginia, which Norfolk organized on behalf of the port of Hampton Roads, took place in celebration of the new millennium. "OpSail 2000 marked the first occasion that the national organization Operation Sail, Inc., partnered with ports outside New York City," said Karen Scherberger, Executive Director of Norfolk Festevents, the local organizing body for the 2012 event. "It was a tremendous honor to be selected by OpSail, Inc. for the 2000 event and to share the national stage with New York and the other selected ports. To be invited twelve years later by OpSail, Inc., and the U. S. Navy to host the 2012 program reconfirms the Port of Virginia's strength and ability to host such events of national and international significance."

OpSail events incorporate stops at key historic ports along the east coast to showcase tall ships and warships from around the world. The OpSail 2012 bicentennial celebration will consist of New Orleans, Norfolk/Hampton Roads, Baltimore, and Boston. The New York event will coincide with Fleet Week. Previous OpSail events contributed to the economy of participating port cities through increased hotel bookings, restaurant reservations, sales and new infrastructure. OpSail events historically attract significant national and international coverage in the media.

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About Operation Sail, Inc.

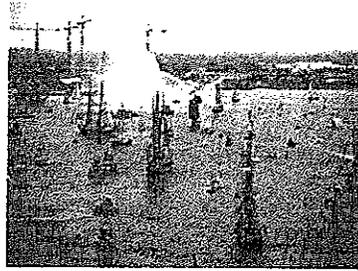
Operation Sail, Inc. is a non-profit organization established in 1961 with the endorsement of President John F. Kennedy. Backed by a Joint Congressional Resolution, its mission is to advance sail training and promote goodwill among nations. To date, it has held five international sailing events—in 1964, 1976, 1986, 1992 and 2000—each tied to a landmark historical event and each culminating in a traditional Parade of Sail in New York Harbor. For more information, please visit www.opsail.org.

About the United States Navy

The U. S. Navy is the sea-service branch of the U. S. Armed Forces. The mission of the Navy is to maintain, train and equip combat-ready naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas. The United States Navy – A Global Force For Good, www.navy.mil, www.history.navy.mil

About Norfolk Festevents, Ltd.

Norfolk Festevents, Ltd. is a private not-for-profit organization dedicated to producing city celebrations including premier concerts, festivals, ship visits, and special events for the residents and guests of Hampton Roads. Celebrating its 28th season, Norfolk Festevents has garnered international acclaim for its outstanding quality of programming. Norfolk Festevents is the official event marketing and production agency for the City of Norfolk.



Commemoration of the Bicentennial of the War of 1812
OpSail 2012 Virginia
June 6-12, 2012
Norfolk/Hampton Roads, Virginia

Background

OpSail 2012 is an international military and maritime project sponsored by the US Department of Defense and OpSail, Inc. based in New York, New York.

Norfolk/Port of Hampton Roads was selected by the Chief of Naval Operations in 2009 as one of five ports to participate in this national Bicentennial Commemoration (**New Orleans, LA, Virginia, Baltimore, MD, Boston, MA, and New York, NY.**)

OpSail 2012 Virginia was endorsed January 6, 2010 by the **Virginia Commission on the Bicentennial of the War of 1812** as a signature event for the Commonwealth.

Significance of OpSail 2012 Virginia to Hampton Roads and the Commonwealth of Virginia:

- *Places Hampton Roads and Virginia in a position of honor as one of five states selected by the United States Government;
- *Creates an opportunity to advance the rich, historical relationship between Virginia and Military Forces;
- *Creates a platform to support the initiatives of the Virginia Commission (War 1812);
- *Guarantees worldwide recognition for Virginia's Port, Tourism, and other Regional and Commonwealth priorities;
- *Guarantees Direct Economic Impact on the Region's and Virginia's participating communities via attendance/tourism at events;
- *Creates a strategic platform for Regional and Commonwealth Protocol/Diplomatic/Economic Development events;
- *Guarantees strategic Marketing Opportunities for the Region and Commonwealth and for participating communities.

Goals and Objectives

OpSail 2012 Virginia Planned Initiatives

1. To establish **OpSail 2012 Virginia** as the "WOW" Signature Event for the Commonwealth of Virginia's Bicentennial of the War of 1812;
2. To position **OpSail 2012 Virginia** as a key participant in the national OpSail2012 project with the other national ports;
3. To position **OpSail 2012 Virginia** as the "platform event" for additional cities and communities throughout the region and Commonwealth for participation using **OpSail 2000** as a model for organization and engagement;
4. To create significant, meaningful and measurable economic and social impact for the Commonwealth and participating communities through the following initiatives:
 - A) Virginia Tourism Initiatives
 - B) Historical Initiatives
 - C) Educational Initiatives
 - D) Economic Development Initiatives
 - E) International Military Relations Initiatives
 - F) International Government Relations Initiatives
 - G) Virginia Port Initiatives
 - H) Maritime Trades Initiatives
 - I) Cultural Initiatives
 - J) Government Engagement
 - K) Community and Civic Engagement
 - L) Corporate Engagement
 - M) Commemorative Events and Activities

HAMPTON ROADS PLANNING DISTRICT COMMISSION
RESOLUTION 2010-02

**A RESOLUTION OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION TO
ENDORSE AND SUPPORT OPERATION SAIL 2012**

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

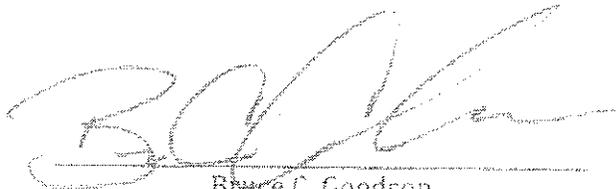
WHEREAS, the City of Norfolk, Virginia was selected to be one of five official ports of call to participate in the Bicentennial Commemoration; and

WHEREAS, the sixteen cities and counties of Hampton Roads embrace this historic world-class event and support the joint efforts of the planning and execution of OpSail 2012; and

WHEREAS, Hampton Roads recognizes the importance and potential great benefit to the region and state of this rare opportunity.

NOW, THEREFORE, BE IT RESOLVED that the Hampton Roads Planning District Commission does hereby pledge support of OpSail 2012 and encourages all citizens of the region to join in the international camaraderie that it will foster.

APPROVED and ADOPTED by the Hampton Roads Planning District Commission at its meeting on the twenty-first day of July 2010.



Bruce C. Goodson
Chairman
Hampton Roads
Planning District Commission



Dwight L. Farmer
Executive Director/Secretary
Hampton Roads
Planning District Commission



Invited Nations

WAR OF 1812 NATIONS:

- United States: Host
- Canada: Host/Historic Opponent (NATO Member)
- United Kingdom: Historic Opponent (NATO Member)

NATO INVITEES WITH NAVIES, BUT NO TALL SHIPS:

- Albania (Member)
- Azerbaijan (Partner)
- Bulgaria (Member)
- Croatia (Member)
- Estonia (Member)
- Finland (Partner)
- France (Member)
- Georgia (Partner)
- Greece (Member)
- Ireland (Partner)
- Kazakhstan (Partner)
- Latvia (Member)
- Lithuania (Member)
- Netherlands (Member)
- Serbia (Partner)
- Slovenia (Member)
- Sweden (Partner)
- Turkey (Member)
- Ukraine (Partner)

COUNTRIES WITH TALL SHIPS:

- Argentina—*Libertad*
- Australia—*Young Endeavour*
- Belgium—*A958 Zenobe Gramme* (NATO Member)
- Brazil—*Cisne Branco*
- Chile—*CNS Esmeralda (BE-43)*
- Colombia—*A.R.C. Gloria*
- Denmark—*Danmark* (NATO Member)
- Ecuador—*Guayas*
- Germany—*Gorch Fock* (NATO Member)
- India—*INS Tarangini*
- Indonesia—*K.R.I. Dewaruci*
- Italy—*Amerigo Vespucci* (NATO Member)
- Japan—*Nippon Maru* and *Kaiwo Maru*
- Mexico—*Cuahtemoc*
- Montenegro—*Jadran*
- Norway—*Christian Radich* and *Statsraad Lehmkuhl* (NATO Member)
- Oman—*Shahab Oman*
- Poland—*Dar Miodziezy* (NATO Member)
- Portugal—*N.R.P. Sagres* and *N.R.P. Creoula* (NATO Member)
- Romania—*Mircea* (NATO Member)
- Russia—*Mir, Sedov, Pallada* (NATO Partner)
- Spain—*Juan Sebastian de Elcano* (NATO Member)
- Uruguay—*Captan Miranda*
- Venezuela—*Simon Bolivar*

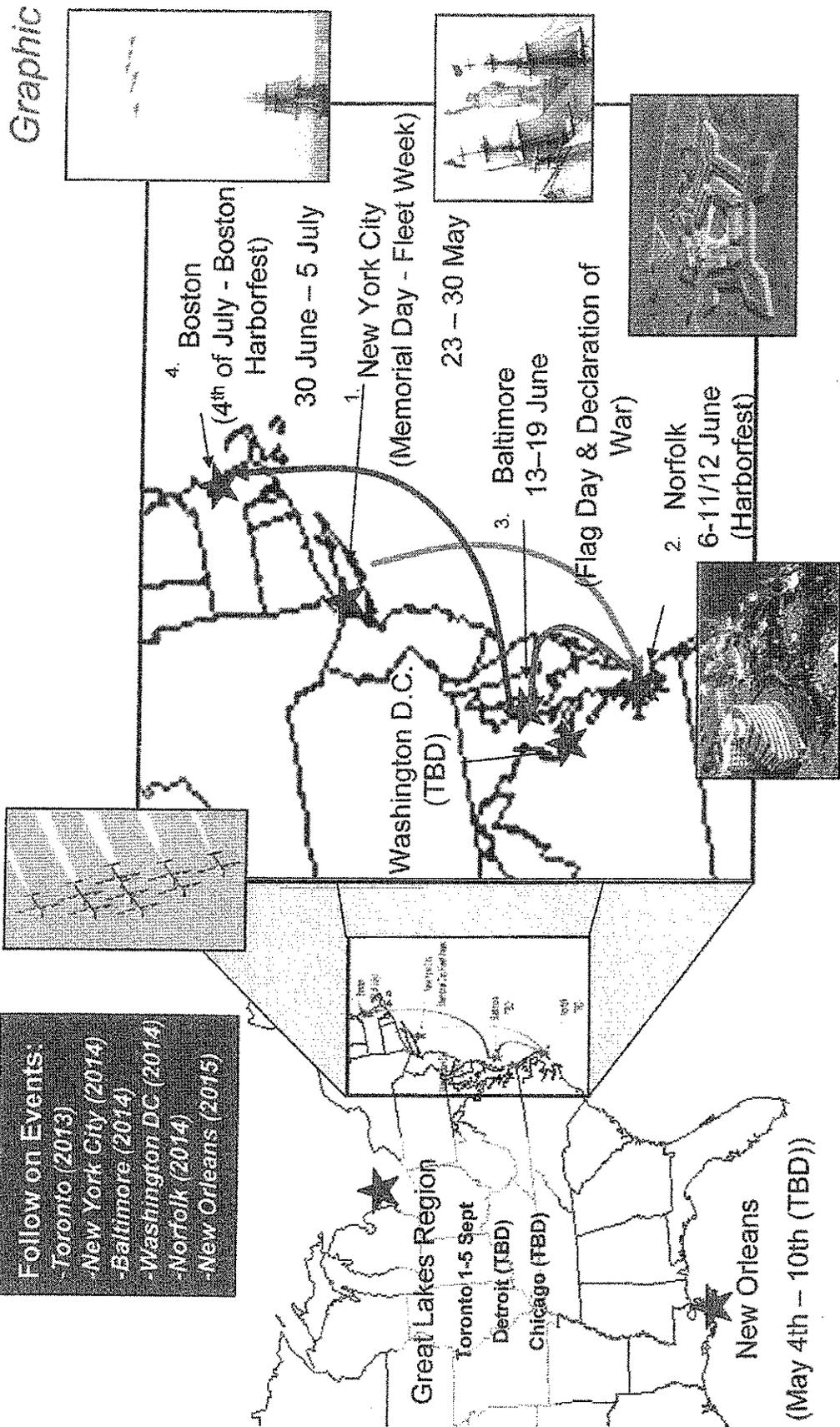
Foreign Invitees





Notional Schedule of Events

Follow on Events:
 - Toronto (2013)
 - New York City (2014)
 - Baltimore (2014)
 - Washington DC (2014)
 - Norfolk (2014)
 - New Orleans (2015)



Grand Celebration in 2012 / Follow On Events from 2013-2015



NOTES: OpSail Organizational Meeting with Norfolk Festevents Officials 2-17-1012

- 1) State Funding of \$1mm for OpSail 2012 Virginia projects is before the General Assembly and has strong support from the Governor's office. Such funding, if approved, would be a source of grants for participating communities to help fund their portion of the events.
- 2) Virginia Commission on the Bicentennial of the War of 1812: House bills 1602 & 1603 will establish the War of 1812 Bicentennial Trail and License Plates respectively. Starting March 12, 2011, a chain of commemorative events begin, continuing with OpSail 2012, a follow-up tour in June, 2013, a celebration at Fort Monroe in June, 2014, and closing out in June, 2015.
- 3) OpSail 2012 and the US Navy have invited 112 nations to send to Norfolk representatives of their respective navies and tall sailing ships. The response so far has been the best ever in the history of OpSail. This event has been initiated by the US Navy to revive interest in our maritime heritage and to commemorate the War of 1812. It is an \$80mm project.
- 4) The Virginia organization will require Affiliate Locality Representation by a Local Official Spokesperson for initiatives of Education, Tourism, Security, Transportation, Port Operations, Protocol, and affiliate Events i.e. festivals, arts, exhibits, museums, etc. The affiliate process will oversee programs that are officially endorsed by that locality and participate in the grant review process for grant applications. The benefits for Affiliate Localities will be listings on the OpSail 2012 Virginia website (gathers millions of hits), listings on the Official Schedule of Events, inclusion in Press Announcements, co-op advertising with the Va. Tourism Commission, grant funding, authorized use of the OpSail name and logo.
- 5) OpSail 2012 Virginia Schedule of Events: Friday-Sunday, June 1-3, 2012, a Patriotic Festival in Va. Beach with the Blue Angels flight demo over the oceanfront and the Hampton Blackbeard Festival; Tuesday, June 5, the warship captains' briefing; Wed., June 6, the warship Parade of Sail; Thur. June 7, the tall sailing ships rendezvous with captains briefing ashore; Friday, June 8, tall ships Parade of Sail; Sat., June 9, the Governor's Ball; Sunday, June 10, tall ships reception and soccer tournament; Monday, June 11, US Naval Base tour; Tuesday, June 12, Parade of Sail up the Chesapeake Bay.
- 6) Examples of Localities Events: teachers workshops on War of 1812 theme; museums and exhibits; Adopt-a-Ship programs; boat clubs, parades, area tours by crews of the international ships to integrate the crews into the communities; charter boats for Parades of Sail; concerts, walking tours, military reenactments, ships docking and tours, local festivals and events, land and water shuttles
- 7) Ship Location Process: 1st Priority granted to the international naval vessels and tall ships; 2nd Priority to privately owned tall ships and character vessels. Funding and operational support will be required as well as safe and adequate berthing of vessels, staffing to supervise ship operations, transportation and activities for crews; funding for ship appearances ranges from \$15k-45k.
- 8) Tall Ships Parade of Sail will start east of the Chesapeake Bay Bridge-Tunnel
- 9) Call to Action Items: April 15, 2011 is deadline for recognizing Affiliate Localities, Representatives, and Ship Berthing; May 1, 2011 is confirmation of Va. Tourism Corporate Partners; June, 2011 is deadline to confirm hosts of official protocol events for ships officers and dignitaries

Presented by David Kabler, 2/18/2011

**TOWN OF CAPE CHARLES
RESOLUTION #20110310**

TO ENDORSE AND SUPPORT OPERATION SAIL 2012

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 this project's proximity to our own community; 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;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Cape Charles does hereby pledge its support of OpSail 2012 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.

BE IT FURTHER RESOLVED that the Town of Cape Charles encourages all citizens of the Town, Northampton County and Virginia's Eastern Shore to join in the international camaraderie that it will foster.

Adopted by the Town Council of Cape Charles on this 10th day of March, 2011.

Mayor Dora Sullivan

ATTEST: _____
Clerk of the Council

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Federal Highway Safety Grant 2011/2012		AGENDA DATE: March 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Approval to apply for funding through the VA Highway Safety Office		ITEM NUMBER: 7C
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): C. F. Brown, Chief of Police	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Federal Highway Safety Grants are awarded annually to law enforcement agencies across the Commonwealth 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 which has been included in this year's budget.

DISCUSSION:

This year, the Town will be requesting \$8,570, the breakdown is as follows:

- \$4,995 for a much needed in-car camera
- \$3,375 for 150 selective enforcement hours
- \$200 for officer training

This grant requires a 20% matching fee but we will be able to show our fuel usage and vehicle maintenance costs as the matching fee.

RECOMMENDATION:

Staff requests approval to apply for the 80/20 Federal Highway Safety Grant which is due to be filed no later than March 15, 2011.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Grounds Maintenance Service Contract Award		AGENDA DATE: March 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Award contract for the Grounds Maintenance Services for the Town.		ITEM NUMBER: 7D
	ATTACHMENTS: None		FOR COUNCIL: Action <input checked="" type="checkbox"/> Information <input type="checkbox"/>
	STAFF CONTACT (s): Dave Fauber	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Staff published an Invitation for Bids (IFB) for Grounds Maintenance Service on February 9 & 12, 2011. Proposals were due and opened on February 28, 2011. The Director of Public Works reviewed the bid proposals with the Town Manager and selected Eastern Shore Landscape Management, Inc. (ESLM) out of the four contractors submitting bids.

DISCUSSION:

ESLM has been the grounds maintenance contractor for the past 3 years. The original contract was signed in 2008 and was extended, as allowed by the contract, for two subsequent years. Over the past three years ESLM has performed the duties of the ground maintenance contractor in a responsible and responsive manner. The company performs its duties professionally and safely.

ESLM was not the low bidder for this round of bids. Advantage Lawn Care was low bidder, however their bid package was not complete and our past experience with the company leads us to believe that they will not always be able to meet the Town's needs in a timely manner. The last contract we had with Advantage ended in a frivolous lawsuit with the Town defending itself against thousands of dollars in unsubstantiated extra charges.

ESLM's base bid for mowing services is \$21,090.00 which is less than was charged for service last year. The bid for the maintenance of Central Park, including mowing, fertilization, aeration, herbicide spraying, mulching, pruning and irrigation is \$16,075.00.

RECOMMENDATION:

Staff requests that Council award the Grounds Maintenance Service Contract, including the maintenance of Central Park, to Eastern Shore Landscape Management, Inc.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Emergency Generator Plum Street Pump Station		AGENDA DATE: February 10, 2011
	SUBJECT/PROPOSAL/REQUEST: Award contract for the replacement of the Plum Street Pump Station Emergency Generator		ITEM NUMBER: 7E
	ATTACHMENTS:		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Dave Fauber	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Staff published an Invitation for Bids (IFB) for replacement of the Plum Street Emergency Generator and transfer switch on February 16, 2011. Proposals were due and opened on March 3, 2011. The Director of Public Works reviewed the bid proposals with the Town Manager and selected Harris Power of Yorktown from the two contractors submitting bids.

DISCUSSION:

The three pump stations serving the old section of Town are almost 30 years old. In 2002 and 2003 some minor upgrades were done to the pumping equipment. More substantial upgrades to the Plum Street and Pine Street Pump Stations, including replacement of the generators, were included in the original plans for the Mason Avenue Pump Station up grades. Unfortunately budget restraints negated that effort.

The emergency generators are original at all the pump station facilities. We are starting to experience problems with some generators and their age makes repairs difficult due to scarcity of replacement parts. The Plum Street generator automatic transfer switch does not operate properly now so the generator must be started up manually whenever power goes down.

We have budgeted \$45,000 this year for a replacement generator. The low bid came in at \$23,200.

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

RECOMMENDATION:

Staff requests that Council award the Plum Street Emergency Generator Contract to Harris Power and Equipment.



TOWN OF
CAPE CHARLES

AGENDA TITLE: 2011/2012 Virginia Commission for Arts
Local Government Challenge Grant

AGENDA DATE:
March 10, 2011

SUBJECT/PROPOSAL/REQUEST: 2011-2012 Local Government
Challenge Grant Application

ITEM NUMBER:
7F

ATTACHMENTS: Virginia Commission for the Arts Press Release

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Heather Arcos

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The Town of Cape Charles has participated in the Virginia Commission for the Arts Local Government Challenge Grant since 1997. The Commission matches local government funds up to \$5K.

DISCUSSION:

The grant application deadline is April 1, 2011. The grant application is 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. The local match in the amount of \$2500 will be included in the draft FY 2011/2012 budget.

RECOMMENDATION:

Staff recommends approval to submit the Local Government Challenge Grant application by the April 1, 2011 deadline.



FOR IMMEDIATE RELEASE

CONTACT: Cathy Welborn, Program Coordinator
804/225-3132; catherine.welborn@arts.virginia.gov

State Arts Funding Application Deadline Announced for Virginia Localities, Virginia Performing Artists and Artists in Education Residencies

March 2, 2011 -- The Virginia Commission for the Arts announces a **5:00 p.m., April 1, 2011** application deadline for the Commission's 2011-2012 Local Government Challenge Grants, Artist in Residency Grants, and the 2012-2013 Performing Artist Tour Directory. All applications and required attachments must be received by the Commission by 5:00 p.m., April 1, 2011. This is not a postmark deadline. Late or incomplete applications will not be considered by the Commission.*

Local Government Challenge Grants are intended to encourage local governments to support the arts. The Commission will match, up to \$5,000 tax monies given by independent town, city, and county governments to arts organizations and jurisdictions. The money, which does not include school arts budgets or programming by parks and recreation departments, may be granted either by a local arts commission/council or directly by the governing board.

Artists in Education Residencies provide elementary and secondary students, teachers, and the community at large opportunities to work with professional artists. The residencies enhance arts instruction in the school curriculum and highlight the importance of the arts as essential components of a complete education and a valued part of community life. Each residency must include workshops for a core group of students, at least one formal teacher workshop conducted by the artist, and community performances/exhibitions and activities/workshops. Residencies of ten days or more must also include studio time for the artists. If any residency activity takes place outside of the regular school day, transportation should be available so that all students can participate.

The Performing Arts Touring Directory is intended to support Virginia performing artists and ensembles as well as increase opportunities for Virginians to experience high quality performing arts events statewide. Performing artists and ensembles apply to be listed in the Tour Directory with a set amount of funding reserved to support their touring; grants are made to the presenter, not the touring artist(s).

Any not-for-profit organization meeting eligibility criteria detailed in the Commission's **2011-2012 Online Guidelines for Funding** can apply to receive a Presenter Touring Assistance Grant to support touring activities. The touring activities are restricted to those listed in the Commission's annual Performing Arts Tour Directory. To learn more about these artists, visit the Commission's Online Tour Directory at www.arts.virginia.gov.

The Virginia Commission for the Arts supports the arts through funding from the Virginia General Assembly and the National Endowment for the Arts. The Commission distributes grant awards to artists, arts and other not-for-profit organizations, educational institutions, educators and local governments and provides technical assistance in arts management.

For additional information and to download applications, go to www.arts.virginia.gov or contact the Virginia Commission for the Arts, 223 Governor Street, Richmond, VA 23219; Phone: 804/225-3132; email: arts@arts.virginia.gov.

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