



TOWN COUNCIL

Regular Meeting

December 19, 2013

St. Charles Parish Hall

Immediately Following Public Hearing

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Recognition of Visitors / Presentations
 - A. Spencer Murray – Northampton County Ad-Hoc Emergency Care Committee Update
 - B. Northampton County High School JROTC – Lt. Colonel Hobson
4. Public Comments (3 minutes per speaker)
5. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
6. Department Reports
 - *A. Treasurer's Report
 - B. Planning Commission and Boards
 - C. Other Department Reports
7. New Business
 - *A. Bayshore Concrete Technology Zone Application
 - *B. Chicken Ordinance
 - *C. South Port Request
8. Old Business
 - A. Cape Charles Multi-Use Trail – Phase 2 Project Update
 - *B. ANPDC Comprehensive Plan Proposal
 - *C. Modifications to Zoning Ordinance § 4.1 – Sign Regulations
 - *D. Virginia Waterman's Memorial Easement
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - December 23-25, 2013 – Town Offices closed for Christmas Holiday
 - January 1, 2014 – Town Offices closed for New Year's Day
 - January 9, 2014 – Town Council Work Session, 6PM, Town Hall
 - January 16, 2014 – Town Council Regular Meeting, 6PM, St. Charles Parish Hall
11. Adjourn at 8:00 P.M.



NORTHAMPTON HIGH SCHOOL
ARMY JUNIOR RESERVE OFFICERS TRAINING CORPS
16041 Courthouse Road
Eastville, Virginia 23347

The Northampton High School Army JROTC program is one of the most recent and most prestigious cadet corps on the Eastern Shore.

Due to the wars in various countries, JROTC units across the United States have had budget cuts. Our budget cuts this school year have come to the point that we have a shortage of funds for our activities. This is where we need your help. On behalf of our organization, I would like to request a donation of any amount from your company for a series of events we will be attending over the next several months. These events include the military ball; the annual awards night, and drill competitions. Our organization is a non-profit organization that seeks to empower the youth as a leading force in moving our country forward. We believe that the youth is the key to national development and we want to harness and enrich their skills and knowledge.

For more information concerning donations, you can contact Master Sergeant Hightower or Lieutenant Colonel Hobson at 757-678-5151 x4315 or x4305. To send donations by mail, please send it to: Northampton High School, AJROTC, 16401 Courthouse Road, Eastville, Virginia 23347.

Thank you for your time and consideration.

Sincerely,

LTC J. Michael Hobson (Retired)
Senior Army Instructor



**DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
November 21, 2013
6:00 P.M.**

At 6:00 p.m. Mayor Dora Sullivan, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Godwin, Sullivan and Wendell, and Councilwoman Natali. Councilman Bennett was not in attendance. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Public Works/Public Utilities Director Dave Fauber, Town Planner Rob Testerman, Harbor Master Smitty Dize, and Town Clerk Libby Hume as well as the Department Heads and approximately 15 members of the public.

Councilman Godwin gave the invocation which was followed by the recitation of the Pledge of Allegiance.

RECOGNITION OF VISITORS / PRESENTATIONS

Carol Evans and Kerry Allison, Eastern Shore of Virginia Tourism Commission

Ms. Evans introduced Ms. Kerry Allison as the new Executive Director for the Eastern Shore of Virginia Tourism Commission (ESVTC).

Ms. Allison gave a summary of her tourism background and thanked the Town Council for their support of tourism. Ms. Allison went on to state the importance of Google and expanding the digital footprint for the Eastern Shore since the majority of people search for their travel destinations online. Ms. Allison added that Cape Charles was doing a good job, but it was a competitive market and there was still a lot of work to do. Another important facet was group tourism. Ms. Allison stated that she had recently received a phone call from a gentleman in Williamsburg who was interested in bringing tour groups to the Eastern Shore. Ms. Allison continued to state the following: i) The ESVTC office had moved from Melfa to Onancock and invited everyone to attend the ESVTC Open House on December 11th from 4:00 PM – 6:00 PM; ii) The 2014 Visitors Guide would be published in January; and iii) A Tourism Summit was being held on April 8, 2014. The event was free to the public. Ms. Allison concluded by stating that she was looking forward to working with everyone.

PUBLIC COMMENTS:

Town Clerk Libby Hume read a letter from Deborah Bender, 300 Fulcher Street. Please see attached.

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

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

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the October 17, 2013 Regular Meeting and the November 14, 2013 Special Meeting.

Councilman Wendell stated that page 7 of the October 17, 2013 minutes did not include the detail of the conversation regarding the location of the front of the old school building. He pointed out some of the details from the October 17th discussion and stated that he wanted the language added to the minutes.

Motion made by Vice Mayor Bannon, seconded by Councilman Godwin, to approve the minutes from the October 17, 2013 Regular Meeting as discussed and the November 14, 2013 Special Meeting as presented. The motion was approved by majority vote with Vice Mayor Bannon abstaining due to his absence from the October 17, 2013 meeting.

DEPARTMENT REPORTS:

A. Treasurer's Report:

Treasurer Kim Coates reviewed the Treasurer's report dated October 31, 2013 which showed \$43,890 in the Shore Bank account, \$68,492 in the Local Government Investment Pool (LGIP) account for the New Library and \$440,542 in the Local Government Investment & Restricted Funds with the Total Cash on Hand at \$552,925. Kim Coates stated that the funds held in the LGIP for the Library would be moved to Shore Bank later in the month. The total cash held in reserve was \$356,112. Kim Coates went on to review the Tax Collection Comparison for Fiscal Years (FY) 2013 and 2014, the revenues vs. expenditures and the capital improvement projects. Kim Coates informed Council that Personal Property Tax bills were mailed on November 7th and the Real Estate Tax bills were mailed on November 8th for the majority of the accounts. Northampton County provided an adjusted Personal Property Tax report to the Town on November 18th for any property sold or moved out of the Town during 2013. Revised bills were mailed out this week. December 5, 2013 was the deadline for payment of both personal property and real estate taxes. In 2014, Northampton County would be sending semi-annual billing for real estate taxes. The Town of Cape Charles would continue to bill one time in 2014 but planned to switch to semi-annual billing in 2015 if Northampton County decided to move forward with semi-annual billings for all future years.

Councilman Wendell asked about the total debt of the Town. Kim Coates stated that she needed to review all the amortization schedules to determine the total outstanding debt and would email the information to Council once compiled. Councilman Wendell stated that the bond counsel estimated the total outstanding debt at \$10M and asked whether that was accurate. Heather Arcos responded that it was close. The amount changed from year to year. The information would be gathered and provided to Council for review at the December 3, 2013 work session. Kim Coates would email the information to Council beforehand.

Councilman Wendell asked about the fees for Davenport & Company regarding whether it was a \$37,500 flat fee for services or a variable hourly rate. Kim Coates responded that it was a flat fee for the refinancing and new loan. If the Town utilized their services for other projects in the future, a different rate structure might apply.

Councilman Wendell stated that attorney Mike Sterling attended the October meeting and asked what his fee was for attending the meeting. Heather Arcos stated that she would have to research the invoice to determine the fee. Mayor Sullivan stated that she did not think Mr. Sterling charged the Town for that meeting. Kim Coates added that typically, a number of charges were waived by Mr. Sterling.

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

B. *Planning Commission and Boards:*

Town Planner Rob Testerman reported the following: i) The Historic District Review Board (HDRB) met on November 19 and approved five applications – a renovation of 1 Pine Street, alterations to 711 Tazewell Avenue, an addition to 114 Peach Street, an addition to 619 Monroe Avenue and renovations to 555 Mason Avenue. He clarified that the HDRB did not approve a one-bedroom hotel on Pine Street, but reviewed the exterior of the building only; ii) A new application had been received for the Wetlands Board. The Board members had been contacted and a meeting would be held in December; iii) Bayshore Concrete Products revised their proposal for the travel lift with no encroachment into the Federal Channel; iv) He and Heather Arcos participated in a conference call with the U.S. Army Corps of Engineers regarding the maintenance dredging project scheduled for November – December 2014. A new easement for the spoil site was needed; v) He was working with Dale Pusey of VDOT to provide him with information regarding proposed development around the Harbor Access Road; and vi) He received the scope of work from the Accomack-Northampton Planning District Commission for their assistance on the Comprehensive Plan update. The information was being reviewed and would be provided to Council in December.

Councilman Godwin asked the definition of a hotel. Rob Testerman stated that there was no mention of a minimum number of rooms but added that a 1-bedroom hotel was a little uncommon. The Town's ordinance did not have any requirements for a hotel. The ordinance only stated that there would be no residential on the first floor in this district, but a hotel was not considered residential.

Vice Mayor Bannon asked whether a sprinkler system would be required. Code Official Jeb Brady responded that no plans had been received yet, so the requirement for a sprinkler system could not be determined yet.

C. *Other Departmental Reports:*

Town Manager:

Town Manager Heather Arcos reported the following: i) The Central Park Restroom construction was moving along and should be completed within 30 days; ii) The Public Works crew was working hard decorating the Town for Christmas; iii) VDOT was working on the corner of Plum Street and Madison Avenue. Public Works/Public Utilities Director Dave Fauber stated that VDOT found some issues with the culverts and one line had completely collapsed. This could have been part of the drainage problem. Once repaired, the area should have better drainage. Heather Arcos added that there would be more improvements with the drainage as part of the Trail project; and iv) Chief Sambo Brown and Sergeant Jim Pruitt were attending Officer Chelsea Pfeiffer's graduation from the police academy tonight.

Public Utilities:

Councilman Wendell stated that he went to the Plum Street Pump Station on Saturday and Dan Dabinette explained some of the issues to him. Councilman Wendell asked Dave Fauber for an update on the pump stations and an explanation of what was needed and the estimated cost. Dave Fauber responded that the pump stations were getting old since they were constructed about 30 years ago. There were a number of Code issues as well. The wet wells were in the same room as the electrical controls, which was a safety hazard. The wet wells needed to be moved outside and the pumps and controls needed to be replaced. The preliminary engineering report was done but Dave Fauber stated that he was unsure as to what other options were reviewed. The cost estimate of \$230K was at the 30% design stage and as the project moved forward, the costs could come down. GHD, the Town's engineering firm, provided conservative cost estimates and looked for ways to bring the costs down.

Councilman Wendell commented on the manhole refurbishment project which was estimated at a cost of \$1K each for a total of approximately \$100K, and asked whether the manholes could be prioritized, whether they all had to be done at one time, and whether the work could be done in-house. Dave Fauber responded that the Town did not have the manpower to do the work in-house but the work could be prioritized with the worst ones located in areas with the deepest manholes and highest water table. The cost of \$1K per manhole could possibly come down if the bid was put out to do all the manholes. The work needed to be done because groundwater leakage into the manholes took away capacity from the wastewater treatment plant. The Department of Environmental Quality wanted the Town to continue to work on the inflow and infiltration (I&I) issues.

Vice Mayor Bannon interjected that this information would all be reviewed and discussed at the work session scheduled for December 3rd.

Dave Fauber informed Council that there was an issue with the trash dumpster for Kelly's Pub. The building next door on Pine Street was sold and Bill Parr was ready to renovate the one-story building and asked that Gene Kelly move the dumpster since a portion of the dumpster was on Mr. Parr's property. The new location for the commercial dumpster would be behind the Library in the parking lot. Heather Arcos added that this location could accommodate the Library, the business going into the former Delisheries building, Brown Dog Ice Cream, etc.

Councilman Wendell stated that he had some more questions regarding the Town Manager's memo and proceeded to comment that Council passed a resolution to refinance with a known savings of \$231K. The known savings was only for the first 10 years. Heather Arcos responded that the rate for the first 10 years was 2.65%. After 10 years, the rate would be reset at the going rate at that time. No one could predict what that rate would be, but even if the rate doubled, the Town would still save \$150K. Mr. David Rose of Davenport & Company had 30 years' experience in the financial business and he recommended this as the best option for the Town.

Vice Mayor Bannon stated that this information was already reviewed at the November 14th meeting and would be reviewed again on December 3rd.

Motion made by Vice Mayor Bannon to move on to the next agenda item since further discussion regarding the financing would be done at the December 3, 2013 Work Session. The motion died for lack of a second.

Councilman Wendell asked the number of full-time employees with the most recent hire. Heather Arcos explained that the most recent hire was to replace an employee that was leaving and that there were about 27 full-time employees. Kim Coates added that there were 35 total employees including two part-time employees at the Library, several part-time and seasonal at the Harbor and the Assistant Town Manager was part-time.

Mayor Sullivan stated that the majority of the Town Council went to the Town Hall to ask questions or called or emailed the Town Manager and staff and asked Councilman Wendell how often he visited the Town Hall or called staff with his questions.

Councilman Wendell asked all staff in attendance whether the front of the old school building faced south.

Recreation/Community Events:

Recreation/Community Events Coordinator Jen Lewis stated that on November 20th, the Town staff and members of the Town Council served Thanksgiving lunch to the residents of Heritage

Acres. There were about 75-100 people served. The Northampton County Sheriff's Department also assisted with the luncheon this year.

Mayor Sullivan proceeded to the first item of Old Business.

OLD BUSINESS

A. *PSA & Regional Wastewater Update:*

Assistant Town Manager Bob Panek stated that the agenda packet included a copy of the presentation from the PSA's September 16, 2013 public information session, a summary of the Southern Node considerations which included the businesses and parcels which were and were not interested in the regional wastewater system, and a map of the Southern Node Commercial Wastewater Tax District. Bob Panek distributed the Draft Outline of Input to the Board of Supervisors and briefly reviewed the results of the public hearing process, the PSA Board recommendation, other considerations for the Board of Supervisors and considerations for the PSA Board.

Vice Mayor Bannon noted that Parcel 91-A-13 showed the owner's name as Wendell and was included with the parcels that wanted to be excluded from the regional wastewater proposal and asked who owned the property. Councilman Wendell responded that he now owned the property. Vice Mayor Bannon expressed his concern of the conflict of interest for Councilman Wendell and asked that he obtain a legal opinion regarding the issue.

Councilman Wendell asked why the project was still moving forward when it was in conflict with both the County and Cape Charles comprehensive plans. Bob Panek stated that the PSA was following the request from the Board of Supervisors and the engineering report was required to provide better cost estimates to evaluate the viability of the project.

B. *Former Library Building Update:*

Dave Fauber stated that the Town received proposed plans from Mr. Leon Parham for the layout of the former library building for use as a meeting facility and reviewed the plans with Council as follows: i) a new ADA bathroom would be located at the front of the building; ii) The current bathroom would remain for use by the Council and Boards during their meetings; iii) a new doorway would be constructed on the front left side of the building leading to the ADA ramp along the left side. The area had been staked out and there would be ample space to construct the handicap ramp; and iv) He was waiting for a structural engineering report to ensure that the building could support the proposed use. Upon receipt of the report, he was prepared to put the project out to bid. The facility could possibly be used for meetings beginning in February.

C. *Cape Charles Multi-Use Trail, Grant Award Acceptance:*

Bob Panek stated that on January 24, 2013 the Town submitted an application for an additional \$312K of Transportation Alternatives Program grant funding for Phase 2 of the Cape Charles Multi-Use Trail Project. At their June 19, 2013 meeting, the Commonwealth Transportation Board approved the full \$312K applied for. An amended Appendix A to the grant agreement reflecting this increase must be executed by the Town to accept this increased grant allocation. The total grant amount was \$2.3M to date.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to authorize the Town Manager to sign the amended Appendix A to the grant agreement for the Cape Charles Multi-Use Trial Project. The motion was approved by unanimous consent.

NEW BUSINESS:

A. *Zoning Ordinance § 4.1 – Sign Ordinance – Schedule Public Hearing:*

Rob Testerman stated that the Planning Commission had been working to revise the sign regulations in the Zoning Ordinance for some time. The proposed regulations had been

reviewed by legal counsel and their two minor suggested modifications were reviewed by the Planning Commission and incorporated into the draft language which was provided to Council in the agenda packet. The Planning Commission recommended holding a joint public hearing with the Town Council to hear comment regarding the proposed sign regulations.

Motion made by Vice Mayor Bannon, seconded by Councilman Sullivan, to schedule a joint public hearing with the Planning Commission on December 10, 2013 regarding the proposed Zoning Ordinance modifications to Section 4.1-Sign Regulations. The motion was approved by unanimous consent.

B. Waterworks Backwash Vault:

Dave Fauber stated that the backwash from the Water Treatment plant was originally designed to be discharged into the Wastewater Treatment Plant (WWTP) polishing pond but when the old WWTP was decommissioned, the polishing pond was removed and the backwash water was rerouted directly to the UV Vault which lacked the capacity to effectively handle the water plant backwash without discharging some of the iron laden backwash water into the harbor before the iron and manganese had time to settle out completely. The Town would like to expand the existing vault to a greater capacity to make it more effective in retaining all the iron and manganese laden water and allow the Town to discharge water that met the Total Suspended Solids Discharge Limits. With some preliminary cost estimates and quotes received, the total cost of the project would be approximately \$25K.

Heather Arcos stated that this was a priority project and could possibly be funded using funds allocated in this year's budget for engineering the Pine and Plum Street Pump Station improvements.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to approve the advertising of an Invitation for Bids and construction of the backwash vault expansion project using funds budgeted for engineering the pump stations or from some other available money source. The motion was approved by unanimous consent.

C. Virginia Waterman's Memorial Easement:

Harbor Master Smitty Dize stated that Mr. Ed Lewis, president of the Friends of the Virginia Waterman's Memorial on the Eastern Shore, gave a presentation to the Town Council in September 2012 requesting to construct the Virginia Waterman's Memorial at the Cape Charles Town Harbor due to the proximity of the Chesapeake Bay. At the time, Council was polled and all members expressed their support of the memorial being constructed at the Harbor. In order for the construction to move forward, the Town needed to grant an easement for the specified location. Under Code of Virginia § 15.2-2100(B), the Town needed to advertise and receive bids on any easement lasting more than five years and § 15.2-1800 required a public hearing be held. The maximum length of the easement could not exceed 40 years.

Heather Arcos added that staff was working on a draft easement which would be provided for Council review.

Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to advertise for bids for the proposed location for a memorial and to schedule a public hearing for December 19, 2013 prior to the regular meeting.

D. Northampton County Funding Request:

Heather Arcos stated that each year, the Town submitted a letter to Northampton County for a contribution request for the next fiscal year budget. Last year, the Town requested funding assistance for the Cape Charles Memorial Library, the Library expansion, the 4th of July fireworks display, public beach operations, and the public fishing pier operations. For FY 2013-2014, the Town received \$20K for the operations of the Cape Charles Memorial Library. The

County also provided assistance to the Eastern Shore of Virginia Festivals organization for the Tall Ships initiative. The Town was close to getting funding for the fireworks display but the Board of Supervisors ended up cutting the funding from their budget. On October 30, 2013, the Town received notification from the County to submit any funding assistance requests for FY 2014-2015 by December 18, 2013. For FY 2014-2015, the staff recommended the following requests: i) Cape Charles Memorial Library - \$20K of a \$119K annual budget; ii) Cape Charles Computer Training Lab operations - \$20K; iii) July 4th fireworks display - \$8K of a \$15K cost; iv) Public Beach operations - \$10K of a \$75K budget; and v) Offshore Breakwater - \$75K of an \$800K project. The Town would also request Northampton County's continued efforts to provide emergency services to the residents of the County after the relocation of Riverside Shore Memorial Hospital and continued support for the Cape Charles Harbor Access Road, the Cape Charles Volunteer Fire Company, and the Eastern Shore of Virginia Festivals organization for the Tall Ships initiative.

Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to submit the FY 2014-2015 funding request to Northampton County as discussed. The motion was approved by unanimous consent.

E. *Water Reuse:*

Bob Panek stated that the Town was authorized to discharge an average daily flow of up to 250K gallons per day (GPD) of treated wastewater effluent. Effluent volume beyond 250 GPD would need to be accommodated through a water reuse system. The Town's current average daily flow was about 150K GPD. \$260K had been utilized for design, incorporation of reuse capability into the plant, construction of the pipeline to Old Cape Charles Road and a survey of the Bay Creek lake system for the storm water analysis required by DEQ. GHD estimated an additional \$10K - \$15K to complete the storm water analysis. The water reuse effort was included in the portion of the WWTP budget funded by the Clean Water Revolving Loan Fund zero interest loan. Approximately \$317K of the loan amount remained unutilized and staff was in discussion with the DEQ regarding funding the storm water analysis from this balance.

Motion made by Vice Mayor Bannon, seconded by Councilman Godwin, to authorize up to \$15K to complete the storm water analysis as discussed.

There was some discussion regarding the usage breakdown between the historic portion of the Town vs. the newer developments. Dave Fauber stated that approximately a third of the usage was from the newer developments and two-thirds was from the historic district.

Councilman Wendell asked how the Annexation Agreement came into play regarding funding assistance from the developer for capacity expansion. Bob Panek explained that the Annexation Agreement stated that the developer would pay a portion of the costs for expansion if it was deemed that the annexed area(s) caused the Town to go over the current capacity. The requirements were outlined in the Annexation Agreement and the Town was not yet at that point. Councilman Wendell stated that he wanted to read the legal opinion regarding this issue. Heather Arcos stated that the information was available for Councilman Wendell's review at the Town Hall.

Councilman Wendell requested an Annexation Agreement work session for Council to review the document. Mayor Sullivan suggested Councilman Wendell make a motion to hold a work session regarding this topic.

With no further discussion, Mayor Sullivan asked for a vote on the motion made by Vice Mayor Bannon.

The motion was approved by majority vote with Councilman Wendell opposed.

MAYOR AND COUNCIL COMMENTS

Councilman Godwin stated that he was very impressed with the article in a previous issue of the Gazette regarding the WWTP. It was very informative and took some time for staff to research the information for the article. He had spoken to the Town Clerk who would be providing him a hard copy issue of the Gazette.

Vice Mayor Bannon and Councilman Sullivan stated that they did not have any comments at this time.

Councilwoman Natali stated that a couple of days ago she was approached by citizens, who had lived here their whole lives, stating that the Town staff should be complimented on keeping the town, park and streets in such good shape and that the areas had never looked so good. Councilwoman Natali stated that she wanted to thank the Public Works crew and staff on behalf of the citizens.

Councilman Wendell commented on the following: i) He referred to a letter sent to the Accomack-Northampton Planning District Commission expressing the Town's support in the effort to extend the Southern Tip Bike and Hike Trail from Capeville Road to the Town of Cape Charles and stated that he felt it would be wonderful to pursue this project. He had been on the Virginia Creeper Trail in Damascus which spawned business growth for cottage industries such as restaurants, bicycle repair shops, shuttle services, etc. It would definitely be a tourist attraction and would benefit the Town. The initial plan dated back to the 1990s and ran along the railroad and he hoped it would be revisited to bring the bike trail into Cape Charles. Heather Arcos added that a feasibility study was being conducted; and ii) He asked the possibility of other conflicts with Town Council in that no one could answer his question regarding which way the former school building faced.

Mayor Sullivan stated that she would like to send a message to Old School Cape Charles (OSCC) respectfully requesting that they give the Town permission to release the offers made by OSCC for the former school building and added that the citizens needed to see the offers.

ANNOUNCEMENTS

- November 23, 2013 – Cape Charles Volunteer Fire Company Tool Mania
- November 27, 2013 – Town Offices closing at noon for Thanksgiving holiday
- November 28-29, 2013 – Town Offices closed for Thanksgiving holiday
- November 30, 2013 – Cape Charles Historical Society Oyster Roast
- December 3, 2013 – Town Council Work Session, 6:00 PM
- December 5, 2013 – Town Council Public Hearing and Special Meeting, 6:00 PM
- December 6, 2013 – Holiday Progressive Dinner Tour
- December 7, 2013 – Santa's Workshop, Lighted Boat Parade, Lighted Golf Cart Parade, Grand Illumination, Pearl Harbor Remembrance Ceremony, etc.
- December 15, 2013 – B&B Cookie Trail, Open Houses at Local Churches
- December 19, 2013 – Town Council Regular Meeting, 6:00 PM, St. Charles Parish Hall
- December 20, 2013 – Town Employee Christmas Luncheon

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

Mayor Sullivan

Town Clerk

Public Comments Provided in Writing
November 21, 2013

Deborah Bender, 300 Fulcher Street

Message to the Mayor from Old School Cape Charles

The wheels of justice grind slowly, and Old School Cape Charles, LLC has not given up the fight to save Central Park property from the hands of a developer who would turn the largest public building in town into an apartment house.

Old School Cape Charles still has the option of requesting the Supreme Court to review the decision of the Writ Panel that rejected our appeals. The question of “standing” looms large in the rejection. Circuit Court Judge Revell Lewis ruled that a community group formed for the sole purpose of saving a public asset does not have standing to question the decision of Town Council. Judge Lewis also decided that he did not have jurisdiction over the case involving the sale. So Old School Cape Charles plans to ask the Supreme Court to review the decision of the panel.

Then there is the question of the Town’s staff ignoring Historic District Guidelines which state that a parking lot should not be allowed in front of the building. Madame Mayor, you have refused to identify the front of the building, but we believe that the Virginia Department of Historic Resources will be able to locate the front even without your assistance.

The school developer, J. David McCormack, told the Historic District Review Board August 20 that according to his civil engineer, he has no other option but to build parking lots of the “side” and the “back” of the school. Mr. McCormack maintains that the “side” of the school faces south – which is the entrance to the building. Mr. McCormack has yet to get his historic tax credits, and we question whether he ever will, so long as he insists on crowding an asphalt parking lot around what obviously is the front of the building. The question of low-income housing has also not gone away. IF (a very big word) Mr. McCormack actually were able to obtain historic tax credits and build his 17 one-bedroom rental apartments, he then would have the opportunity to discover that Cape Charles is not Richmond, not Petersburg, not Hopewell, and not Fredericksburg. The only chance to rent those “loft apartments” in Cape Charles would be under Section 8 subsidized housing. But McCormack told the Historic Board: “We don’t do any low income – we don’t want to detract from the neighborhood.”

The Town can expect to receive only one economic benefit from the apartment complex – 17 water bills a month at \$108 each for a total of \$22,000 a year. Is that what you meant, Mayor Sullivan, when you wrote about converting the school “into an asset that contributes to our economy?”

Deborah Bender
Community Relations Spokesperson
Old School Cape Charles



DRAFT
TOWN COUNCIL
Work Session

Town Hall
December 3, 2013
6:00 p.m.

At 6:00 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett and Sullivan and Councilwoman Natali. Councilman Godwin arrived at approximately 6:10 p.m. Councilman Wendell was not in attendance. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Treasurer Kim Coates, Public Works Director Dave Fauber, Harbor Master Smitty Dize and Town Clerk Libby Hume. There were three members of the public in attendance.

Mayor Sullivan announced that the order of business for this evening would be discussion of capital improvement projects.

Town Manager Heather Arcos stated that on November 14, 2013, Town Council approved by resolution the refinancing of two of the water and wastewater loans at a fixed rate of 2.65% for the first 10 years of a 20 year term. The refinancing would achieve a net savings while decreasing the overall term of the loans. Tonight's meeting was to review i) the Town's current debt; ii) the new financing proposal from PNC Bank; iii) Public Utilities Rate Review – Financial Impact Comparison; and iv) Prioritization of Capital Projects for potential financing. Before the Town could move forward with new financing, a public hearing must be held. A public hearing was advertised for Thursday, December 5, 2013, at 6:00 PM. Reports regarding these items were included in the agenda packet provided to Council last week. Councilman Wendell could not be in attendance this evening but submitted his comments in writing for Council consideration (please see attached).

Councilman Bennett asked about the Town's debt ratio. Treasurer Kim Coates stated that the debt to assessed valuation ratio could not exceed 10%. Currently, the total assessed value of properties in Cape Charles was \$409,929,500 so 10% would amount to approximately \$40,992K.

Councilman Bennett referred to Councilman Wendell's comment regarding the total amount owed by the Town and the limit on the amount that could be borrowed stating that the Town owed a total of about \$11M but was permitted to borrow up to \$41M.

Kim Coates reviewed Davenport & Company's Summaries of Refinancing and New Money Results. Councilwoman Natali asked about the rate after the first years and whether it would be reset for a fixed rate for another 10 years. Heather Arcos stated that the PNC option did not have a prepayment penalty and the Town would look at financing alternatives prior to the end of the first 10 years to guarantee a fixed rate for the remaining 10 years whether it was with PNC Bank or another lending institution.

Kim Coates went on to review the Public Utilities Rate Review showing the financial impact of completing the capital projects funded on a cash basis entirely by the Water and Wastewater Funds. For every \$200K used annually for a wastewater project, the wastewater rate would increase \$15.50 per month per user.

There was much discussion regarding the Capital Projects which were reviewed by Fund.

The projects under the Water & Wastewater Fund included \$300K for the connection of the two Keck wells, \$50K for a comminutor (grinder) for the Mason Avenue Pump Station, \$460K for

improvements to the Pine and Plum Street Pump Stations, and \$100K for refurbishment of the sewage collection system manholes. Councilman Bennett asked Public Utilities Director Dave Fauber to prioritize the projects in the Water & Wastewater Fund. Dave Fauber stated his prioritization preference as follows: i) comminutor for the Mason Avenue Pump Station; ii) sewage collection system manholes; iii) Pine and Plum Street Pump Station improvements; and iv) connection of the Keck wells.

The projects under the Harbor Fund included \$369K for the third segment of the offshore breakwater, and \$165K to replace and relocate the existing A dock attenuator. Harbor Master Smitty Dize stated that the best protection for the Harbor and the wave action would be the completion of all five of the proposed breakwaters. Until that was possible, more protection, in the form of attenuators, was needed. Smitty Dize continued to state that the proposed attenuators were floating docks which were filled with cement and could possibly be built at Bayshore Concrete. The existing Dock A would be relocated to the area across from the Shanty and would provide additional dockage for about 12 – 15 boats. A new attenuator would be built to replace Dock A. The Town was approved for a \$75K grant from the Virginia Port Authority and would need an additional \$165K to complete the project. Councilman Bennett stated that the ideal solution would be a breakwater and added that an attenuator would not stop the swell.

The Cape Charles Multi-Use Trail Phase 2 was included under the General Fund at an amount of \$300K. Assistant Town Manager Bob Panek explained that Phase 2 of the Cape Charles Multi-Use Trail project also included storm water management improvements.

Mayor Sullivan asked Council for their input regarding prioritization of the projects.

Councilman Sullivan's priorities were: i) pump stations, comminutor and manholes; ii) connection of wells; iii) the multi-use trail; and iv) offshore breakwaters. Councilman Sullivan stated that all the projects were important but the critical infrastructure items needed to be completed first and added that he moved the multi-use trail ahead of the Harbor projects because it also included improvements for inflow & infiltration (I&I). The costs for the projects would not get any cheaper. This was the Town's opportunity to get the needed work done and finance the costs over a 20-year term. If Council decided to wait, the opportunity to finance the projects might not be available and would have to be funded by increasing utility rates and taxes. Councilman Bennett agreed that it would be better to be proactive vs. reactive.

Councilman Godwin stated that he would not want to lose the trail project. Councilman Bennett explained that the trail would not be lost because the Town had committed to the project and if not financed, \$150K was included in the current year budget and \$150K would be included in the next budget.

Councilman Bennett's priorities were: i) wastewater improvements (pump stations, comminutor, manholes); ii) connection of wells; iii) the multi-use trail; and iv) Harbor projects. Councilman Bennett stated that the money saved by financing the trail project could be used toward something else and the Town needed to work on a permanent fix for the Harbor vs. the attenuators.

Heather Arcos stated that staff would check on the estimated amounts. Councilman Sullivan stated that actual costs could not be determined until the projects went to bid and the Town could not proceed with the bid process until it had the money to move forward with the project(s). Council needed to try to do as much as reasonably possible without having to increase taxes or utility rates.

Kim Coates stated that the Town had up to three years to use the borrowed money. If at the end of three years, Council realized that the full amount was not needed, the excess could be paid back to PNC with no penalty.

Heather Arcos stated that the Public Hearing would be held on Thursday, December 5, 2013, beginning at 6:00 PM at the Town Hall and immediately followed by a Special Meeting.

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

Mayor Sullivan

Town Clerk

DRAFT

Councilman Wendell's Comments provided in writing prior to the meeting:

To Mayor Sullivan and Fellow Councilmembers,

I am unable to attend the work session tonight; however, I would like to make the following comments for the record.

First, this week's session should have preceded our commitment to refinance the 1992 and 2003 bonds. David Rose of Davenport and Company stated that the smaller amount of money we could have borrowed at a 15 year fixed rate would save \$291,000. This is more attractive, and this work session should have happened two months ago.

Second, as Dave Fauber commented at the last Council meeting, we might find when we get the bids in for the manhole project, as well as the Pine and Plum street project, the costs could be half as much as staff has projected. This begs the question why we haven't received or acquired the actual bids first so we would know the actual amount needed instead of guessing. With this approach we indeed might only need half as much "new money."

Third, we as a Town seem to be operating on a "build it and they will come" mentality or better yet, "borrow it and spend it." This seems increasingly reckless to me. We might eventually find that those who come are only bakers willing to lend more and the bill collectors to whom we owe.

We have yet to ascertain just how much money we owe, yet we keep on spending. Is there a limit on how much debt we are willing to accrue?

Why are we asking to borrow \$300,000 for the multi-use trail, when this year's Town match is already included in the budget?

I hope you will make every effort to be wise stewards of our Town's financial resources as you participate in tonight's work session.

FRANK WENDELL



DRAFT
TOWN COUNCIL
Public Hearing & Special Meeting

Town Fire Hall
December 5, 2013
6:00 PM

At 6:00 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing and Special Meeting of Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Bennett, Sullivan and Wendell, and Councilwoman Natali. Councilman Godwin was not in attendance. Also present were Town Manager Heather Arcos, Treasurer Kim Coates, Town Clerk Libby Hume and Mr. Kevin White from Kaufman & Canoles. There were eight members of the public in attendance.

Mayor Sullivan announced the business for the evening would be to hear public comments regarding the proposed issuance of a general obligation bond of the Town in the principal amount not to exceed \$1,030,000 for the purpose of financing various Town capital improvement projects, including but not limited to water and sewer infrastructure, coastal breakwater infrastructure and improvements under the Town's community multi-use trail plan, and to pay certain cost incurred in issuing such bond.

Town Manager Heather Arcos stated that Treasurer Kim Coates would provide information regarding the proposed financing prior to opening the floor to comments.

Kim Coates reported the following: i) Tonight's public hearing was for consideration to finance a general obligation public improvement bond for \$1,030,000 to fund various capital improvements; ii) The term would be for 20 years with a 2.65% fixed rate for 10 years and no prepayment penalty; iii) The rate would reset March 1, 2024. A new rate would be established either by PNC Bank or another financial institution within 2-3 months of that timeframe. The financial advisors would continue to evaluate the market interest trends and advise staff after the first 5 years of issuance. At that point, if things looked favorable, the Town could continue with the current bond and wait for the interest rate offering in 2024; iv) The guaranteed savings in the first 10 years was \$230K. If the rates were to double at the end of 10 years to approximately 5.30% the Town's savings would be about \$150K. The interest rate would have to increase to 9.22%, which was 3.5 times the current rate, in order for the Town to lose savings. The last time the rates for a 20-year term were at 9% was in 1982; v) The Town was within its debt limit. The total 2013 assessment value was \$409,929,500 and 10% of the assessed value of debt limit was \$40,992,950. The Town's current debt was an approximate principal balance of \$9.6M and \$11.2M total debt service which included interest; and vi) By rolling the costs of the capital projects into this bond, there would be less impact on the utility rate payer because it would be spread out as debt service rather than financing the large dollar capital projects within a budget year. The majority of the capital needs were in the Public Utilities Fund.

Heather Arcos reviewed the Council priorities from the December 3, 2013 Work Session as follows: i) Sewage Collection System Manholes - \$100K. Repair 100 manholes to reduce Inflow & Infiltration (I&I) and lessen the amount of water treated at the Wastewater Treatment plant. The approximate cost was \$1K per manhole; ii) Comminutor (Grinder) - \$50K. The comminutor would grind rags, handy wipes and other debris before entering the wet well. If the multi-use trail project was removed from the FY 2014 budget and included in the new money financing, the Town could fund this project as a General Fund contribution toward the Public Utilities Fund; iii) Plum and Pine Street Pump Station Improvements - \$350K. The pump stations were originally constructed in 1985. Repairs had been made to the wet wells and valve vault outside of the existing pumping station building, two pumps and the electric control panel were upgraded; iv) Cape Charles Multi-

Use Trail Phase 2 - \$300K. This project would improve the means of non-motorized transit for residents and visitors. The total Phase 2 estimate was \$1.5M. The Federal share was \$1.2M with a Town match of \$300K which was currently being spread over FY 2014 and FY 2015; and v) Connection of 2 Keck Wells - \$300K. Connection of these wells would increase production capacity from 360K to 500K gallons per day which was the design limit for the plant. The total estimated cost for these five projects was \$1.1M. Additional capital project possibilities were: i) Offshore Breakwater - \$369K. The third segment out of five offshore breakwaters could be constructed at the entrance of the Harbor to afford better protection from wave action caused by prevailing westerly winds; and ii) Existing A Dock Attenuator - \$165K. The project would be to replace and relocate the existing Dock A to enhance protection of floating slips and the inner basin stakeholders. The total of all seven projects was \$1.634M.

PUBLIC HEARING COMMENTS

Deborah Bender, 300 Fulcher Street
Please see attached.

David Gay, 506 Monroe Avenue

Mr. Gay asked the Mayor and Council how much more debt they were willing to obligate the taxpayers to. With the new loan, the Town would owe \$11M. Mr. Gay continued to state that there didn't seem to be any accountability on how the borrowings were spent and that the same projects kept coming up year after year as justification for the loans but the projects were never completed and the money was used for something else. Mr. Gay concluded by stating that the Town needed a Town Council that was fiscally responsible and could be trusted with the people's money.

Roger Munz, 315 Harbor Avenue

Mr. Munz urged the Town Council not to borrow additional funds. He realized that Council had priorities that needed to be taken care of but he didn't believe this was the right way to do it. Juggling the payments so that the Town had lower payments now and higher payments later was misleading. Mr. Munz stated that the Council members wouldn't take a variable interest rate mortgage loan because it was unknown what it would hold in the future, so why would they force the Town to get caught in the same problem. Individuals would accomplish a few things every year and the Town should do the same thing. Mr. Munz concluded by asking Council not to indebt the Town any more.

George Proto, 607 Pine Street

Mr. Proto stated that he was in the minority and speaking tonight as an individual citizen not as the president of the Cape Charles Business Association. Although he did not like the idea of borrowing money with a rate that could change in 10 years, he was willing to trade off the risk of the rate in 10 years vs. the rate of inflation to do the projects that need to be done. There was more risk in delaying the projects or waiting until they fail and having to borrow money later and having to pay more because of inflation. Mr. Proto stated that, at this time, he was in support of moving forward to finance the necessary projects and minimizing the risk to the Town and its citizens.

Motion made by Councilman Sullivan, seconded by Vice Mayor Bannon, to close the Public Hearing portion of the meeting. The motion was approved by unanimous consent.

A. General Obligation Bond Issuance

Heather Arcos introduced Mr. Kevin White as the bond counsel who reviewed the bond resolution by paragraph with the Council.

Heather Arcos stated that a work session was held on December 3, 2013 to review and discuss the capital needs and prioritize the projects which were reviewed during the public hearing. If

the Town Council approved moving forward with the new financing for capital needs, the projected total debt service for both the refinanced loans and the new projects would be less than the Town currently paid for the two water and wastewater loans.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to move forward with the new financing up to \$1,020,000 for capital improvement projects. Mayor Sullivan forewent reading of Resolution 20131205 – Resolution of the Town Council of the Town of Cape Charles, Virginia, Authorizing the Issuance of a General Obligation Public Improvement Bond and providing for the Form and Details Thereof, since it was reviewed by Mr. White, and asked for a roll call vote. The motion was approved by majority vote. Roll call vote: Bannon, yes; Bennett, yes; Natali, yes; Sullivan, yes; Wendell, no.

B. Capital Improvement Projects

There was no more discussion regarding the capital improvement projects.

C. Governor's Designation of Additional Holiday

Heather Arcos stated that on November 26, 2013, Governor McDonnell announced that State offices would be closed on Monday, December 23, 2013, to give employees more time to spend with their families during the holiday season. The Virginia Department of Human Resource Management had updated their 2013 holiday calendar to reflect this additional day off. Northampton County had not made a determination as of yet but has closed in the past if the Circuit Court closed for the holiday. The Sheriff's Office was observing the additional day and the Town was awaiting official notification from the Northampton County Circuit Court.

Motion made by Councilman Wendell, seconded by Vice Mayor Bannon, to follow the Commonwealth of Virginia and designating Monday, December 23, 2013, as an additional day off for the 2013 Christmas Holiday.

There was some discussion regarding this additional day.

Councilman Bennett stated that he felt the Town had a generous compensation package with the number of days off and did not see the need of a third day off over the holiday and the loss of a day of productivity.

Councilman Wendell stated that he preferred the productivity of the other 300+ days during the year and added that the holidays were different. It would improve the morale of the staff to allow then an additional day to spend with their families over the holiday.

The motion was approved by majority vote with Councilman Bennett and Councilwoman Natali opposed.

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

Mayor Sullivan

Town Clerk

**Town Council Public Hearing
December 5, 2013
Comments Submitted in Writing**

Deborah Bender, 300 Fulcher Street

My husband calls Cape Charles "little Detroit" – the city that filed for bankruptcy a few years ago. We are not there yet but in a few years after the interest rates have gone up and we have to start paying principal and interest -- who will pay those bills? Or is the plan to raise taxes, water and sewer bills to cover that?

Back in 2006 when Mayor Dora Sullivan took office the town had a debt of less than \$3 million. Today the treasurer tells us that the debt is about \$11 million. In fact, we have yet to find out just how much money the town owes in bonds and loans and car payments. How can we borrow more money when we don't know what we owe right now?

Our banking advisor is giving us tables full of information about interest rates and costs of borrowing but no straight answers about what the money we borrow will cost us in the future. Right now the plan is to only pay interest and perhaps not all of that. It is borrow, spend, borrow, spend, borrow, spend. Hello Detroit, we're on our way to join you. Our town just spent \$19 million on a sewer treatment plant, and guess what? We did not build in the cost of keeping inflow and infiltration out of the system. So now we have to borrow \$100,000 to fix that. Five years ago two nor'easters caused the sewer plant to have to handle 750,000 gallons per day. We also have to borrow \$460,000 for pump stations not thought of during the sewer project. Even though there is not a check valve that is more than three years old in the pump stations that we have according to Dave Fauber.

How is it that Onancock built their sewer plant which is three times bigger and paid \$12 million?

We need a grinder pump for the Mason Avenue pump station. Didn't we just redo the force mains and other infrastructure on Mason Avenue? Why not the grinder pump?

We need \$300,000 to connect the Keck Wells -- an increase of \$100,000 since we took the \$200,000 borrowed for them to buy the Bank of America building to make into a library. In the process we removed \$40,000 per year from the town tax base.

We need breakwaters for the pleasure boats that come over for the day from Virginia Beach and Norfolk. I know the old ladies on Jefferson Avenue will be happy the town did that.

Finally, the town budgeted \$150,000 for the multi-use trail. But no, we must take that \$150,000 to spend somewhere else and borrow it instead.

I would also like to know why with a full time manager and a part time manager did we have to pay an advisor \$37,500 to tell us where to borrow the money? Perhaps we should take that \$37,500 out of the town managers salary. Add to that the advisor advised them to get this loan that the first 10 years is a fixed rate and then it turns into a variable rate loan. A variable rate loan is a BAD move. Usually the only people that have to get variable rate loans are folks with bad credit. No one knows what the interest rates will be in 10 years. The advisor claims the interest rates won't go up too high in 10 years. What is he psychic?

Again I ask why Cape Charles needs so many employees? Onancock has more full time residents than Cape Charles does and somehow they manage to run their town with half the amount of employees. Maybe our town managers need to go to Onancock for the day and get some lessons in how to run a town.

Just be clear that you are borrowing from our children and our grandchildren; because it is they who will have to pay for your borrowing and spending later.

Deborah Bender



DRAFT
TOWN COUNCIL & PLANNING COMMISSION
Joint Public Hearing
Town Hall
December 10, 2013
6:00 p.m.

At 6:00 p.m. Chairman Dennis McCoy, having established a quorum, called to order the Public Hearing of the Planning Commission. In addition to Chairman McCoy, present were Commissioners Andy Buchholz, Dan Burke, Joan Natali, Sandra Salopek, Bill Stramm, and Mike Strub. Also in attendance were Town Planner Rob Testerman and Town Clerk Libby Hume. There were 2 members of the public in attendance.

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 Godwin, Sullivan and Councilwoman Natali. Councilmen Bennett and Wendell were not in attendance.

Dennis McCoy announced that the evening's Joint Public Hearing was to hear public comment regarding the proposed modifications to the Cape Charles Zoning Ordinance Section 4.1 – Sign Regulations.

PUBLIC COMMENTS:

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

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

Motion made by Joan Natali, seconded by Bill Stramm, to close the Planning Commission Public Hearing. The motion was approved by unanimous vote.

Chairman Dennis McCoy

Mayor Dora Sullivan

Town Clerk

Planning Commission Report for Town Council

From: Rob Testerman
To: Town Council
Date: December 10, 2013
Subject: Report for Planning Department

Planning Commission Meeting – December 10

1. The Planning Commission held its regular meeting on December 10, 2013
 - a. A Joint Public Hearing was held regarding the revised Sign Regulations, Section 4.1. No members of the public spoke or submitted comments.
 - b. The Commission reviewed sections 3.1 through 3.4.4 of the Comprehensive Plan. At this time, we are not editing content of the plan, we are currently identifying items in need of updating. The content of the plan will be revised following public meetings, charettes and work with the Accomack-Northampton Planning District Commission, pending approval of their assistance in the update.
 - c. The Planning Commission continued discussion of the Town Entrance Corridor Overlay District, discussing possible use restrictions in the proposed corridor overlay. We anticipate having a draft completed shortly.
 - d. The Planning Commission reviewed the updated Zoning Map that was previously worked on by the intern who was with us in the early summer, Kyle Pendergrast. Comments were received by staff and the map will be revised accordingly.

Historic District Review Board Meeting – November 19

1. The Historic District Review Board met on November 19, 2013 to review five applications for an modifications to buildings within the historic district, 114 Peach Street, 711 Tazewell Avenue, 1 Pine Street, and 555 Mason Avenue. All applications were approved unanimously by those board members in attendance.
2. No applications have been received this month, so there will be no December meeting.

Wetlands Board Meeting – December 18

1. The Cape Charles Wetlands Board will meet and hold a public hearing on December 18th, at 4pm to hear comments and give a determination for an application for a revetment project and beach nourishment in The Colony, directly behind the home at 157 Sunset Blvd.

Harbor Area Review Board

1. An application has been received from Jon Dempster, owner/operator of The Shanty, which will require HARB approval. The HARB meeting has been scheduled for January 2, 2014 at 6:00 PM.

Code Enforcement

Month of November FY 2014

Building Permits Issued/Permit Fees Collected:

Permits this month: 17	
Permits this year: 91	Total permits last year: 257
Total construction this month: \$ 311,358	
Total construction this year: \$1,445,054	Total construction last fiscal year: \$7,411,540
Permit fees this month: \$3,641.13	
Total permit fees this fiscal year: \$29,682.76	Total permit fees last fiscal year: \$177,559.27
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: \$12,350	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$12,350	Total Tap fees last fiscal year: \$105,756
Fire Dept. levy this month: \$302.78	
Total Fire Dept. levies this year: \$1,377.94	Total Fire Dept. levies last fiscal year: \$3,195.93
State levy this month: \$60.56	
Total state levies this year: \$275.59	Total state levies last fiscal year: \$638.20
Miscellaneous Revenue: \$0	

Existing Structures Code Enforcement Cases:

Total Cases: 27	
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: 13	
Grass cutting: 7	
Enforcement fees charged this month: \$0	
Enforcement fees charged this year: \$2,750	Fees charged last fiscal year: \$10,050
Enforcement fees collected: \$1,272.70	
Enforcement fees collected this year: \$1,272.70	Fees collected last fiscal year: \$1,129.36

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 November FY14

Other items of note:

1. Completed 32 inspections
2. Conducted 0 zoning clearances
3. Completed 1 courtesy residential inspections
4. Conducted 2 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 2 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Working on 2 residential plan reviews of new single family homes.
10. Working with new owner of old Reliable property on Stone Road to change use of the building for new business.
11. A stop work order was posted on a Mason Avenue project due to unapproved building practices found when special inspections were performed. The engineer has provided details that must be followed prior to commencing any more work.
12. The Beach Club is in the finishing stages of construction and could request a Certificate of Occupancy inspection as early as this week.
13. 4th of July fireworks show is set for next year. The contract was paid in full to take advantage of an extra fireworks offer. The same site location from last year has been locked down thanks to Bayshore Concrete.
14. Collected \$1,272.70 in Code Enforcement fees from a property on Randolph Avenue that was recently sold. The fees were from smoke test repairs and grass cutting enforcement over the last few years.

12/04/13

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
083A3-0206-01	PB130102	Building	11/13/2013	208 Bay Avenue	Siding and Roof Replacement	\$157.36	\$13,100
083A3-0206-01	PB130103	Building	11/14/2013	208 Bay Avenue	Siding replacement	\$75.60	\$6,000
	PG130013	Gas	11/13/2013	1 Beach Club Way	1 Gas Line for Fireplace	\$84.00	\$500
	PB130106	Building	11/20/2013	540 Jefferson Avenue	Tear off/roof	\$72.80	\$5,500
	PE130058	Electrical	11/14/2013	621 Jefferson Avenue	13 new circuits for alteration	\$56.00	\$2,000
	PB130100	Building	11/07/2013	309 Masson Avenue	Commercial Alteration & Addition	\$1,610.80	\$114,000
	PP130027	Plumbing	11/05/2013	506 Monroe Avenue	New Plumbing for Addition	\$83.44	\$7,400
	PB130101	Building	11/13/2013	506 Monroe Avenue	Finish Out Addition	\$58.80	\$3,000
	PB130099	Building	11/01/2013	301 Patrick Henry Av	Tear off/roof	\$668.51	\$104,377
	PB130105	Building	11/15/2013	1 Pine Street	Interior Demolition & Roof Replacement	\$84.00	\$1,000
083A3-0100-52	PB130107	Building	11/25/2013	209 Randolph Avenue	Tear off/roof Back Roof	\$56.00	\$1,500
	PM130036	Mechanical	11/04/2013	307 Randolph Avenue	5 new air to air heat pumps for duplex	\$296.28	\$37,908
	PM130038	Mechanical	11/12/2013	530 Randolph Avenue	1 New Air to Air Heat Pump	\$62.02	\$3,573
	PE130057	Electrical	11/06/2013	2198 Stone Road	Electrical Upgrades for Change of Use	\$85.12	\$2,600
	PE130056	Electrical	11/04/2013	209 Tazewell Avenue	Upgrading Electrical System	\$56.00	\$1,800
	PM130039	Mechanical	11/14/2013	209 Tazewell Avenue	1 New Mini Split	\$78.40	\$6,500
083A3-0100-37	PP130028	Plumbing	11/19/2013	501 Tazewell Avenue	Adding 1 Bathroom	\$56.00	\$600

Total Permits: 17

\$3,641.13

\$311,358

PerDateIssued Range from 11/01/2013 to
11/30/2013



Town Harbor Town Council Report November, 2013

December 10, 2013

Maintenance:

1. This month the weather did not cooperate with us the way we would have liked as we did not finish painting the fuel tank, but we did however remove all the torn plastic around the office and replace it with plywood, which we painted black and recovered with the lattice so our office is winterized. We also trimmed all the rose bushes and winterized the beds. We also began pulling up small sections of dock around the inner harbor and re-screwed with stainless steel. Staff decorated the harbor.

Capital Projects:

1. **Waterman's Memorial:** An ad will be placed in the paper for bids on the easement. We are hopeful that all we be finalized sometime in January.
2. **Harbor Master Conceptual Plan:** a revised Master Plan will be presented to Council in January.
3. **Dredging Project:** Working on site "B" Beach disposal, Site "A" is the Town Beach, The proposed site "B" is at Bay Creek, staff along with the USACE, will be working with Bay Creek on an easement for the federal government. This is an update to a previous easement back in the early 80's.
4. **Breakwaters/Wave Attenuators:** Staff has contacted numerous funding agency's to help assist us with the final construction of the three remaining Offshore Breakwaters. After viewing a recent wave study it is in the best interest to construct the three breakwaters for the best protection, in the meantime we have been reviewing alternatives to help better protect our slips with concrete wave attenuators.

Other Items:

1. Follow us on Face Book (**Cape Charles Town Harbor**)

Important Dates:

- **December 24th & 25th 2013** – Harbor Office & fuel docks Closed
- **December 31st 2013** – Bay Rock Fish Season Ends
- **January 1st 2014** – Office Closed
- **January 1st 2014** – Harbor Office Closed on Weekends
- **March 15th 2014** – Harbor Office open 7 days a week
- **March 17th 2014** – Crabbing season opens
- **April 26th & 27th 2014** - 7th Annual Blessing of the Fleet
- **May 1st 2014** - Summer Office hours begin
- **June 13th – 15th 2014** – Tallships at Cape Charles
- **August 1st – 3rd 2014** – Clam Slam 2014
- **October 25th 2014** – Haunted Harbor

Cape Charles Memorial Library
November 2013

1. Our attendance for November was 936, 43 less customers than last year.
2. Monthly attendance for programs held during October:

Children's Programs:

Wednesday	10:30 Crafts	26 attended
Thursday	3:30 Chess	25 attended
Thursday	10:30 Storytime	70 attended

Special programs

Nov 7:	NASA	28 attended
Nov 13-14:	AARP	25 attended
	Total	174

3. On Thursday, November 7, Dan Thomson **from NASA Wallops Flight Facility** presented **Out of this World**, a demonstration about NASA's space program with information about what astronauts eat, wear, and how they live and work in space.
4. On November 13-14, the Library sponsored an **AARP Drivers Safety Class** at the Saint Charles Church Fellowship Hall. 25 people attended, qualifying them for an auto insurance discount good for three years!
5. On November 21 our Storytime theme was **When the Wind Blows** and we had special guest **Beth Ann Sabo** with **Eastern Shore Dogs**. Beth Ann, Alice Moorehouse, and Lynette Patterson all brought their dogs to demonstrate how dogs use their noses.
6. During the month of November, Greg Jones did an individual computer class for one person for 2 hours.

The Library continues to offer computer classes in our **Computer Lab**. They are Introductory Computer Skills, Basic Email, and Intro to the Internet. If you would like to take a class, call the Library at 331-1300 for dates and times.

7. This year the Cape Charles Memorial Library will be on the Holiday Progressive Dinner Tour and we have been preparing the library for visitors. This month our columns were repaired and our bathroom was painted.
8. As of today our Facebook page has 326 likes and our postings reached 809 people in the past week. For additional information about library programs and library related information check out our **Facebook** page!

	CAPE CHARLES MEMORIAL LIBRARY 2013												
	January	February	March	April	May	June	July	August	September	October	November	December	YTD
INCOME:													
Copier/Prt	\$63.05	\$54.30	\$80.90	\$43.10	\$53.60	\$84.42	\$144.75	\$99.00	\$87.70	\$76.20	\$56.78	\$10.60	\$854.40
Faxes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13.00	\$36.50	\$12.00	\$26.00	\$4.00	\$91.50
TOTAL	\$63.05	\$54.30	\$80.90	\$43.10	\$53.60	\$84.42	\$144.75	\$112.00	\$124.20	\$88.20	\$82.78	\$14.60	\$945.90
Deposit													
BOOK CIRC-ADLT													
Fiction	513	0	0	350	340	480	561	513	457	461	365	0	4040
Non-fiction	182	0	0	87	112	114	229	203	173	162	107	0	1369
DVDs	149	0	0	139	86	183	224	304	211	181	178	0	1655
TOTAL 2013	844	0	0	576	538	777	1014	1020	841	804	650	0	7064
Books Circ. 2012	578	579	468	561	610	642	1166	944	765	698	605	585	8201
BOOKS CIRC-JUV													
Fiction	343	0	0	216	287	605	726	609	488	488	439	0	4201
Non-Fiction	121	0	0	60	49	76	84	63	118	169	74	0	814
DVDs	77	0	0	60	64	127	168	150	129	105	84	0	964
TOTAL 2013	541	0	0	336	400	808	978	822	735	762	597	0	5979
Books Circ 2012	377	461	508	454	325	691	900	795	511	544	465	286	6317
TOTAL 2013	1385	0	0	912	938	1585	1992	1842	1576	1566	1247	0	13043
Total Circ. 2012	955	1040	976	1015	935	1333	2066	1739	1276	1242	1070	871	14518
ATTENDANCE 2013	656	575	675	718	756	1418	2160	1586	1131	1180	936	214	12005
Attendance 2012	843	810	802	878	847	1223	1618	1256	734	1135	979	705	11830
PROGRAMS 2013	8	6	9	10	8	14	20	13	13	14	12	4	131
Programs 2012	11	15	13	10	10	12	15	12	10	9	11	8	136
PROG. ATTEND 2013	65	74	95	112	67	21	582	199	134	149	199	419	2116
Prog. Attend 2012	104	164	111	129	76	236	487	320	100	127	124	78	2056
Computer Classes	0	0	0	0	1	0	0	0	0	0	2	1	4
Class Attendance	0	0	0	0	1	0	0	0	0	0	2	1	4
INTERNET USE 2013	200	162	207	201	172	333	510	414	335	306	221	65	3126
Internet use 2012	368	314	373	300	309	499	549	511	267	277	314	225	4306
LIBRARY CARDS 2013	6	9	8	7	7	26	52	32	24	14	15	7	207
Library cards 2012	20	11	7	22	14	25	22	22	8	7	15	12	185
Volunteer Hours	0.00	0.00	0.00	6.50	0.00	9.00	5.50	9.00	4.00	38.25	71.00	2.50	145.75

 TOWN OF CAPE CHARLES	AGENDA TITLE: Cape Charles Police Department		AGENDA DATE DECEMBER 19,2013
	SUBJECT/PROPOSAL/REQUEST: NOVEMBER 2013 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: 38

Calls for Service Outside of Cape Charles: 14

10-13 Calls

(A) By Dispatch: 34

(B) By Phone via Officer/Trooper: 08

(C) In Person 10

Felony Arrests: 00

Misdemeanor Arrests: 02

DUI Arrests: 00

Traffic Summons Issued: 08

Traffic Warnings Issued: 01

Parking Tickets Issued: 00

Assisted Northampton County Sheriff's Office: 10

Assisted Virginia State Police: 03

Assisted Other Local Police: 00

Assisted Other Federal Agencies 01

Assisted Fire & Rescue: 11

Assisted VDOT:

Hours of Training Received & What Type? 120 HOURS BASIC TRAINING

Public Utilities

Monthly Report November 2013



Production Summary

- Miss Utility Tickets: 5
- Emergency Call Outs After Hours and Weekends:
 - Number of times called out: 2
 - Total Man Hours: 4
- Sludge: N/A
- Water: Total Production: 3,296,867 gallons
 - High: 302,900 on 11/19 (Day after system flush)
 - Low: 62,100 on 11/16

Average	Raw Water	Finished Water
Hardness	402.4	146.9
Iron	7.78	.02
Manganese	.492	.010

All Data in PPM

- Waste Water:
 - Average Flow 95,400
 - Maximum 128,750
 - Total for Month 2.86 Million Gallons

Personnel

- Water
 - Ron Bailey Operator Class 3 water
 - Scottie Neville Operator in Training
 - Gerald Elliott Maintenance
- Waste Water
 - Patrick Christman Operator in Charge, Class 2
 - Passed the Class 3 Water Operator Exam. Waiting for State Certification.
 - Freddie Meditz Operator Class 3, Lab Manager
 - Dan Dabinett Operator Class 3, Maintenance
 - Billy Powell Maintenance Supervisor

Completed Projects

- We submitted the Aquifer Test Report for the Keck Wells to the DEQ for review. We have received comments and will respond.

Public Utilities

In Progress

- Replacement of aging water meters.
- Plans have been drawn for the expansion on the backwash vault and the cost is being estimated. Estimated cost is \$28k. Council has approved moving \$30k from engineering on pump stations to cover cost.

Upcoming Projects

- An automatic flush valve will be installed in Heron Point.

Capital Projects

- Water:
 - Emergency Generator for Water Plant \$45k
 - IFB has been prepared
 - Advertising is not required
 - We are receiving bids at this time. (Items below have been moved out one month from last schedule presented last month.)
 - Contractor and Bid approval by Council; January
 - Contract Award January
 - Install; February
 - Engineering for Keck Wells \$60k
 - Resolution to apply for VDH Grant Money Approved by Council; August 1, 2013
 - No grant money will be awarded
 - Sign GHD Task Order No.2 Amendment November
 - Submit Engineering to VDH February 2014
- Waste Water
 - Engineering for pump station improvements \$30k. These funds have been moved to cover cost of the backwash vault expansion.
 - An Evaluation of the pump stations was done under Task Order WW-4.
 - Pump Station PER Draft created under T.O. WW-7
 - No action yet. Notional time line:
 - Create new Task Order with GHD to finalize PER, prepare construction documents and put out for bids; November 2013
 - Submit PER to DEQ; January 2014
 - Create Construction Documents; January-March
 - Put out for bidding May-June
 - Backwash Vault Expansion
 - Money has been moved to this line item from the from the pump station improvements engineering.
 - The expansion has been drawn and bids are being received at this time.



PUBLIC WORKS

November 2013

Dump Fees

- Oyster Landfill: 10 Trips, 3.65 Tons @ cost of \$237.25

Personnel

- Note: Town residents we have free mulch available

Routine Monthly Responsibilities

- Water meter reading - Assist the Utilities Department Staff
- Maintenance of town vehicles and equipment.
- Maintenance, cleaning, and landscaping for outdoor public areas, including public beach, Central Park, Fishing Pier, Harbor and downtown commercial district. (Slowing Down)
- Maintenance, cleaning, and landscaping of all public facilities, including the town hall, library, water and wastewater, public works, and old library.
- Maintain streets and alleys in the historic district; including debris pickups/work orders.
- Assistance with preparation for events being held in town.
- Mowing of Town properties outside of Old Town area. (Slowing Down)

Completed Projects

- Grand Illumination
- Progressive Dinner Tour
- Central Park Gazebo damaged wood repair. Pressure washed.
- Planted daffodil bulbs at Fig Street sign and Municipal Building. Donated by Irene Munz & CC Women's Club.
- Weeded and Mulched Fig Street sign
- Cleaned out Old library building and installed new lockset on rear entry door.
- Installed holiday lights on Municipal Building, fire department, Mason Ave Street Lights, and Beach Gazebo. Christmas tree at Fig Street Sign. Swapped out banners on Mason Ave.
- Repaired 5 GFI outlets and installed lights in Central Park.
- Drained Central Park water fountain for winter.
- Drop inlets at the intersection of Plum and Madison have been rebuilt and drainage problems corrected.
- Replace 20 damaged garbage cans at Heritage Acres.
- Repaired columns in new library building. Painted bathroom. Changed HVAC from cool to heat.
- Helped with backwash vault filter bag platform.
- Cleaned up meeting room.
- Moved Kelly's dumpsters to vacant lot behind new library.



In Progress

- Town wide curb to street grass & weed edging.
- Sand fence maintenance along beach front.

Upcoming Events

- Christmas Holidays

Man Hours per Project/Task

Vehicle Maint.	Equipment Maint.	Building Maint.	Public Debris Areas	Street Cleaning	Beach Maint.	Public Sanitation	Public facilities cleaning	Admin. training	Property maint. & repair	Events	Meter Reads
27	29.5	43.5	59.5	75.5	6	38.5	36.5	30.5	73	2	11

Capital Projects

- Central Park Restrooms , 80% Complete
- Multi-Use Trail



Recreation Department December 2013 Council Report

Programs and Events:

1. New Roots Youth Garden wrapped up the Fall session on November 14. There will be one last get together on December 12 to do a final harvest. Children will be able to take some produce home and any extra produce will be donated to families in need.
2. The New Roots Youth Garden had a great year with pie sales. Pies were purchased for needy families and Jen distributed 18 of those within the community. Other pies were given to churches in the area.
3. On November 20 Town staff, Town Council and the Northampton County Sheriff's office worked together to feed the residents of Heritage Acres. Food and supplies were donated as well as some items purchased ahead of time. Meals were also delivered to those who could not leave their homes. Thank you so much to everyone who participated in this event.
4. Chess club and Arts and crafts continue at the library once a week.
5. Jen participated in a 4-H sponsored event at the Middle School December 3. Freshmen from Northampton County and Broadwater Academy were invited to take part in a Reality Store. Each child was given an education level, income from employment, marital status, number of children and had to budget all of their expenses based on that information.
6. December 6 kicked off the 12 days of Christmas. Jen and Amanda Hurley passed out gift bags at the library for the Progressive Dinner Tour. Jen assisted in putting out luminaries earlier in the day. Saturday Jen assisted in putting out and taking up luminaries, preparing for the boat parade, turning on lights at the Grand Illumination and taking pictures with Santa. December 9 Jen made ornaments with children at the library.

Upcoming Events:

- December 10 – 17 will continue with the 12 days of Christmas. Please contact Jen if you have any questions regarding any of the events.
- December 17 – Christmas Bingo at Heritage Acres and Christmas caroling throughout Town in the evening.

The Recreation Department wishes everyone a very Merry Christmas!

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Bayshore Concrete Technology Zone Application		AGENDA DATE: December 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Review the Bayshore Concrete Technology Zone Application		ITEM NUMBER: 7A
	ATTACHMENTS: Bayshore Concrete Technology Zone Application, Bayshore presentation		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Rob Testerman	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Bayshore Concrete has applied for Cape Charles Technology Zone Business Incentive program. The Technology Zone was created to foster the town’s development, maintenance and expansion of commercial, tourist and industrial business engaged in the development and implantation of technology.

According to the ordinance, a qualified technology manufacturing business is a new or existing business that has met the applicable qualifications set forth in section 23-5 and that is engaged in technology driven production of advanced materials or products for high-technology sectors or fields, including, but not limited to robotics, computer hardware and software, sensors, marine technology, aerospace, or any other similar activity which is deemed appropriate for a technology zone as defined in another jurisdiction of the commonwealth, and as found as such by the administrator.

The qualifications listed in section 23-5, as listed in the application form for a qualified manufacturing business activity are:

- 1) Create and maintain a minimum of five new full time jobs which are each compensated at 1½ times the wage rate of the currently defined federal minimum wage.
- 2) Make a new verified capital investment of no less than \$250,000.00 in a building, building improvements, and/or machinery and tools. A capital investment does not include the cost to acquire real property.

ITEM SPECIFICS:

- The expansion of the plant, and additional improvements, will allow for approximately 135 total new employees, including at least 5 employees compensated at 1½ times the wage rate of the currently defined federal minimum wage.
- The total capital investment of the improvements is to be approximately \$4,000,000.
- Bedford County, Virginia includes the manufacture of advance materials; architecture and engineering; and transportation as qualified business types for their technology zone. As our definition states above, it is also deemed a qualifying business activity in Cape Charles.
- Bayshore Concrete Products Corporation is applying for the incentive that results in “a grant equal to 25 percent of the new or increased machinery and tools tax paid to the town with a verified capital investment of \$250,000 that shall increase proportionately up to 100 percent with a capital investment of \$1,000,000 or more.”

- As per Sec. 23-6(d), no taxes will be deemed as waived. The taxes will be paid in full when due. The stimulus grant will be paid to the qualified business annually, in arrears, for each year that the qualified business meets all eligibility criteria, up to a maximum of five years. If the qualified business fails to meet all of the eligibility requirements in any given year, the economic stimulus grants for that year and all future years shall be forfeited.

RECOMMENDATION:

Bayshore Concrete Products Corporation and its proposed improvements meet the requirements set forth by the Technology Zone Ordinance; therefore, staff recommends approval of their request for a grant for 100 percent of the increased machinery and tools tax paid to the Town, as per Section 23-6(a)1 of Town Code.



Town of Cape Charles

Technology Zone Business Incentive Application

Part I. Background Information

Name of Company Bayshore Concrete Products Corporation

Physical Address 1134 Bayshore Rd. Cape Charles, VA 23310

Mailing Address Same

Telephone 757-999-4420 Fax _____

Name of Owner(s)/Applicant Applicant - John D. Chandler

Name & Title of Authorized Representative John D. Chandler, V.P. Finance

Federal Employee I.D. No. _____

Website www.usa.skanska.com

Email john.chandler@skanska.com

Date Business Located in Cape Charles _____ / _____ / 1961

Part II. Qualification Information

Type of Business New Existing

Base Year 2013 Qualifying Year 2014

Qualified Business Activity Precast Concrete Products

Brief description of technology to be used or produced that makes this a Qualified Business Activity
(attach a separate sheet if necessary) See attachment "Exhibit A"

Manufacturing businesses attach the following evidence of eligibility, as per Sec. 23-5(a) Qualifications:

Create and maintain a minimum of five new full time jobs which are each compensated at 1 ½ times the wage rate of the currently-defined federal minimum wage.

Make a new verified capital investment of no less than \$250,000.00 in a building, building improvements, and/or in machinery and tools. A capital investment does not include the cost to acquire real property.

Business is engaged in technology-driven production of advanced materials or products for high-technology sectors or fields, including, but not limited to, robotics, computer hardware and software, sensors, marine technology, aerospace, or any other similar activity which is deemed appropriate for a technology zone as defined in another jurisdiction of the commonwealth, and as found as such by the administrator.

Non-manufacturing businesses attach the following evidence of eligibility, as per Sec. 23-5(b)

Qualifications:

- Create and maintain a minimum of three new full time jobs which are each compensated at 1 ½ times the wage rate of the currently-defined federal minimum wage.
- Make a new verified capital investment of no less than \$100,000.00 in a building, building improvements, and/or machinery and tools. A capital investment does not include the cost to acquire real property.
- Business is engaged in the research, application, upgrading, repair or installation of computer hardware or software or other high-technology equipment in any business or research sector including but not limited to transportation, food production, and marine technology or any other similar activity deemed appropriate for a technology zone as defined in another jurisdiction of the commonwealth, and found as such by the administrator.

Part III. Incentives

Incentives applying for:

Manufacturing, as per Sec. 23-6(a) Economic Stimulus Grants and Enforcement

- A grant equal to 25 percent of the new or increased machinery and tools tax paid to the town with a verified capital investment of \$250,000.00 that shall increase proportionately up to 100 percent with a capital investment of \$1,000,000.00 or more.
- A grant of up to 100 percent of the amount of the net increase in real estate tax paid to the town.
- A grant of up to 100 percent of the amount of BPOL tax paid to the town.
- For a qualified technology manufacturing business that maintains at least 25 full time jobs, a grant of up to 50 percent of the facility and connection fees paid to the town.
- A grant of up to 100 percent of the building permit fee paid to the town.

Non-Manufacturing, as per Sec. 23-6(b) Economic Stimulus Grants and Enforcement

- A grant equal to 25 percent of the new or increased machinery and tools tax paid to the town with a verified capital investment of \$100,000.00 that shall increase proportionately up to 100 percent with a capital investment of \$1,000,000.00 or more.
- A grant of up to 100 percent of the amount of the net increase in real estate tax paid to the town.
- A grant of up to 100 percent of the amount of BPOL tax paid to the town.
- For a qualified non-manufacturing applied technology business that maintains at least 15 full time jobs, a grant of up to 50 percent of the facility and connection fees paid to the town.
- A grant of up to 100 percent of the building permit fee paid to the town.

 - OBO John Chandler

Signature of Applicant/Representative

12 / 12 / 2013

Date

Chapter 23 Technology Zone

Sec. 23-1. Purpose.

The town council finds that the creation of a local technology zone, with incentives for growth, as authorized by Code of Virginia 1950, § 58.1-3850, as amended, will foster the town's development, maintenance and expansion of commercial, tourist and industrial businesses engaged in the development and implementation of technology, all of which would benefit the citizens of the town.

(Ord. No. 20120308, 3-8-12)

Sec. 23-2. Administration.

This chapter shall be administered by the town manager or his or her designee (the "administrator"). The administrator shall be responsible for determining if a business qualifies as a qualified technology manufacturing business or a qualified non-manufacturing applied technology business, and shall determine and publish the procedures for obtaining the benefits created by this chapter.

(Ord. No. 20120308, 3-8-12)

Sec. 23-3. Boundary area.

The entire area of the Town of Cape Charles is designated a technology zone pursuant to Code of Virginia 1950, § 58.1-3850, as amended.

(Ord. No. 20120308, 3-8-12)

Sec. 23-4. Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Economic stimulus grants means the incentive grants payable to a qualified technology manufacturing business or a qualified non-manufacturing applied technology business as provided in section 23-6 of this chapter.

Existing business means a corporation, partnership, limited liability company or sole proprietorship authorized to conduct business in the Commonwealth of Virginia, located in and actively engaged in the conduct of trade or business in the town prior to the adoption of this chapter.

Full time job means a job that is to be performed by a worker for an average of at least 35 hours per week for a minimum of one year, with reasonable allowances for holidays and vacations.

New business means a corporation, partnership, limited liability company or sole proprietorship authorized to conduct business in the Commonwealth of Virginia not previously located in the town that begins actively conducting business after the adoption of this chapter.

Qualified business means either a qualified non-manufacturing applied technology business or a qualified technology manufacturing business.

Qualified non-manufacturing applied technology business means a new or existing business that has met the applicable qualifications set forth in section 23-5 of this chapter and that is engaged in the research, application, upgrading, repair or installation of computer hardware or software or other high-technology equipment in any business or research sector including but not limited to transportation, food production, and marine technology or any other similar activity deemed appropriate for a technology zone as defined in another jurisdiction of the commonwealth, and found as such by the administrator.

Qualified technology manufacturing business means a new or existing business that has met the applicable qualifications set forth in section 23-5 of this chapter and that is engaged in technology-driven production of advanced materials or products for high-technology sectors or fields, including, but not limited to, robotics, computer hardware and software, sensors, marine technology, aerospace, or any other similar activity which is deemed appropriate for a technology zone as defined in another jurisdiction of the commonwealth, and as found as such by the administrator.

(Ord. No. 20120308, 3-8-12)

Sec. 23-5. Qualifications.

(a) Manufacturing. To be eligible for economic stimulus grants, a qualified technology manufacturing business must:

- (1) Create and maintain a minimum of five new full time jobs which are each compensated at 1½ times the wage rate of the currently-defined federal minimum wage.

- (2) Make a new verified capital investment of no less than \$250,000.00 in a building, building improvements, and/or in machinery and tools. A capital investment does not include the cost to acquire real property.
- (b) Non-manufacturing. To be eligible for economic stimulus grants, a qualified non-manufacturing applied technology business must:
 - (1) Create and maintain a minimum of three new full time jobs which are each compensated at 1½ times the wage rate of the currently-defined federal minimum wage.
 - (2) Make a new verified capital investment of no less than \$100,000.00 in a building, building improvements, and/or in machinery and tools. A capital investment does not include the cost to acquire real property.
- (c) Mere use of computers or technology in the course of an otherwise low-technology or traditional business shall not qualify a business as a qualified business.

(Ord. No. 20120308, 3-8-12)

Sec. 23-6. Economic stimulus grants and enforcement.

- (a) A qualified technology manufacturing business shall be eligible to receive the following economic stimulus grants:
 - (1) A grant equal to 25 percent of the new or increased machinery and tools tax paid to the town with a verified capital investment of \$250,000.00 that shall increase proportionately up to 100 percent with a capital investment of \$1,000,000.00 or more.
 - (2) A grant of up to 100 percent of the amount of the net increase in real estate tax paid to the town.
 - (3) A grant of up to 100 percent of the amount of BPOL tax paid to the town.
 - (4) For a qualified technology manufacturing business that maintains at least 25 full time jobs, a grant of up to 50 percent of the facility and connection fees paid to the town.
 - (5) A grant of up to 100 percent of the building permit fee paid to the town.
- (b) A qualified non-manufacturing applied technology business shall be eligible to receive the following economic stimulus grants:
 - (1) A grant equal to 25 percent of the new or increased machinery and tools tax paid to the town with a verified capital investment of \$100,000.00 that shall increase proportionately up to 100 percent with a capital investment of \$1,000,000.00 or more.
 - (2) A grant of up to 100 percent of the amount of the net increase in real estate tax paid to the town.
 - (3) A grant of up to 100 percent of the amount of BPOL tax paid to the town.
 - (4) For a qualified non-manufacturing applied technology business that maintains at least 15 full time jobs, a grant of up to 50 percent of the facility and connection fees paid to the town.

- (5) A grant of up to 100 percent of the building permit fee paid to the town.
- (c) The types and amounts of the economic stimulus grants shall be based on the factors that the town deems relevant, including without limitation the type of business conducted by the qualified business and amount of verified capital investment and the number of full time jobs created by the qualified business. The types and amounts of economic stimulus grants awarded to a qualified business shall be initially determined by the administrator, subject to approval by the town council.
- (d) No taxes, fees, or other charges shall be deemed waived by this chapter. All such taxes, fees, and charges shall be paid by the qualified business in full as and when due. Economic stimulus grants described in subparts (1), (2), and (3) of subsections (a) and (b) above that are awarded to a qualified business shall be paid annually, in arrears, for each year that the qualified business meets all eligibility criteria up to a maximum of five years. If a qualified business fails to meet all eligibility criteria in any given year, the economic stimulus grants for that year and all future years shall be forfeited. Economic stimulus grants described in subparts (4) and (5) of subsections (a) and (b) above that are awarded to a qualified business shall be paid upon verification by the administrator of the completion of construction of the improvements to which the applicable facility and connection fees and/or building permit fees relate.
- (e) As a condition to receiving an economic stimulus grant, a qualified business agrees to provide such information and allow such inspections as the town deems reasonably necessary to verify the eligibility criteria and to ensure the qualified business's ongoing compliance therewith.
- (f) Notwithstanding anything to the contrary in this chapter:
- (1) An otherwise qualified business shall lose its eligibility for economic stimulus grants, and shall repay any previously awarded economic stimulus grants, upon any of the following:
- a. A violation by such business or, to the extent related to the operation of the business, by any of its principals or officers, of any statute, regulation, or order of the United States or the Commonwealth of Virginia or any department or agency thereof; or
 - b. A violation of any town ordinance that continues beyond the applicable cure period or, if none, a period of ten days.
- (2) All economic stimulus grants are subject to the appropriation requirements of the Commonwealth of Virginia and the town.
- (g) The town will issue a qualified approval letter which will specify the amount of the verified capital investment, the number of full time jobs created, the amount of the economic stimulus grant(s), the eligibility criteria for receiving the economic stimulus grant(s), the procedures for verifying compliance therewith, and such other terms as may be appropriate.

(Ord. No. 20120308, 3-8-12)

Sec. 23-7. Non-waiver. 

Unless expressly stated herein, this chapter shall not be construed to waive the requirement of any ordinances, regulations, and policies that require permits and approvals for land use, construction, and business operation. Additionally, unless stated otherwise herein, nothing in this chapter shall be construed as waiving the right of the town to enforce its ordinances, regulations, or policies or to collect taxes, fees, fines, penalties, or interest imposed by law or by ordinance.

(Ord. No. 20120308, 3-8-12)

Exhibit A

Applicant Information			
Grant Funds:		Program No.:	
Grantee:	Bayshore Concrete Products Corporation		
Address:	1134 Bayshore Road		
City:	Cape Charles	State: VA	Zip: 23310
Project City:	Cape Charles	Project County:	Northampton
Project Contact:	John D. Chandler		
Project Contact E-mail:	John.chandler@skanska.com	Telephone Number:	757-999-4420
Effective Date:	12/14/13		
Project Completion Date:	1/1/14		
Metric Commitments			
Projected Capital Investment:	\$ 4,000,000		
No. of Jobs to be Created:	5*	No. of Jobs to be Retained:	90
Average Hourly Wage:	\$ 12.00	Business Type:	Precast Prestressed Concrete

*135 total new employees expected

Business Background:

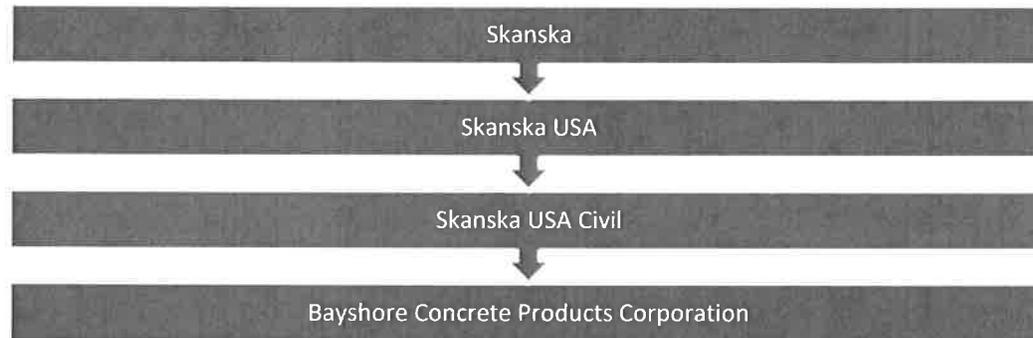
Established in 1961 to produce the precast concrete components for the world famous 17 mile-long Chesapeake Bay Bridge Tunnel, Bayshore Concrete Products has continued as a permanent supplier of a wide variety of precast prestressed concrete structural materials such as concrete docks, concrete piers, spuncast piles, spuncast poles and Raymond concrete piles.

Operated by a management and staff with world-wide engineering and construction experience in precast concrete, Bayshore has expanded its production capacity, and diversified its product line, while maintaining a strong emphasis on quality control. Bayshore personnel are proud of their reputation for producing economically and on time.

Bayshore's plant in Cape Charles , Virginia is centrally located for east coast shipment and readily accessible to ocean, coastal and inland waterways, as well as rail and highway networks and readily provides materials for concrete docks, concrete piers, spuncast piles, spuncast poles and Raymond concrete piles.

The potential expansion would revolve around logistical efficiencies and include pier, rail and technology upgrades. The pier would allow for 72 ft. barges, minimizing transportation costs and giving Bayshore the capability to load larger barges than any other prestressed manufacturer on the East Coast. The additional rail spurs will allow for computerized continuous process unloading, while lab upgrades will provide state-of-the-art quality control processes.

Organizational Structure:



Skanska History

- Incorporated in New York since 1971
- World-class construction, civil and development operations
- Four business units operate in the U.S.: USA Building, USA Civil, Infrastructure Development and Commercial Development
- 39 offices across the country, averaging 80 years in operation
- More than 8,300 U.S. employees working everyday
- More than 400 LEED® Accredited Professionals and more than 125 projects that have achieved or are seeking LEED certification
- 6th largest heavy contractor by revenue (ENR)
- 6th largest general building contractor by revenue (ENR)
- Excellent safety record - in 2012 the average industry contractor had more than five lost time accidents for every one experienced at Skanska USA

Skanska USA Financial Strength

- Revenue of \$5.8 billion in 2012 representing 30 percent of Skanska's global construction revenues
- Equity of \$770 million
- Strong bonding capacity of \$7.5 billion

Total Machinery & Equipment Through 2015

Expenditure	Date	Category	Amount
Rail Car Mover	2014	M&E	\$50,000
Reclaimer	2014	M&E	\$150,000
Ready Mix Trucks	2014	M&E	\$100,000
Steam Cure System	2015	M&E	\$500,000
Manufacturing Equipment	2015	M&E	\$600,000
Total			\$1,400,000

From: "Chandler, John" <John.Chandler@skanska.com>
Subject: RE: Signature Authorization
Date: December 12, 2013 4:14:07 PM EST
To: "Chandler, John" <John.Chandler@skanska.com>, 'Kristopher Phillips'
<kphillips@dai-locates.com>

Kris,

I have reviewed the contents of the Town of Cape Charles Technology Zone Business Incentive Applications and the attachments, and I certify the information is accurate. As I am currently traveling and unable to execute the document, I hereby authorize Kristopher Phillips from Development Advisors to execute the application on my behalf. Bayshore Concrete Products is currently under contract with Development Advisors to assist us with this project.

Please contact me with any questions.

Sincerely,

John D. Chandler
V. P. Finance

Bayshore Concrete Products Corp.
Accounting
Southeast Region
www.skanska.com
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1134 Bayshore Road
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Bayshore Concrete is committed to the environment. Think twice before you press "print"

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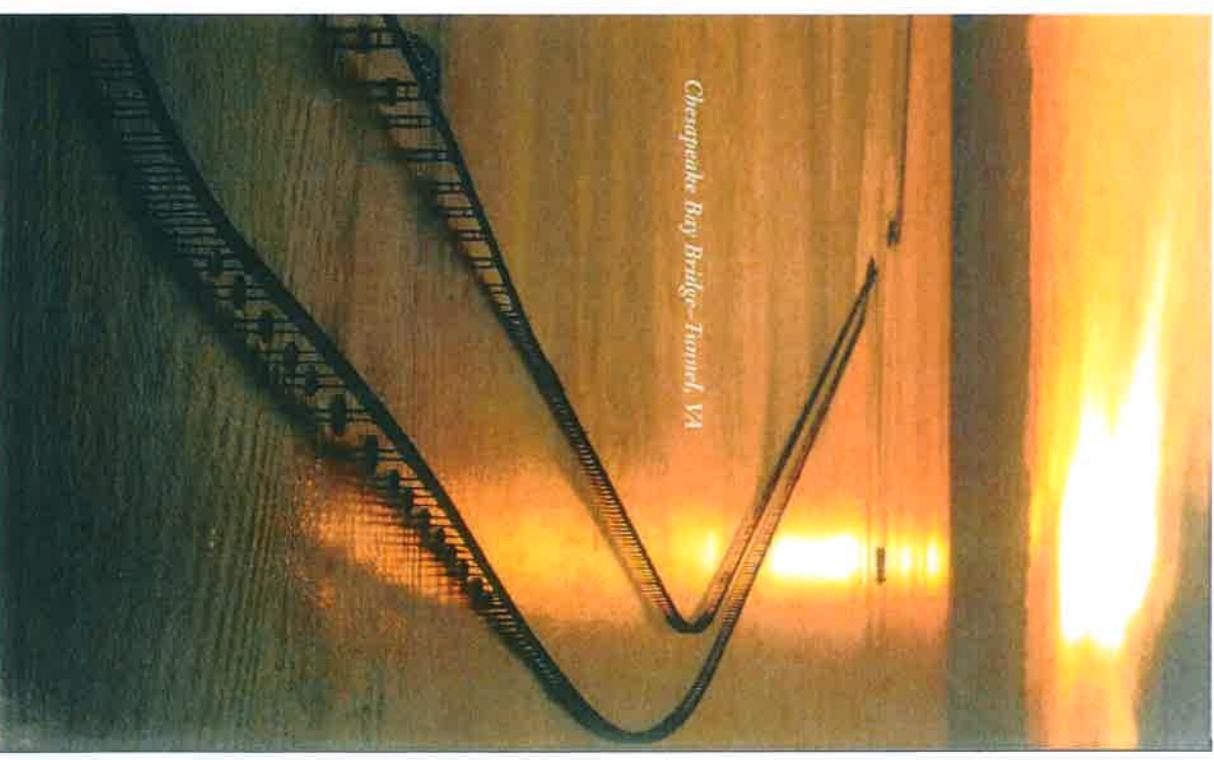
BAYSHORE CONCRETE PRODUCTS





FACILITIES AND EXPERIENCE

- **90 Acre Facility at Cape Charles**
- **52 Years of Experience in Precast Prestressed Concrete**
- **Long Standing Safety and Environmental Program**
- **PCI Certified with an established QA/QC Program**
- **Accessible by Barge, Rail, and Truck**
- **52 years continuous experience fabricating Spun Cast Cylinder Piles**
- **35 years of producing long span heavy Prestressed Girders**
- **20 year history of successful Segmental Bridge Projects**





CONCRETE PRODUCTION AND TESTING

- Two Batch Plants with a combined production rate of 100 cu yd per hour
- Ability to store and batch up to four different cements and six different aggregates
- On site Concrete Testing Lab
 - Concrete Compressive Strength
 - Grout Compressive Strength
 - Slump
 - Air Entrainment
 - Unit Weight
 - Aggregate Gradation
 - Hot Concrete Tests
 - Chloride Permeability





HEAVY LIFT EQUIPMENT

- 150 Ton Straddle Carriers





HEAVY LIFT EQUIPMENT

- 200 Ton Straddle Carrier

Cranes can be operated remotely by joystick.





HEAVY LIFT EQUIPMENT

- 150 Ton Rail Mounted Gantries



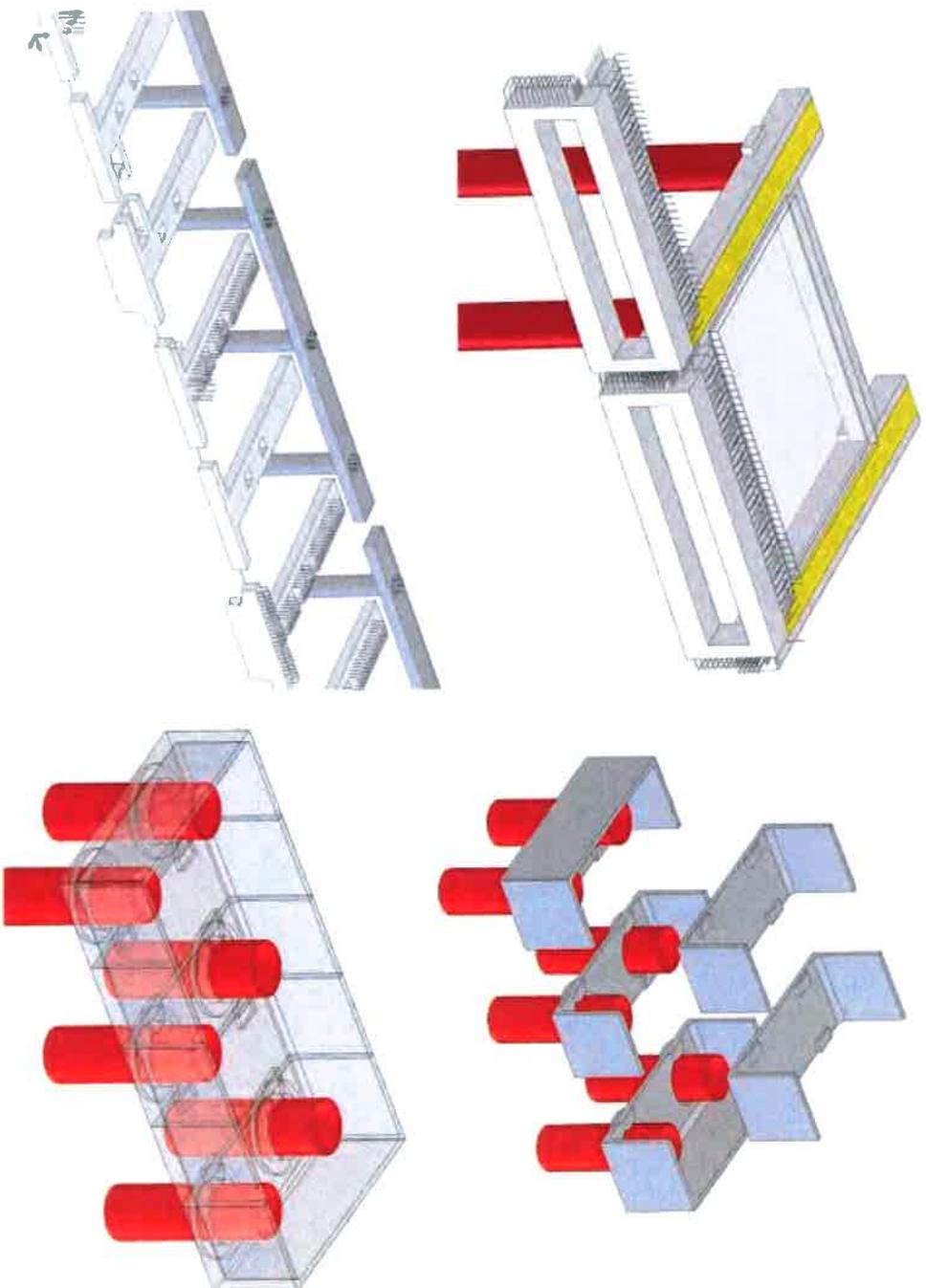


Precast Bridges



A core component of Bayshore's product offering, Precast Bridges are built at Bayshore and trucked or barged to their final location.





CONVERTING CIP TO PRECAST

Bayshore's design team will convert CIP (built in place) structures to precast. This allows Bayshore to compete for more products and the end user to see a cost reduction. The design change may take Bayshore's engineering team several weeks as they redesign the structure and run load and stress models.



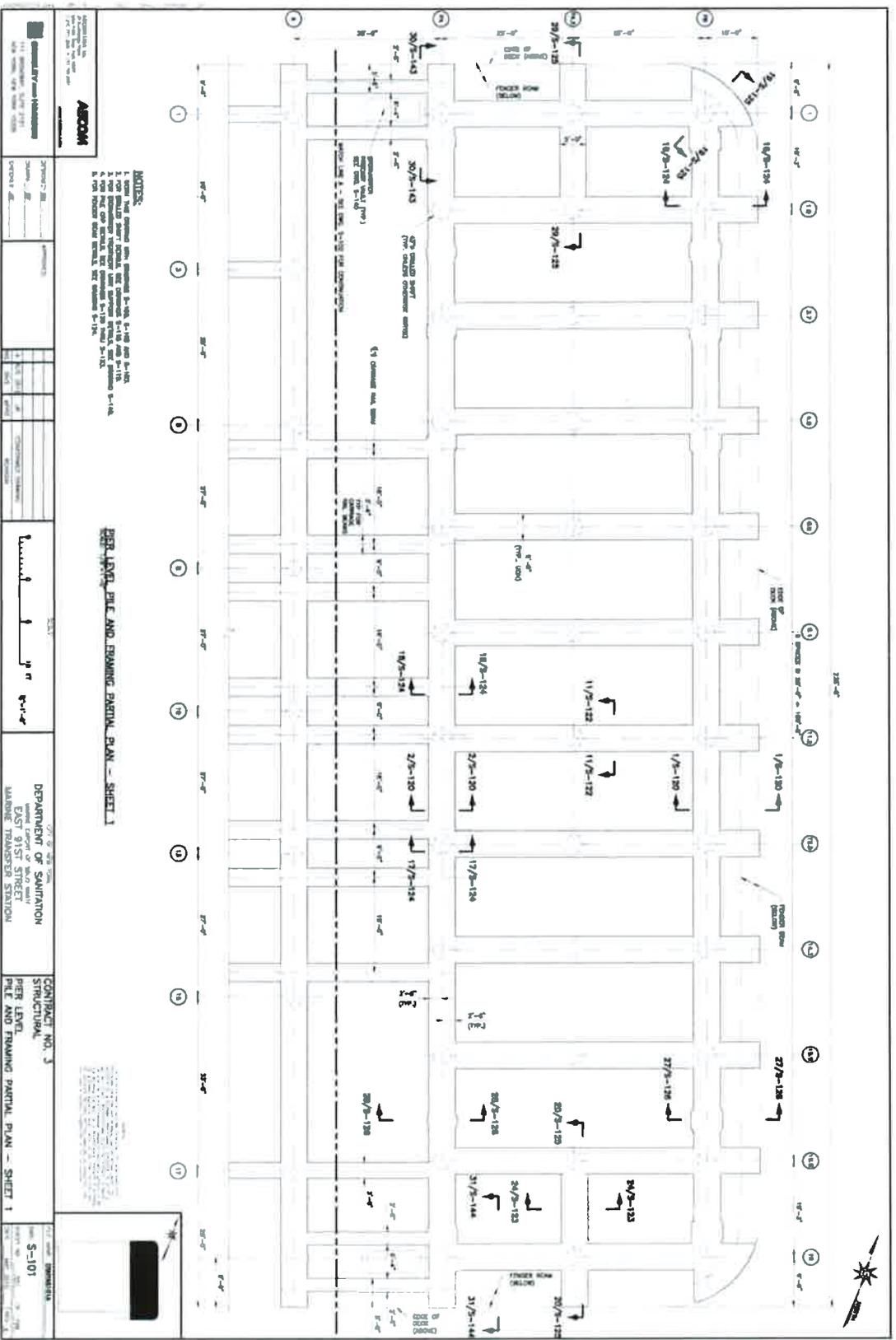
Precast Piers



As land space in cities become more scarce, Bayshore is designing structures to utilizing the existing shore space. Above is a structure that was converted to precast piers, an emerging trend, which Bayshore leads the industry in.



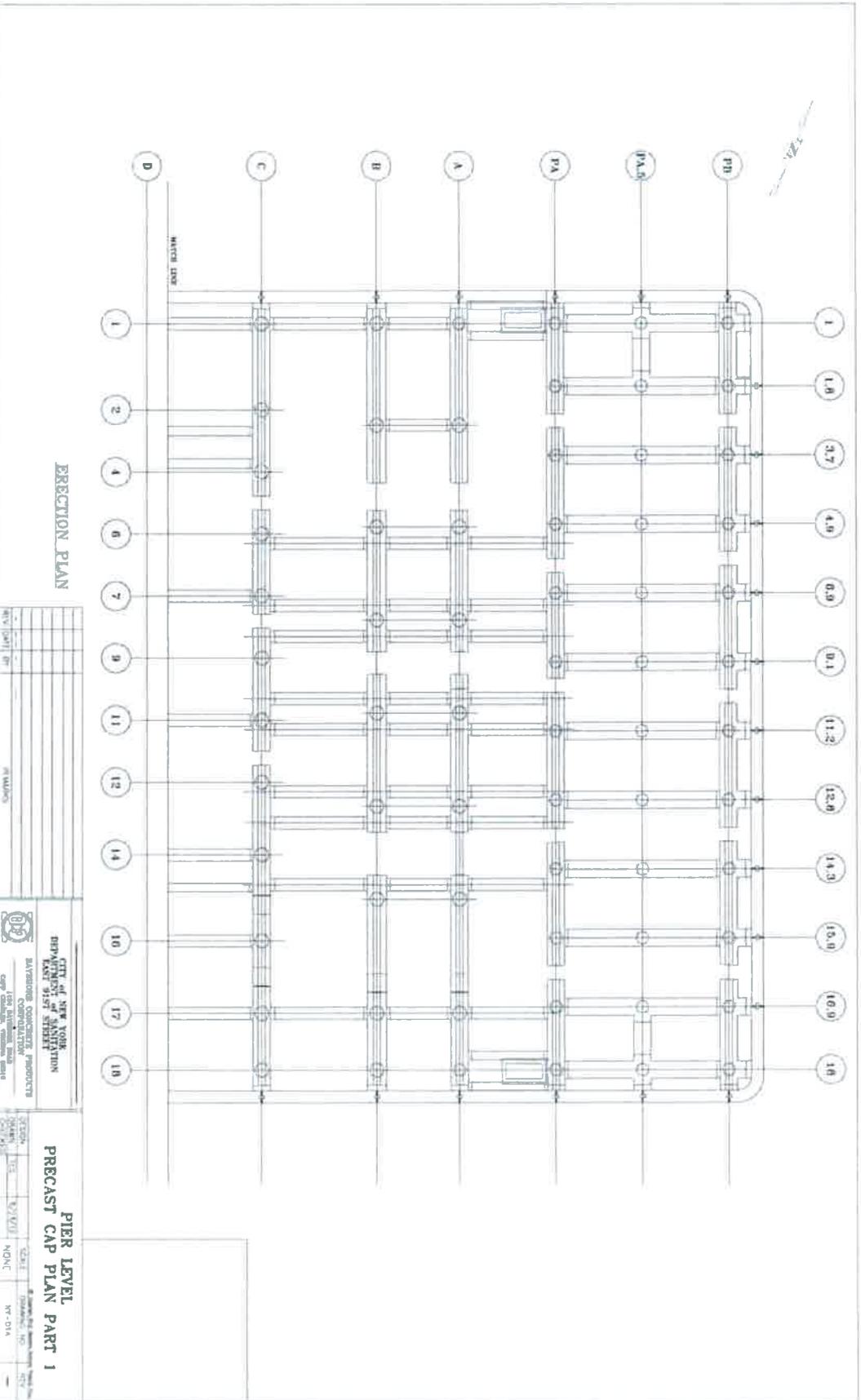
Contract Plan: Pier Framing Plan I



Initial stage of loading facility design.



Precast: Pier Framing Plan I



Precast design for loading structure.



Precast: Cap to Shaft Connection

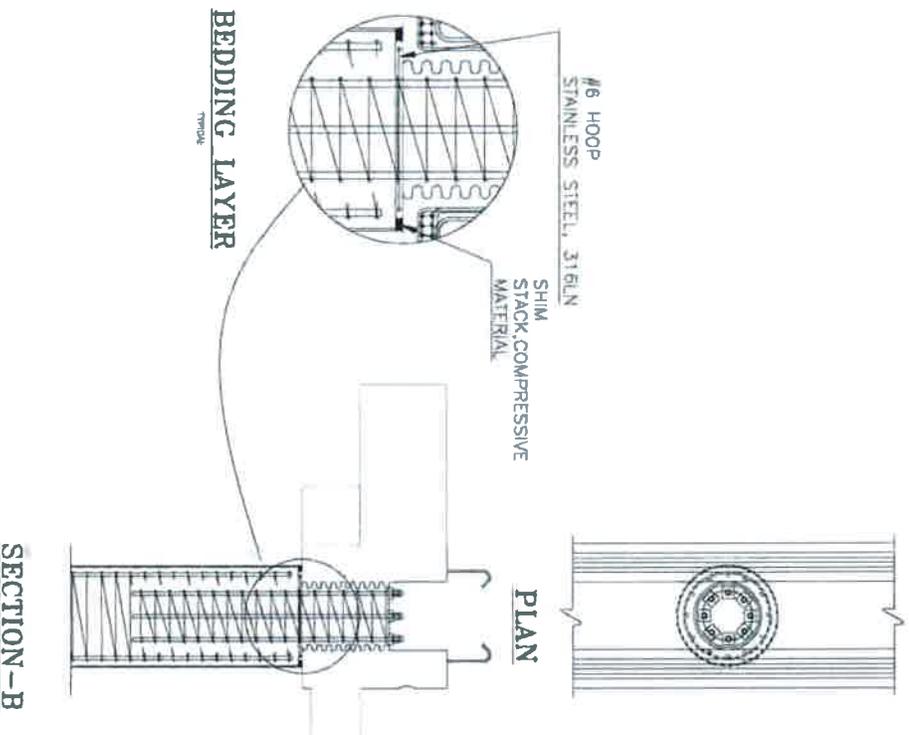
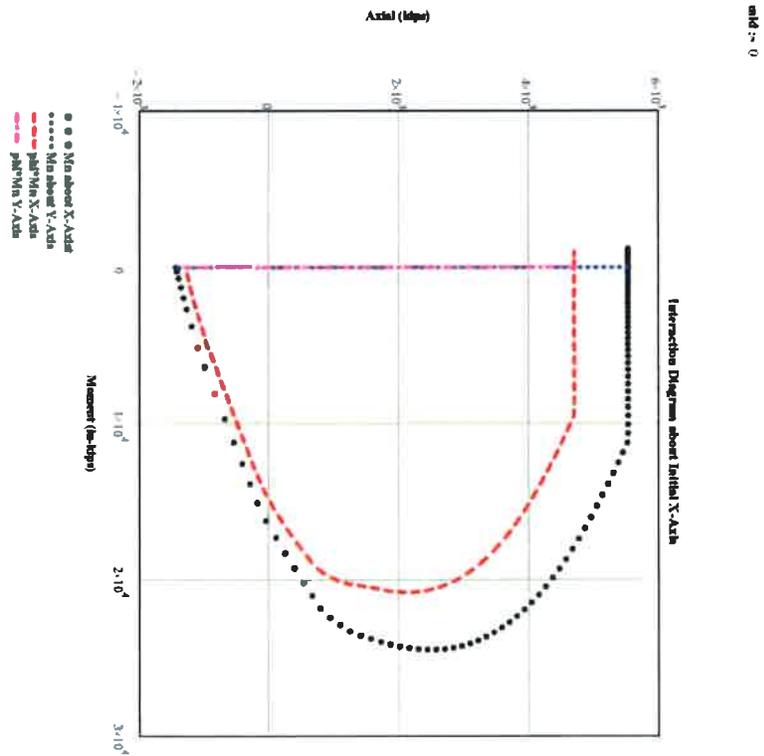


Figure 12



Pier design with load factors.



Precast: Cap to Shaft Connection

NCHRP REPORT 681

Development of
a Precast Bent Cap System
for Seismic Regions

TRANSPORTATION RESEARCH BOARD
OF THE NATIONAL ACADEMIES



(a) CPD

(b) CPPD



(a) CPD (West Face)



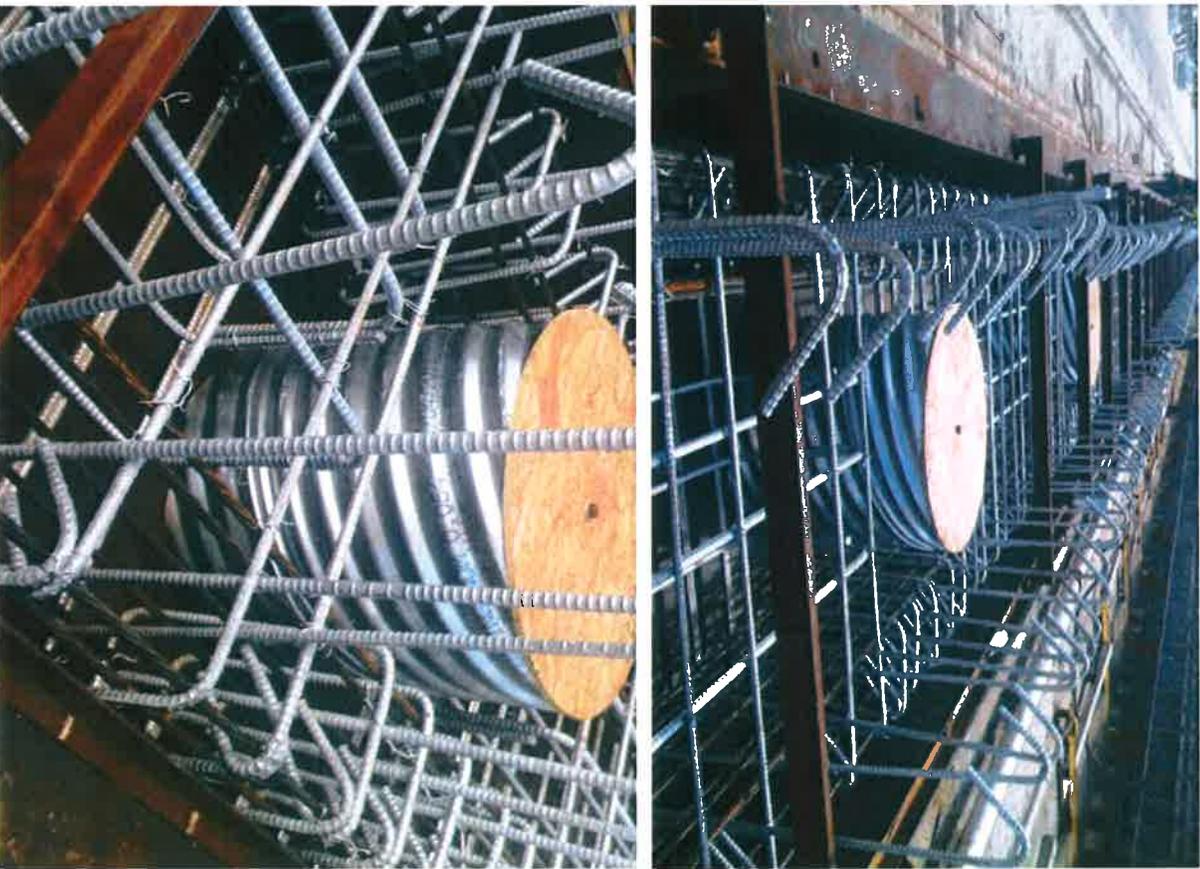
(b) CPPD (West Face)

2.13. Comparison of cap pocket bent cap rubber cages during fabrication.

Bayshore developed system considered a breakthrough in the industry.



Precast: Cap to Shaft Connection



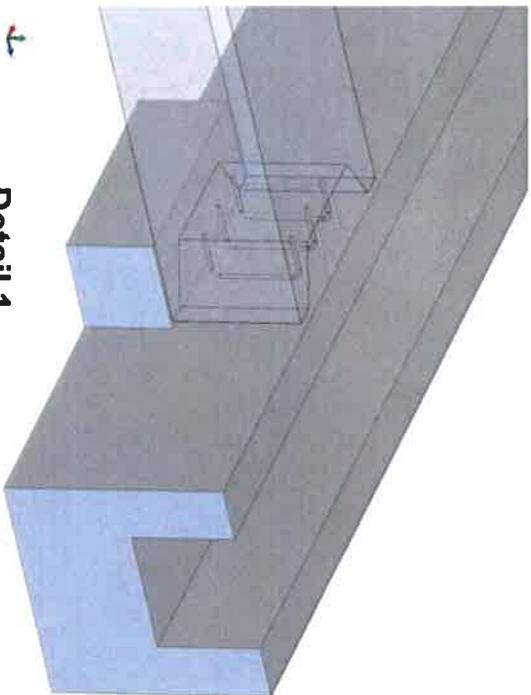


Precast: Cap to Shaft Connection

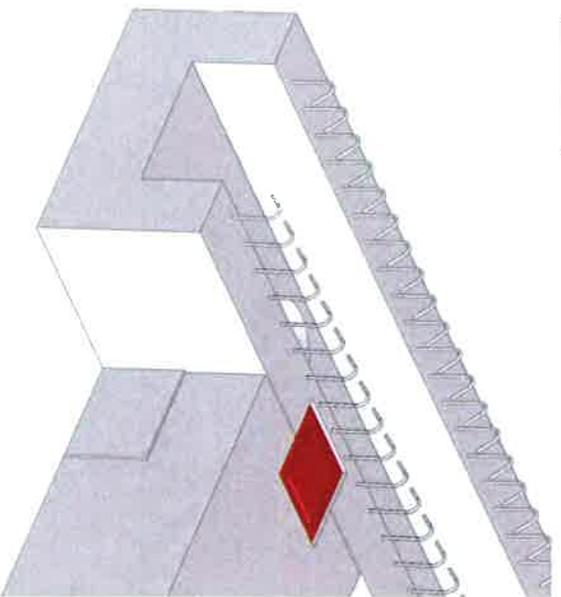




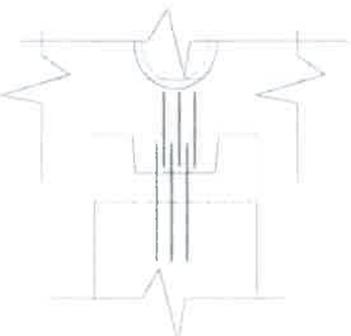
Precast: Cap to Cap Connection



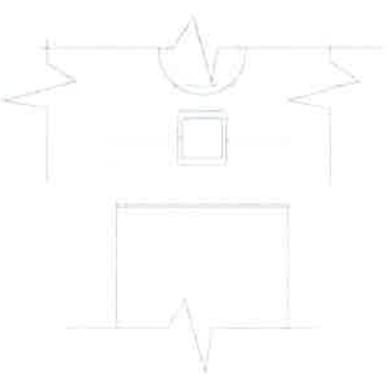
Detail 1



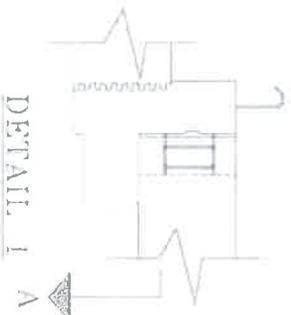
Detail 2



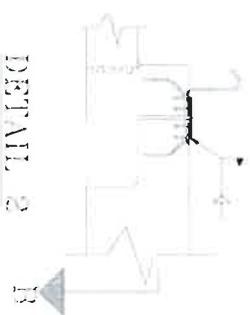
SECTION A



SECTION B



DETAIL 1 A



DETAIL 2 B

Bayshore design, tests and constructs prototype models using new materials and designs.



Precast: Cap to Cap Connection



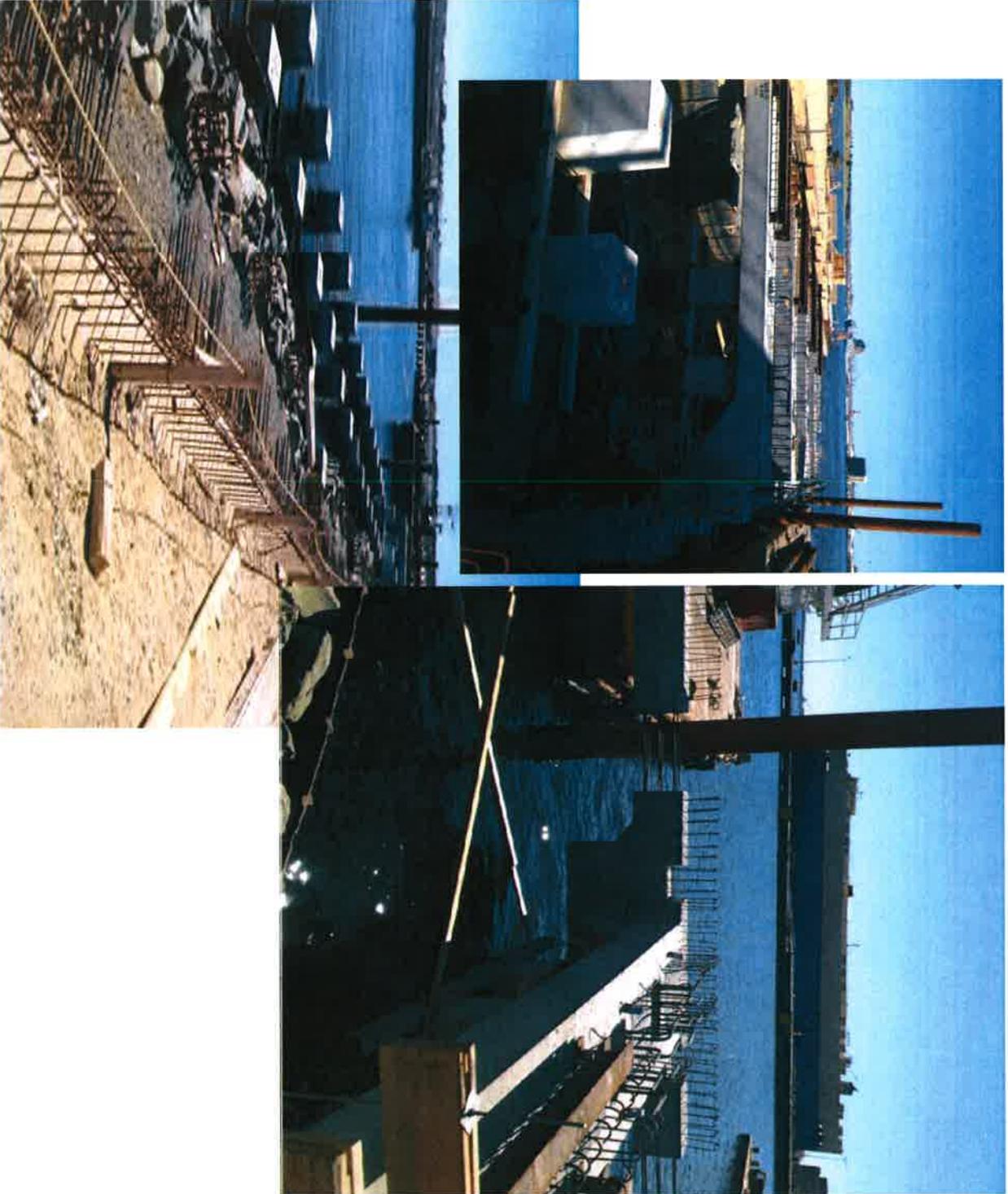
Designs allow for continuous construction that significantly reduces project duration and costs. Bayshore's continuous flow process has been analogized to Henry Ford's automotive assembly line for cars.





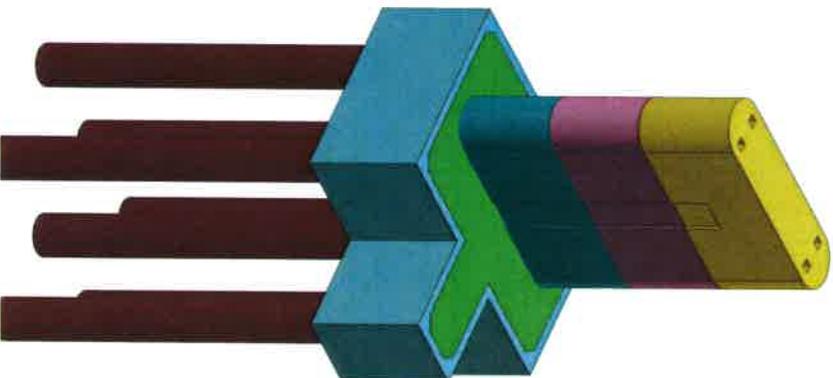
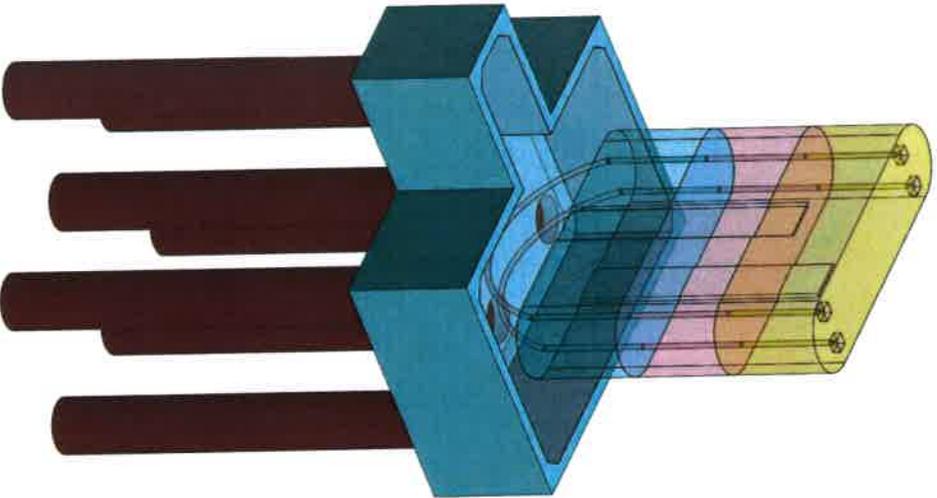
Precast: Fender Panel Connection





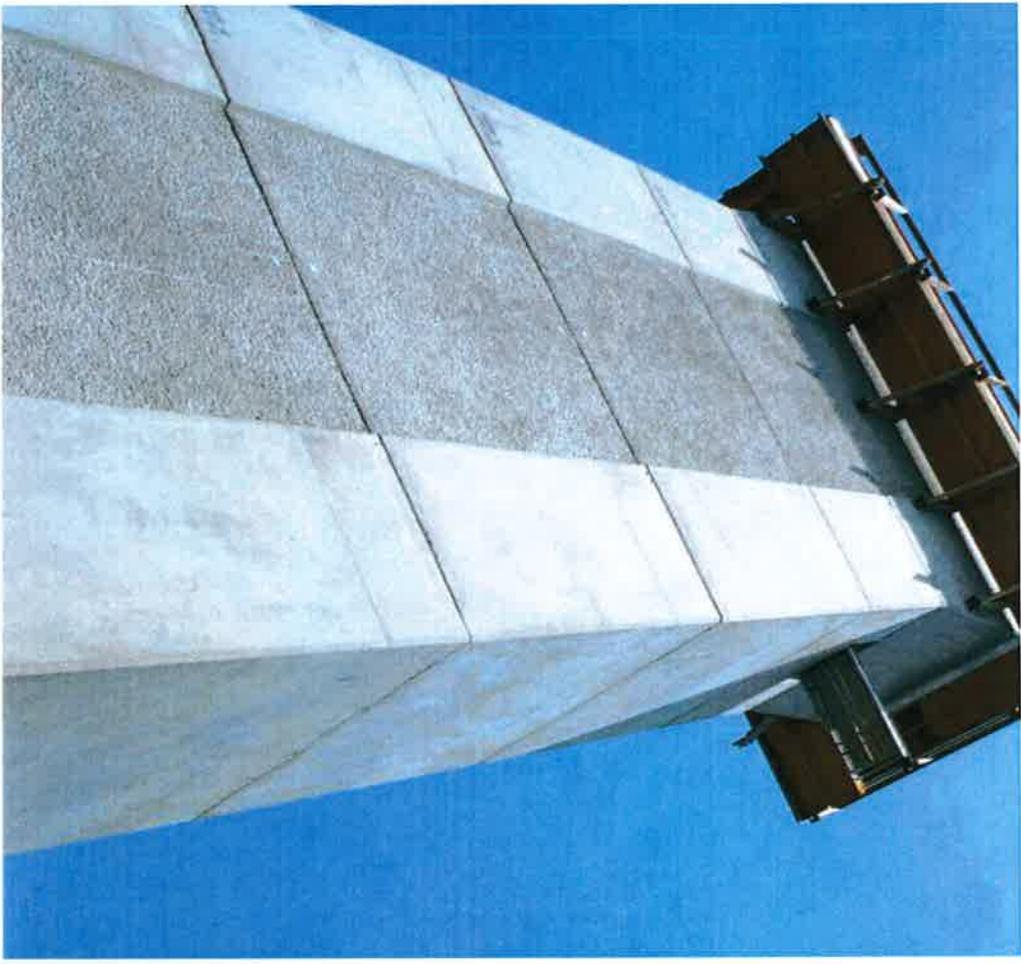


Precast: Piers





Precast: Piers





Future Technology

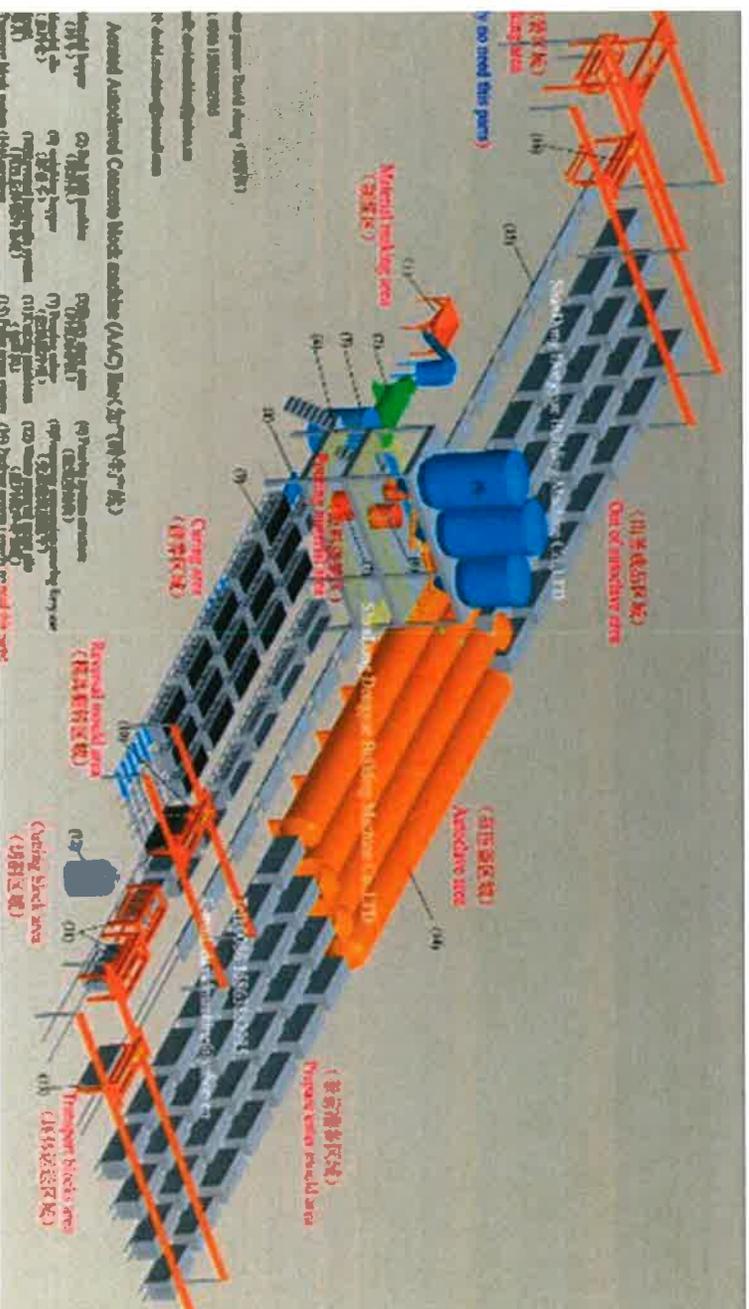


Using carbon fiber to prestress the concrete significantly reduces weight while increasing strength. Baysshore is one of the first companies in the world capable of using this technology.





Steam Cure System



State of the art steam system is environmentally friendly and will allow for faster cure periods.



Concrete Sampling Precast

Old Way



Samples would be made at the same time as the structure. Pressures inside the small samples would differ from actual precast structure.

New Way

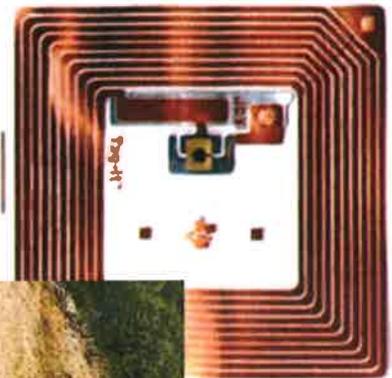


Diodes inside the concrete allow technicians to measure temperature, moisture content and pressure of concrete, of the pier or structure itself.

Data is instantaneously transmitted to lab where technicians can adjust new steam system and girder beds to ensure structures meet specifications



RFID Tracking



RFID (Radio Frequency Identification) tags are placed on precast structures allowing Bayshore and the client to track each piece, from layout to final delivery.



Concrete Reclaiming



Allows recycling and reuse
concrete materials for future
products. Equipment will
separate aggregate by density,
allowing for efficient use of
materials

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Ordinance Regarding Chickens in Town		AGENDA DATE: December 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Request direction from Council as to whether to research and draft a chicken ordinance for the Town.		ITEM NUMBER: 7B
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Rob Testerman	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Across the state and country, there has been a growing movement of towns and cities allowing for residents to keep and raise “backyard chickens” in residential districts. Currently, the Town’s Zoning Ordinance does not have such an ordinance, and the keeping of chickens in a residential district is not allowed, as it falls under the definition of “Agriculture,” which is not an allowed use in the residential districts.

DISCUSSION:

Should Council direct staff and the Planning Commission to develop a draft of such an ordinance, there are many things that would be accounted for. Some items of consideration would include number of chickens per lot, roosters or no roosters, minimum lot size to allow chickens, pros and cons of allowing chickens in a residential district, etc. In addition to regulation specifics, overall pros and cons will be evaluated as well. With a subject such as this, there are typically strong opinions one way or the other from the beginning, directing staff to do the research will provide an opportunity to address any concern that the Council, Planning Commission, or Citizens of Cape Charles may have. There is a wealth of knowledge to be found, both online and by contacting localities who have such ordinances (recently Chesapeake VA and Snow Hill MD approved “chicken ordinances”). Directing staff to research and develop a draft ordinance will allow Town Council to make an informed decision as to whether to allow the keeping of chickens in Town, or to continue to disallow it.

If so directed, after conducting necessary research staff will then prepare a draft ordinance, or modification of the existing ordinance to present to the Planning Commission. The Planning Commission will then have opportunity to review and make a recommendation to Town Council.

RECOMMENDATION:

Staff recommends that Council directs staff to research and develop a draft chicken ordinance, or an amendment to existing ordinances to bring to public hearing for consideration.

 TOWN OF CAPE CHARLES	AGENDA TITLE: South Port Investors (SPI) Waiver Request		AGENDA DATE: December 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Consideration to waive portion of Utility charges and fees on Town Leased Parcels		ITEM NUMBER: 7C
	ATTACHMENTS: Request for Waiver – December 7, 2013, Cape Charles Yacht Center Phase 1 Plan		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Town currently leases five parcels of Town property (Parcels 12, 14, 17, 19 and 20) to South Port Investors, LLC (SPI). The leases are for a term of 40 years with acquisition rights.

SPI is committed to constructing a mega yacht haul-out facility at the Cape Charles Harbor which will be beneficial to the economic development for the Town and County.

Phase 1 construction is underway in regards to a dry rack storage facility and installation of a travel boat lift on Parcel 12. The boat repair and storage facility will be located on Parcel 17.

A number of meetings have been held with SPI regarding their plans for the leased parcels.

DISCUSSION:

A request has been received from SPI asking for Council consideration regarding a waiver of utility connection fees and charges, one connection per parcel. Parcels 12 and 17 have existing connections so this request encompasses parcels 14, 19 and 20. A copy of the request for waiver from SPI is attached.

In 2011, the Town previously waived the payment of connection charges for the Shanty restaurant which is under a 10-year lease on town-owned property.

RECOMMENDATION:

Staff recommends Council discussion regarding the request for waiver from South Port Investors, LLC and a decision regarding their request.

REQUEST FOR WAIVER
South Port Investors LLC
December 7, 2013

South Port Investors (“SPI”) respectfully requests a waiver from the payment of a portion of utility charges and fees from the Town of Cape Charles. Specifically, SPI requests a waiver from payment of utility connection fees (one water/sewer connection per lot) associated with the development of the Town’s – leased parcels (12, 14, 17, 19, and 20) and partial waiver from the usage fees associated with lot 12.

This request is based on several factors which we believe the Town administration and Town Council will find compelling and persuasive:

Council has previously waived connection charges on other Town-leased land.

1. The Council has previously acted to waive the payment of connection charges for The Shanty, also located on Town-leased property, in October of 2011. Additionally, Town Council has also acted to waive a portion of Echelon’s connection fees as part of the redevelopment of the former Cape Charles School in May 2012. SPI is underway in its redevelopment effort of the Town –leased, commercial area of the Cape Charles harbor. Council does not have to entice or provide incentives to SPI to begin re-development – it’s already begun! Town Council is being requested to simply treat all re-development efforts similarly.

SPI’s capital expense in building infrastructure to be given to the Town was unexpected at the time SPI assumed the original Town-STIP leases; paying capital expenses twice would be unfair.

2. Much like the development of Bay Creek, SPI must undertake the capital expenses of building on to the Town’s existing infrastructure system, then turn the pumping facility over to the Town; it is different, however, in that the area to be served will be primarily Town owned (leased) property (more like the situation at The Shanty where the Council granted a waiver from payment of connection charges in October of 2011). SPI shouldn’t be required to pay the capital expenses twice. This cost is required because the new WWTP was constructed in a location different than the old one which precipitated the Town’s re-routing of the sewer line on Marina Road; SPI has to design, install, and pay for a pumping facility to serve the Town-leased parcels. This re-routing was completely unexpected at the time SPI assumed the original STIP leases.

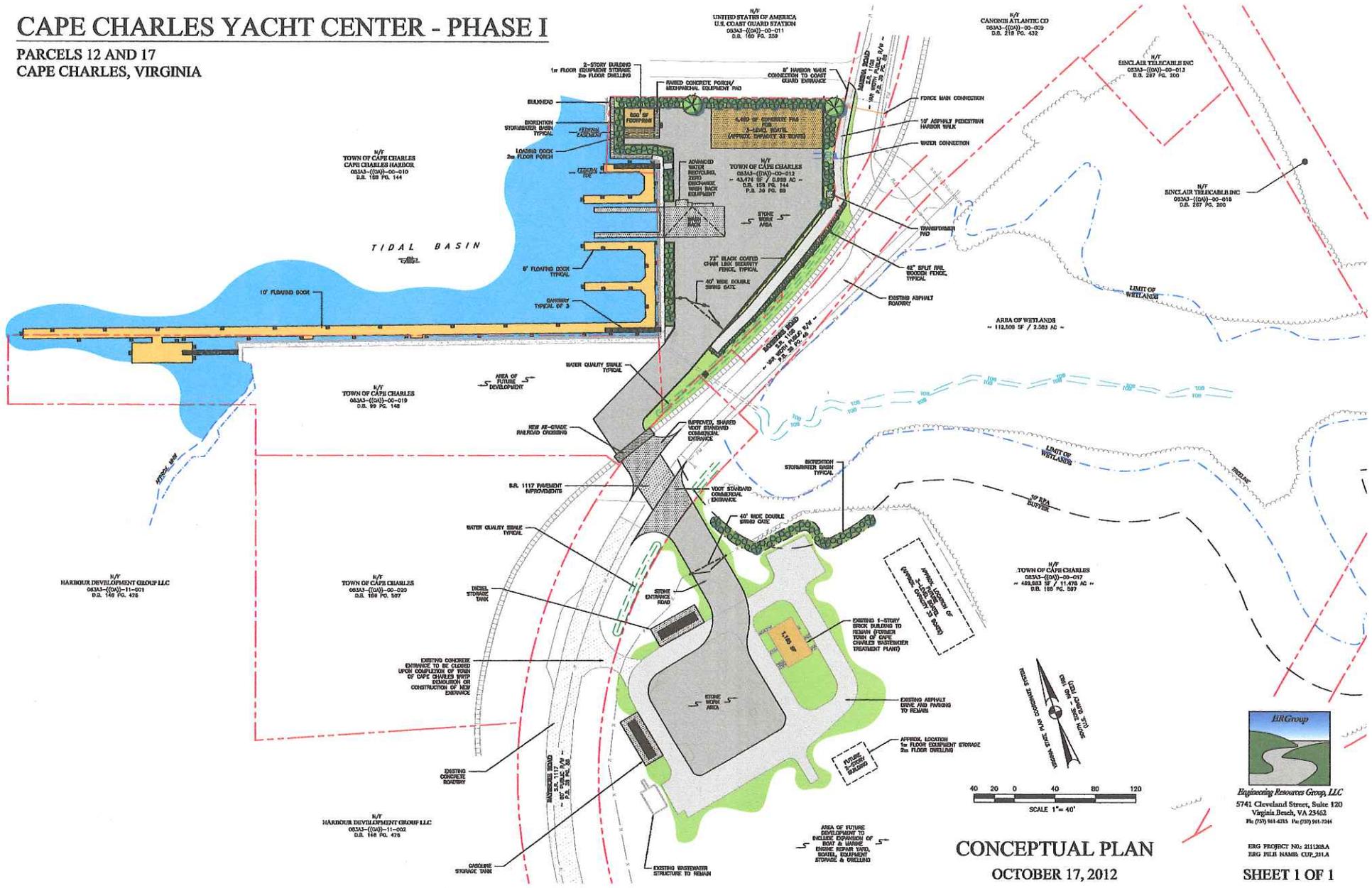
SPI is an active financial partner in the development of the harbor transportation hub.

3. Substantial investment has been and will continue to be made by SPI for the development of the harbor at the Cape Charles Yacht Center and substantial intangible investment has been already been made by SPI to propose, promote, and secure funding for the harbor access road. SPI is also actively assisting the Town in pursuing additional funding for the construction of breakwaters.

In conclusion, SPI will greatly appreciate the Town administration and Town Council’s thoughtful consideration of this request to waive utility connection charges and fees associated with the Town leased parcels to SPI. SPI is committed to creating a world-class yacht center at the Cape Charles harbor and to working cooperatively with all the harbor stakeholders to make the harbor a multi-hub transportation center in the Mid-Atlantic. SPI is a partner in Cape Charles – Northampton County’s economic development activity that no local government had to attract to make investment in Cape Charles; we simply ask that SPI be given the same benefits as the other entities in the economic development picture. Thank you for your consideration.

CAPE CHARLES YACHT CENTER - PHASE I

PARCELS 12 AND 17
CAPE CHARLES, VIRGINIA



CONCEPTUAL PLAN
OCTOBER 17, 2012



Engineering Resources Group, LLC
5741 Cleveland Street, Suite 120
Virginia Beach, VA 23462
Tel: (757) 461-4263 Fax: (757) 461-7941

ERG PROJECT NO.: 211020A
ERG FILE# NAME: CUP_211A
SHEET 1 OF 1

 TOWN OF CAPE CHARLES	AGENDA TITLE: Cape Charles Community Trail – Phase 2		AGENDA DATE: December 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Update based on 90% design and specifications submittal.		ITEM NUMBER: 8A
	ATTACHMENTS:		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Council adopted the Cape Charles Master Trail Plan on September 11, 2007. This multi-use trail is being constructed in phases as funding is available. Eighty percent of the cost is funded by Federal grants authorized under the Transportation Enhancement Act for the 21st Century (TEA-21), now succeeded by the Transportation Alternatives Program, and twenty percent by local funds. To date, the Town has been awarded \$2.3M in grant funding. Of that, about \$1M was utilized for the Master Plan and for design, engineering and construction of Phase 1 in Central Park. About \$1.4M remains available for Phase 2 – North Peach St. and Washington Ave.

DISCUSSION:

Our consulting firm, Land Studio, PC, submitted the 90% design documentation to VDOT for review on December 2, 2013. This submittal incorporates the utility test hole data and the extension of the rock revetment over the storm drain outfall to correct the beach erosion problem. The overall layout is as previously presented (available in the Town Hall). The trail will be constructed entirely within public right of way.

The project cost estimate is \$1.57M, including design, engineering, construction, administration & inspection. The Federal share is \$1.26M, and the Town share is \$0.31M. This is within the funding budgeted in FY 2013 and FY 2014, and planned for FY 2015.

We have provided “before” and “after” drawings to property owners on north Peach Street so they can be familiar with the planned improvements. We will be obtaining temporary construction and drainage easements from several property owners on Washington Avenue. Depending on VDOT review, we hope to bid out the construction contract and start construction next spring.

RECOMMENDATION:

Provided for information only.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Accomack-Northampton Planning District Commission Comprehensive Plan Proposal		AGENDA DATE: December 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Review ANPDC Comprehensive Plan Proposal		ITEM NUMBER: 8B
	ATTACHMENTS: ANPDC Proposal		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The current Cape Charles Comprehensive Plan was adopted by the Town Council on June 11, 2009. The rewrite of the Comprehensive Plan was done in-house and the Cape Charles Planning Commission spent several years researching and revising the Plan.

Code of Virginia § 15.2-2230 requires that the Planning Commission review the Comprehensive Plan every five years to determine whether it is advisable to amend the plan.

\$30K is included in the FY 2013-2014 budget to obtain professional assistance to update the Town's Comprehensive Plan.

In 1999, the Town worked with the Accomack-Northampton Planning District Commission (ANPDC) for a previous update of the Comprehensive Plan.

Heather Arcos and Rob Testerman met with Ms. Elaine Meil, Executive Director of the ANPDC regarding their assistance to review and update the Comprehensive Plan. The cost savings are expected to be significant with a potential decrease of 50% vs. using the services of a consulting firm.

At a Special Meeting on October 3, 2013, the Town Council authorized the Town Manager to request the assistance of the ANPDC for the review and update of the Comprehensive Plan.

The Planning Commission is currently reviewing sections of the Comprehensive Plan to provide their recommendation on areas needing to be reviewed further and/or updated. At a recent Planning Commission meeting, several of the Commissioners who attended the Virginia Certified Planning Commissioners Program stated that the current Cape Charles Comprehensive Plan was reviewed during the classes with comments that it was professionally done, very well written and easy to understand.

DISCUSSION:

On November 18, 2013, the ANPDC agreed to assist the Town with updating the Comprehensive Plan and a proposal with a scope of work was received on November 20, 2013. The Town would provide up to \$8,615 as a 505 match to the funds available from the Virginia Coastal Zone Management Program, Virginia Department of Transportation and the Economic Development Administration to develop the plan.

The ANPDC proposal is included in the agenda packet for Council review. If Council accepts the terms of the proposal, the ANPDC will be able to begin working with the Town staff and Planning Commission in January 2014.

The alternative would be for the Town to issue a Request for Proposals from consulting firms to up the Comprehensive Plan.

RECOMMENDATION:

Staff recommends Council review the attached proposal and, if deemed satisfactory, authorize the Town Manager to execute the agreement with the ANPDC for their assistance with the Comprehensive Plan update.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
EMAIL: anpdc@a-npdc.org • WEBSITE: www.a-npdc.org

November 20, 2013

Heather Arcos
Town Manager
Town of Cape Charles
2 Plum Street
Cape Charles, Virginia 23310

Dear Ms. Arcos:

At the Accomack-Northampton Planning District Commission meeting on November 18, 2013, the Commission agreed to assist the Town of Cape Charles with updating the Comprehensive Town Plan provided the following conditions are acceptable to the Town.

1. The Town provides up to \$8,615 as a 50% match to the funds available from the Virginia Coastal Zone Management Program, Virginia Department of Transportation and the Economic Development Administration to develop the plan.
2. The Town is in agreement with the attached proposal, schedule and budget.

If these conditions are acceptable to the Town, please indicate below and send me back a copy for our records. We look forward to working with you. If you have any questions, feel free to contact me at (757)787-2936 x. 116

Sincerely,

Elaine K N Meil

Elaine K. N. Meil
Executive Director

cc: Director of Planning

The conditions are acceptable and the Town wishes to proceed.

Name

Date



Project Title: 2013 Town of Cape Charles Comprehensive Plan Update

I. PROJECT DETAILS

The purpose of the project is to provide the five year update to the Town of Cape Charles' Comprehensive Plan. It is expected that only minor revisions and updates will be needed and a significant rewrite of the plan is not expected.

II. SCOPE OF WORK

January 1 to March 31, 2014

- Begin comprehensive review of the plan, conduct in-person or telephone interviews with town staff.
- Facilitate the first public meeting with the interested public and the Planning Commission to explain the process and identify issues.
- Develop a schedule with the Planning Commission of up to four topical work sessions. Coordinate with Town staff to properly advertise the sessions.
- Begin incorporating changes into a draft updated plan.

April 1, 2014 to September 30, 2014

- Complete draft changes and provide advance copies and comment period to the Planning Commission and Town Staff.
- Incorporate comments and schedule a meeting with the Planning Commission with the intent to obtain their recommendation
- Meet with the Planning Commission and obtain recommendation of the updated plan.
- Assist Town Staff with Advertising the Public Hearing, as needed. Explore with Town Staff whether a Joint Public Hearing is appropriate.
- Provide staff support to Town Staff at the Public Hearing and assist in obtaining Planning Commission Amendment. Provide a certified copy to the Town Council.
- Provide staff support to Town Staff at the second Public Hearing (if needed) and assist in obtaining Town Council Amendment.

III. DELIVERABLES/PRODUCTS

The Town will receive one CD with the certified, amended Plan in PDF and Word file formats.

IV. COSTS

The A-NPDC estimates that the A-NPDC staff costs to the Town will not exceed \$8,615. The Town will need to arrange and pay all advertising costs as well as printing of the final updated plans. Major scope changes will need to be negotiated.

V. ESTIMATED BUDGET

	Town	Match*	Total	Budget Narrative
Personnel	\$4,900.00	\$4,900.00	\$9,800	A-NPDC staff salaries.
Fringe	\$1,465	\$1,465	\$2,930	FICA, retirement, health insurance, @ 29.86%
Equipment			\$0	
Travel	\$550	\$550	\$1,100	Travel/Mileage to meetings
Supplies			\$0	Printer paper and ink cartridges.^
Contractual			\$0	
Construction			\$0	
Other			\$0	
TOTAL DIRECT	\$6,915	\$6,915	\$13,830	
INDIRECT	\$1,700.00	\$1,700.00	\$3,400	Indirect cost rate is 34.60%, and includes rent, utilities, office repairs, cleaning contract, office supplies, telephone, internet access, postage, copying, insurance, information resources, and equipment leasing
TOTAL	\$8,615	\$8,615	\$17,230	

* Match is required to be approved by the Commission upon formal request from the Town.

^Advertising and printing costs are not included and the Town will need to pay for and arrange these items.

As Executive Director, Elaine K. N. Meil provides executive guidance and strategic vision for the Authority. She oversees a staff of thirteen professionals and annually manages \$9 million in construction and client services funds from federal, state and local sources as well as a \$1.2 million operating budget. She has extensive experience in coordinating and complying with regulations of numerous state and federal agencies including the U.S. Department of Housing and Urban Development, the Virginia Housing and Development Authority and the Virginia Department of Emergency Management. She holds a Bachelor's of Geology – Geophysics from Virginia Tech and a Master's in Regional and Urban Planning from Virginia Commonwealth University.

Recent Professional Highlights

- Wrote the 2005 Eastern Shore of Virginia Hazard Mitigation Plan and completed the initial damage estimates using FEMA's Coastal Construction Manual.

- Wrote the Occohannock Creek TMDL Implementation Plan.

- Serves on the Eastern Shore of Virginia Ground Water Committee.

- Coordinated the relocation of the evacuees from Seabreeze Apartments after Hurricane Sandy.

- Administered the Virginia Housing Development Authority Mixed Use/Mixed Income (MUMI) Planning Grant that provided conceptual plans and financial projections to the Town of Cape Charles regarding the Cape Charles School.

- Planned and wrote Phase I of the Virginia Department of Transportation T-21 grants for construction of the Northampton County southern tip bicycle trail.

- Oversees the implementation of the regional Housing Choice Voucher Program for 543 client families

As Director of Planning, Curtis W. Smith provides supervision of all A-NPDC local and regional planning activities. He oversees a staff of two professionals and annually manages a \$0.5 million annual operating budget. He has extensive experience in coordinating and complying with regulations of numerous state and federal agencies including the Virginia Department of Emergency Management, Virginia Department of Environmental Quality, and Virginia Department of Conservation and Recreation. He holds a Bachelor's of Geology and Environmental Studies from James Madison University and a Master's in Geological Sciences from East Carolina University.

Recent Professional Highlights

- Administered a planning grant from the Virginia Department of Environmental Quality to develop Stormwater Management Programs for Accomack and Northampton Counties in 2013.
- Completed the Northampton County Water Supply Plan and oversaw plan adoption in Cape Charles in 2011.
- Administered a Technical Assistance Grant for Accomack and Northampton County development of reduction strategies related to the Chesapeake Bay TMDL-WIP mandate.
- Completed a revision to the Eastern Shore of Virginia Hazard Mitigation Plan and oversaw the Cape Charles adoption of the plan in 2011.
- Assisted with the development of the Kings Creek TMDL.
- Coordinates the Eastern Shore of Virginia Ground Water Committee, the Eastern Shore of Virginia Climate Adaptation Working Group, and the Eastern Shore of Virginia GIS Users Group.

Barbara Schwenk has extensive experience in coordinating and complying with regulations of numerous state and federal agencies including the U.S. Department of Agriculture, the U.S. Economic Development Administration and the Virginia Department of Transportation.

Recent Professional Highlights

- Coordinated, wrote and administered the Community Development Block Grant and Economic Development Administration grants to build the Eastern Shore of Virginia Broadband Backbone.

- Wrote and implemented the Comprehensive Economic Development Strategy for the Eastern Shore of Virginia

- Served as staff for the Accomack-Northampton Transportation Technical Advisory Committee.

- Coordinated, wrote and administered the U.S. Department of Agriculture loan and grant to build the downtown Parksley Sewer Project.

- Wrote Phase II and Phase III of the Virginia Department of Transportation T-21 grants and administratively transferred Phases I, II and III funds to assist the U.S. Fish and Wildlife Service with the Northampton County southern tip bicycle trail.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Section 4.1 Sign Regulations		AGENDA DATE: December 10, 2013
	SUBJECT/PROPOSAL/REQUEST: Determine whether to approve or disapprove the draft modifications		ITEM NUMBER: 8C
	ATTACHMENTS: Draft modified Section 4.1, Existing Section 4.1		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Rob Testerman	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

In previous months, the Planning Commission has been working to complete a draft revision of the Sign Regulations, Section 4.1 of the Zoning Ordinance. The proposed modifications are essentially a rewrite of the entire section, so attaching a redline version is not feasible. I have attached both the proposed regulations, and the existing ones to provide the opportunity to compare the two.

This draft ordinance was based off of the model sign regulation ordinance in the International Zoning Code, 2012.

Following the Joint Public Hearing on December 10, 2013, the Planning Commission held discussion on the matter and by a unanimous voted to recommend approval of the proposed sign regulations, as presented to Town Council.

ITEM SPECIFICS:

- The definitions have been expanded. The definitions in the proposed regulations are much more specific than those in the existing regulations. Having the definitions more specific will aid in enforcement of the regulations, as it leaves less up for interpretation while under review.
- The proposed regulations include a visual aid that represents different types of signs, and shows the areas to be included when calculating the signage area. This aid will be a helpful reference for the Administrator reviewing signs, as well as an applicant preparing to install a sign.
- The proposed regulations have a section of General Provisions. The general provisions set forth requirements for signs in rights-of-way, projections over public ways, traffic visibility, computation of frontage, maintenance, etc.
- Sizes and types of signs allowed, including temporary signs, in each district is more specific in the proposed ordinance.
- The proposed ordinance also includes specifications for signage in development complexes over 8 acres in size, which would require a “master sign plan”.
- One major change that the proposed ordinance includes deals with enforcement. Currently, if a sign is found to be in violation, the zoning administrator is authorized to issue a violation letter. If not corrected, the person in violation is then guilty of a Class IV misdemeanor, and if convicted, subject to a fine of \$10-\$250 per day until the violation is corrected. Under the proposed ordinance, if a sign is in violation, the zoning administrator will issue a violation notice, if the violation is not corrected within 10 days, the zoning administrator is authorized to remove the sign, at the expense of the owner.

- **Please note that this has nothing to do with content of the sign. This ordinance does not attempt to regulate what messages can be placed on signs, as that is a matter of free speech. The ordinance and subsequent violations that may occur based on these regulations are based off of size, location, and type of sign.**

RECOMMENDATION:

After discussion of the proposed modifications to section 4.1 Sign Regulations, decide if Town Council wishes to adopt these modifications into the Town Zoning Ordinance.

Section 4.1 Sign Regulations

A. Purpose

The purpose of this sign ordinance is to encourage the effective use of signs as a means to communicate in the Town, to maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth; to improve the pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions.

B. Definitions

The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle.
2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "*Canopy*, Attached and Free-standing."

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. Any large sign/panel including supporting structure used as an outdoor display for the purpose of displaying advertisements; the product, business, or service so advertised or displayed being remote from the site of the sign. This sign is typically seen alongside roadways or on the sides of buildings. (Sometimes referred to as "Off-premise sign" or "Outdoor advertising sign.")

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also "Marquee."

CANOPY (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free-standing *canopy*. For reference, see Section C.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs which are:

Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."

Manually activated. Changeable sign whose message copy or content can be changed manually.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord, approved in accordance with Section I.2 of this chapter.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "Wall or fascia sign."

FLASHING SIGN. See "Animated sign, electrically activated."

FREE-STANDING SIGN. A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. Maximum size of 10 square feet. For visual reference, see Section C.

FRONTAGE (Building). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE (Property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN. See "Free-standing sign."

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated). Lighting fixtures must be dark sky compliant.

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MARQUEE. See "*Canopy* (attached)."

MARQUEE SIGN. See "*Canopy* sign."

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification. Maximum size of 10 square feet.

MULTIPLE-FACED SIGN. A sign containing three or more faces.

OFF-PREMISE SIGN. See "Billboard."

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. See "Billboard."

PARAPET. The extension of a building facade above the line of the structural roof.

POLE SIGN. See "Free-standing sign."

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office during an election. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN. Any *sign* not permanently attached to the ground or to a building or building surface. See "Temporary Sign."

PROJECTING SIGN. A *sign* other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section C.

REAL ESTATE SIGN. A temporary *sign* advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN. A *sign* that revolves 360 degrees (6.28 rad) about an axis. See also "Animated sign, mechanically activated."

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN. A *sign* mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section C.

SANDWICH BOARD. A freestanding temporary sign, constructed of two large boards hinged at the top, held together by a chain or rope, with no other moving parts or lights; displayed outside a business, during business hours, to advertise the business, hours of operation, an event, a promotion, etc. Maximum size of 10 square feet.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided

or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a *sign*, exclusive of numerals identifying a street address only.

SIGN FACE. The surface upon, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. see Section C.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the *sign* copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of *sign* structures with routed areas of sign copy, the *sign* face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the *sign* face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the *sign* copy, but not the open space between separate groupings of sign copy on the same building or structure.
4. In the case of *sign* copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the *sign* face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. Any structure supporting a sign.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or *sign* structure that is permanently embedded in the ground, are considered temporary signs.

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a *canopy* or marquee.

V SIGN. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

WALL OR FASCIA SIGN. A *sign* that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is

affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section C.

WINDOW SIGN. A *sign* affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. A business is permitted to hang a sign in a window relating to something within their establishment. A business is not permitted to hang a sign in their window advertising another business.

- C. General
Sign types and the computation of *sign* area shall be as depicted in Figures C.1(1) through C.1(4).

Figures depicted beginning on next page.

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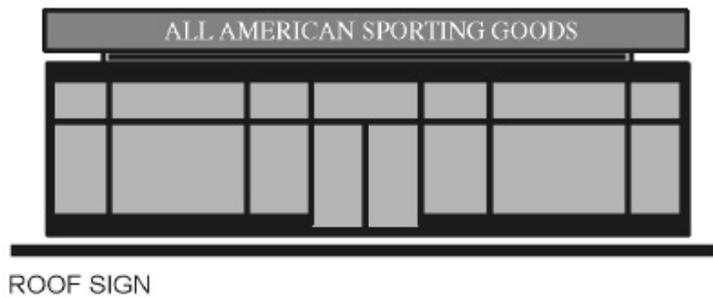
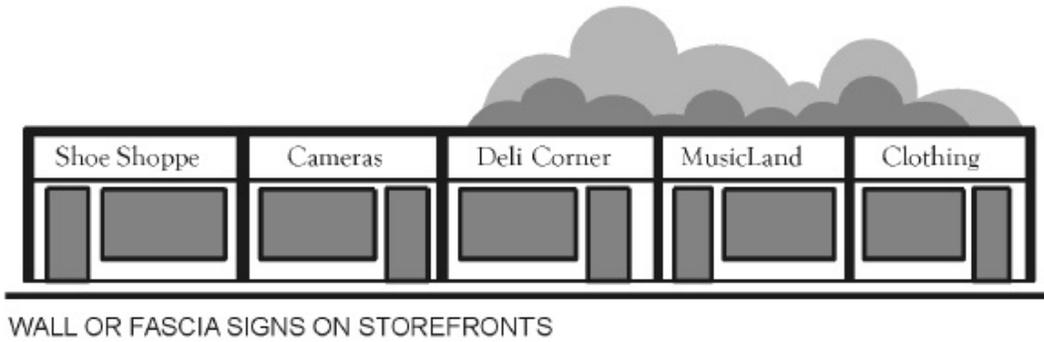
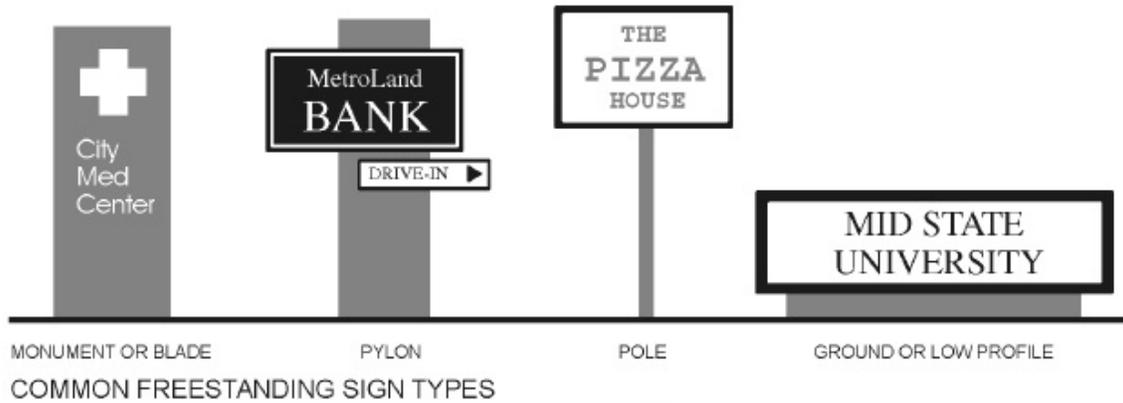


FIGURE C.1(1) GENERAL SIGN TYPES

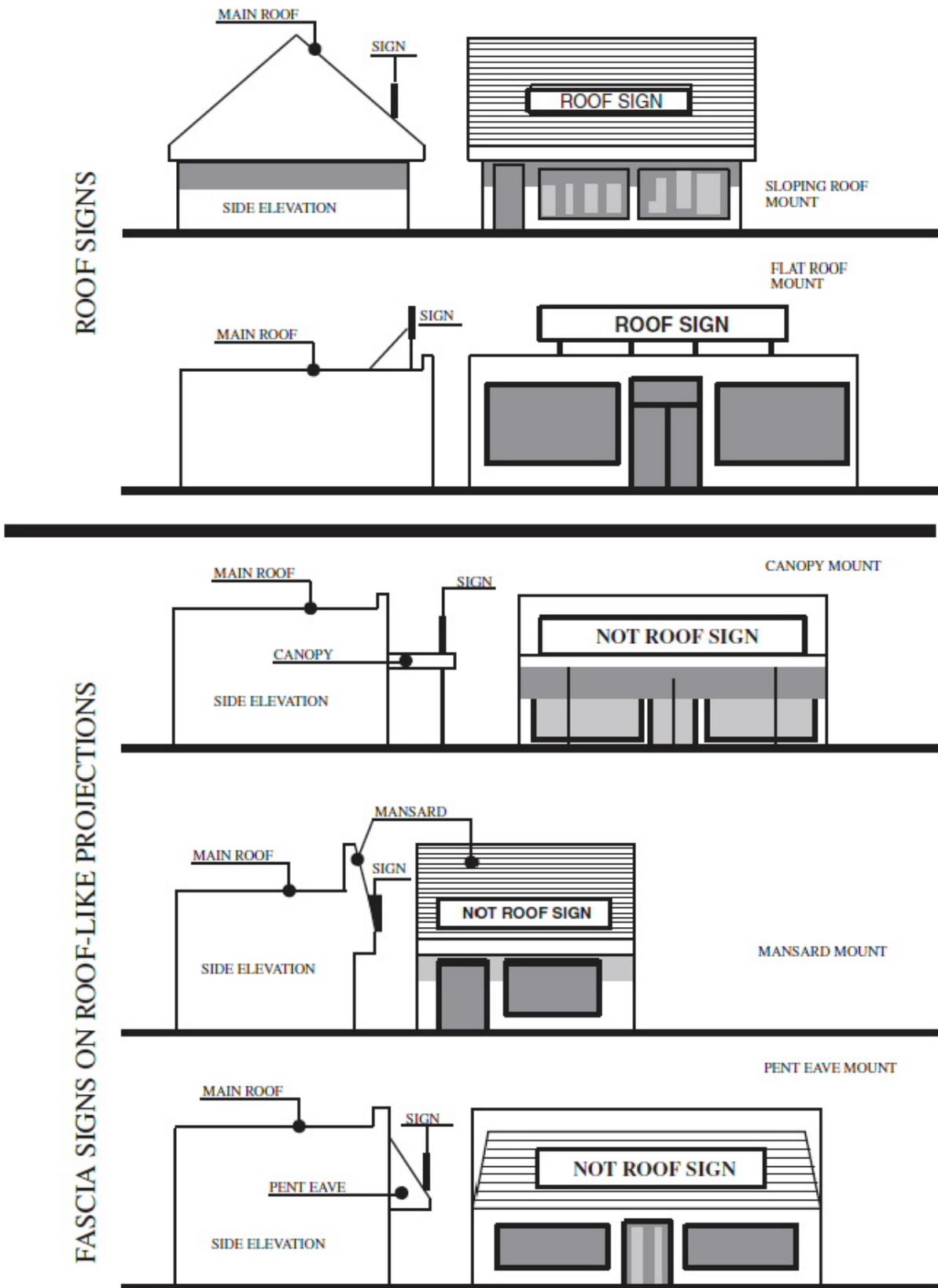
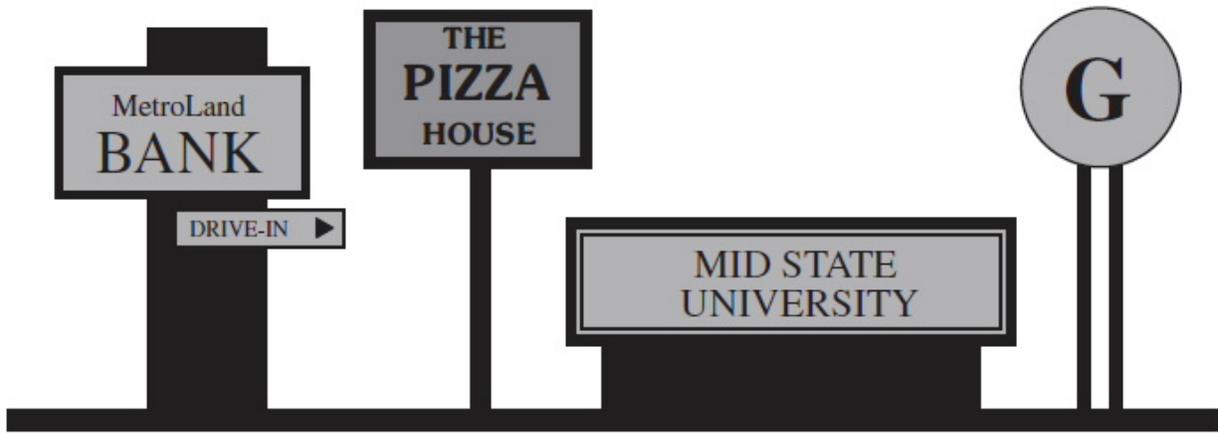
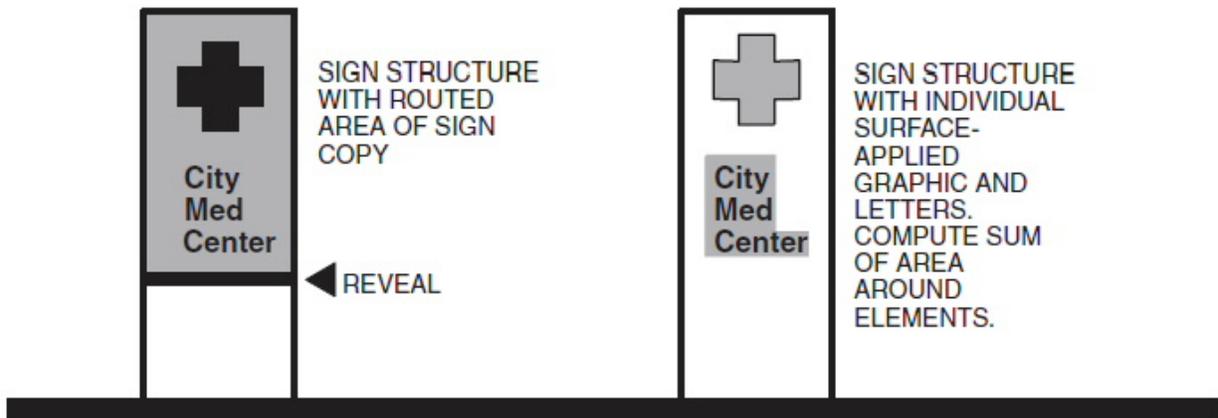


FIGURE C.1(2) COMPARISON—ROOF AND WALL OR FASCIA SIGNS



SIGN STRUCTURES



Notes: Sum of shaded areas only represents sign area. Sign constructed with panels or cabinets.

FIGURE C.1(3) SIGN AREA—COMPUTATION METHODOLOGY



Notes: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

FIGURE C.1(4) SIGN AREA—COMPUTATION METHODOLOGY

D. General Provisions

1. Conformance to codes

Any sign hereafter erected shall conform to the provisions of this ordinance and of any other ordinance or regulation within this jurisdiction.

2. Signs in rights-of-way
No sign other than an official traffic sign or similar sign shall be erected within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the Town Manager and the Virginia Department of Transportation (VDOT).
3. Projections over public ways
Signs projecting over public walkways shall be permitted to do so only with the approval of the Town Manager on a temporary basis. These signs are subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet (2438 mm) from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. Traffic visibility.
No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
5. Computation of frontage
Business signs with an area of two square feet for each foot of facade width to a maximum of fifty square feet in sign area (where more than one business exists in a building, each maximum sign area is to be proportionate to the business square footage). For buildings with more than one wall facing a street, each side of the building will be computed separately.
6. Animation and changeable messages
Animated signs are not permitted in any areas of the Town.
7. Maintenance, repair and removal
Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the zoning administrator, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the zoning administrator forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, zoning administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign. The Town will store the sign for 30 days to give the owner an opportunity to reclaim the sign. The sign will be destroyed if unclaimed after 30 days. If ownership of the sign cannot be determined, the sign shall be removed and destroyed after 30 days if unclaimed.
8. Obsolete sign copy
Any *sign* copy that no longer advertises or identifies a use conducted on the property on which said *sign* is erected must have the sign copy covered or removed within 10 days after written notification from the zoning administrator; and upon failure to comply with such notice, the zoning administrator is hereby

authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

In some instances, the historic significance of the sign will exempt the property from adherence to this ordinance. Such cases will be determined by the zoning administrator.

9. Nonconforming signs

Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which such *sign* is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

- a. Structural alterations, enlargement or re-erection are permissible only where such alterations will not increase the degree of nonconformity of the signs.
- b. Any legal nonconforming *sign* shall be removed or rebuilt without increasing the existing height or area if it is damaged, or removed if allowed to deteriorate to the extent that the cost of repair or restoration exceeds 50 percent of the replacement cost of the sign as determined by the zoning administrator.
- c. Signs that comply with either Item 1 or 2 above need not be permitted.

E. Exempt Signs

The following signs shall be exempt from the provisions of this chapter but no sign shall be exempt from Section D.4.

1. Official notices authorized by a *court*, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs, historical markers and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art or historical signs displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 4 square feet (0.56 m²) in area.
8. Freestanding signs or signs attached to fences, no more than one and one half square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the existence or danger of such, when placed on the periphery of the property or at a location where the warning is necessary.
9. Political signs during the election season. All requirements shown in § H.2.f must be followed.

F. Prohibited Signs

The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No *sign* shall be attached to any utility pole (with the exception of the utility pole located at the Post Office on Randolph Avenue), light standard, street tree or any other public facility located within the public right-of-way.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Signs, any part of which moves by any means, including but not limited to rotating signs, propellers, discs, and such but excluding pennants and signs indicating time and temperature.
5. Portable signs except as allowed for temporary signs.
6. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
7. Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
8. Balloons, streamers or pinwheels except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporarily" means no more than 20 days in any calendar year.
9. Any signs that use the word "stop" or "danger" or otherwise present or imply the need or requirement to stop or take caution of the existence of danger or which is a copy of, imitation of, or which for any reason is likely to be confused with any sign displayed or authorized by a public authority.
10. Any non-shielded illumination of a sign within 200 feet of a residential district.
11. Billboard signs
12. Illuminated tubing or strings of lights solely for the purpose of illumination, except when displayed as decorations during the holiday seasons. This includes any lighting arrangement which outlines any portion of a building or structure by exposed tubing or strings of lights.
13. Signs advertising activities which are illegal under federal, state, or local laws and regulations.

G. Permits Required

1. Unless specifically exempted, a permit must be obtained from the zoning administrator for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this

jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this ordinance.

2. Construction documents

Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the zoning administrator showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.

3. Changes to signs

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

4. Permit fees

Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

5. Permit number. Permit must be made available upon request.

6. Permit expiration. If a sign is not erected within twelve months following the issuance of a sign permit, such permit shall be null and void.

7. Church, school, or other public or semi-public institutions may have one name sign or bulletin board not exceeding twenty square feet in area.

8. Landscaping shall be integrated with each individual freestanding sign. Landscaping plans will be approved by the Zoning Administrator.

9. Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, or ingress and egress for any building structure.

H. Specific Sign Requirements

1. Identification signs.

Identification signs shall be in accordance with Sections H.1.a through H.1.b.

a. Wall signs

Every single-family residence, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone may display wall signs per street frontage subject to the limiting standards set forth in Table H.1.a. For shopping centers, planned *industrial* parks or other multiple occupancy

nonresidential buildings, the building face or wall shall be calculated separately for each separate occupancy.

TABLE H.1.a IDENTIFICATION SIGN STANDARDS—WALL SIGNS

LAND USE	AGGREGATE AREA (square feet)
Single-family residential	2 SQFT
Multiple-family residential	2 SQFT per residential dwelling

For SI: 1 square foot = 0.0929 m².

b. Free-standing signs

In addition to any allowable wall signs, every single-family residential subdivision, multiple-family residential complex, commercial or *industrial* building, and every separate nonresidential building in a residential zone shall be permitted to display free-standing or combination signs per street frontage subject to the limiting standards set forth in Table H.1.b.

TABLE H.1.b IDENTIFICATION SIGN STANDARDS—
FREE-STANDING SIGNS^{a,b,c}

LAND USE	NUMBER OF SIGNS	MAXIMUM HEIGHT (feet)	AREA (square feet)	SPACING
Residential Subdivision	1	6'	12 Sq Ft	1 per subdivision entrance ^a
Multiple-family residential	1	6'	12 Sq Ft	1 per driveway ^a
Commercial and industrial	1	6'	64 Sq Ft	150 ^b
Mason Avenue Commercial	1 per store front	6'	12 Sq Ft	1 per store front

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 acre = 4047 m².

a. For shopping centers or planned *industrial* parks, two monument-style free-standing signs not exceeding 50 percent each of the permitted height and area, and spaced not closer than 100 feet to any other free-standing identification sign, shall be permitted to be allowed in lieu of any free-standing sign otherwise permitted in Table H.1.b.

b. For any commercial or *industrial* development complex exceeding 1,000,000 square feet of gross leasable area, or 40 acres in size, such as regional shopping centers, auto malls or planned *industrial* parks, one free-standing sign per street front shall be permitted to be increased in sign area by up to 50 percent.

2. Temporary signs

Temporary signs shall be in accordance with Sections H.2.a through H.2.f.

a. Real estate signs

Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

- (1) Real estate signs, including Open House Signs, located on a single residential lot shall be limited to one sign, not greater than 4 square feet in area.
- (2) Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each *sign* shall be no greater than 32 square feet in area nor 6 feet in height. All signs permitted under this section shall be removed within 7 days after sale of the last original lot.
- (3) Real estate signs advertising the sale or lease of space within commercial or *industrial* buildings shall be no greater than 12 square feet in area nor 8 feet in height, and shall be limited to one sign per street front.
- (4) Real estate signs advertising the sale or lease of vacant commercial or *industrial* land shall be limited to one sign per street front, and each sign shall be no greater than 8 feet in height, and 20 square feet for property of 10 acres or less, or 32 square feet for property exceeding 10 acres.
- (5) Real estate signs shall be removed not later than 7 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.
- (6) Real estate auction signs advertising the sale of residential, commercial or *industrial* property shall be no greater than 32 square feet, and may be displayed for up to 30 days.

b. Development and construction signs

Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- (1) Such signs on a single residential lot shall be limited to one sign, not greater than 6 feet in height and 4 square feet in area.
- (2) Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 6 feet in height and 32 square feet in area.
- (3) Such signs for commercial or *industrial* projects shall be limited to one sign per street front, not to exceed 6 feet in height and 12 square feet for projects on parcels 5 acres or less in size, and not to exceed 6 feet in height and 32 square feet for projects on parcels larger than 5 acres.
- (4) Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 7 days following issuance of an occupancy permit for any or all portions of the project.

- c. Special promotion, event and grand opening signs
Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and *industrial* districts subject to the following limitations:
 - (1) Such signs shall be limited to one sign per street front.
 - (2) Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 7 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
 - (3) The total number of all such signs shall not exceed 5 in any single-family residential district, limited to 4 square feet in any multiple-family residential district and in any commercial or *industrial* district.

- d. Special event signs in public ways
Signs advertising a special community event shall be allowed in or over public rights-of-way, subject to approval by the zoning administrator and the Virginia Department of Transportation as to the size, location and method of erection. The zoning administrator may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

- e. Political signs
Political signs shall be permitted in all zoning districts, subject to the following limitations:
 - (1) Such signs shall not exceed an area of 4 square feet per sign.
 - (2) Such signs for election candidates or ballot propositions shall be displayed only for a period of 45 days preceding the election and shall be removed within 7 days after the election.
 - (3) Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

- f. Other Temporary Signs
This category includes temporary signs that do not conform to any of the other categories listed above.
 - (1) Such signs on a single residential lot shall be limited to one sign per lot which shall not exceed an area of 4 square feet.

3. Requirements for specific sign types

Signs of specific type shall be in accordance with Sections H.3.a through H.3.g.

a. Canopy and marquee signs

- (1) The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.

- (2) Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.
- b. Awning signs
- (1) The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
 - (2) Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.
- c. Projecting signs
- (1) Projecting signs shall be permitted in lieu of free-standing signage on any street frontage limited to one sign per occupancy along any street frontage with public entrance to such an occupancy, and shall be limited in area to 2 square feet per each lineal foot of building frontage, except that no such sign shall exceed an area of 50 square feet.
 - (2) No such *sign* shall extend vertically above the highest point of the building facade upon which it is mounted.
 - (3) Such signs shall not extend over a public sidewalk without approval of the Town Manager.
 - (4) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 8 feet.
- d. Under *canopy* signs
- (1) Under *canopy* signs shall be limited to no more than one such sign per public entrance to any occupancy.
 - (2) Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 8 feet.
- e. Roof signs
- (1) Roof signs shall not be permitted in any districts.
- f. Window signs (Inside).
- Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and *industrial* districts, subject to the following limitations:
- (1) Any signs attached to windows or glass walls advertising weekly specials or special services offered for a limited time by a business establishment.
 - (2) The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed. Window panels separated by muntins or mullions shall be considered as one continuous window area.

(3) Window signs shall not be assessed against the sign area permitted for other sign types.

- g. Menu boards
Menu board signs shall not be permitted to exceed 10 square feet and are limited to one sign per business.
- h. Sandwich boards
Sandwich boards on public right-of-way shall be removed at daily close of business. The signs shall not exceed 10 square feet and are limited to one sign per business.

I. Signs for Development Complexes

1. Master sign plan required

All landlord or single-owner controlled multiple-occupancy development complexes on parcels exceeding 8 acres (32 376 m²) in size, such as shopping centers or planned *industrial* parks, shall submit to the zoning administrator a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

- a. Proposed sign locations.
- b. Materials.
- c. Type of illumination.
- d. Design of free-standing sign structures.
- e. Size.
- f. Quantity.
- g. Uniform standards for nonbusiness signage, including directional and informational signs.

2. Development complex sign

In addition to the free-standing business identification signs otherwise allowed by this ordinance, every multiple-occupancy development complex shall be entitled to one free-standing sign per street front, at the maximum size permitted for business identification free-standing signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any free-standing sign otherwise permitted under this ordinance may identify the name of the development complex.

3. Compliance with master sign plan

All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

4. Amendments

Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.

J. Other Permitted Signs

1. Commercial Districts

- a. Barber poles.
- b. Theater marquees, including chaser lights, neon, and backlit changeable letterings appropriate to its use.

K. Sign Illumination

1. External Illumination. External lighting shall be limited to light fixtures utilizing white, not colored, lighting and shall not be blinking, fluctuating, or moving. External lighting shall be provided by concealed and/or screened spots or floods and shall be arranged and installed so that direct or reflected illumination does not exceed (0.5) foot candles above background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.
2. Internal Illumination. Internal lighting shall be limited to internal light contained within translucent letters and internal illuminated sign boxes provided the background or field on which the copy and/or logos are placed is opaque. The area illuminated is restricted to the sign face only. The direct or reflected illumination shall not exceed (0.5) foot candles above the background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.

L. Violations of Signs

The Zoning Administrator shall have the authority to determine violations of this preceding section and notify the owner of such violation in writing. In addition to penalties described in Section 2.4.3, if it is determined that a sign is unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the zoning administrator forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, zoning administrator shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign. The Town will store the sign for 30 days to give the owner an opportunity to reclaim the sign. The sign will be destroyed if unclaimed after 30 days. If ownership of the sign cannot be determined, the sign shall be removed and destroyed after 30 days if unclaimed. For repeat offenses, the Zoning Administrator is authorized to immediately remove any unlawfully placed sign.

Current Sign Ordinance

Section 4.1 Sign Regulations

A. Statement of Intent

1. The purpose of this section is to regulate all exterior signs, thus ensuring the protection of property values, character of the various neighborhoods, safety and welfare of pedestrians and traffic, and to encourage sound development of land throughout the town. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. The standards of this section are to discourage offensive and unnecessary uses of signage.
2. A sign placed on a building or on a parcel of land for the purpose of identification, protection, or advertising a use conducted therein shall be deemed to be an integral part of the land or building. Therefore, the intent of this section is to establish limitations on signs in order to ensure the appropriateness to the land or building with which they are appurtenant and are adequate, but not excessive, for their intended purposes. Business sign regulations have been devised after considering, among other matters, shopping habits, extent of trade area, means of access, and the avoidance of competition among sign displays in their demand for public attention.
3. Any permanent widespread display of outdoor advertising is considered inappropriate to the character and sound development of the town, and it is intended by this section that the streets and highways in the town shall not be made available for such displays.

B. Definitions

SIGN means any display of letters, figures, designs, devices, pictures, logos, emblems, insignia, numbers, lines, or colors or any combination thereof visible to the public for the purpose of making anything known or attracting attention. The flag, emblem, insignia, poster, or other display of a nation, political unit, educational, charitable, religious, or similar group, campaign, non-charitable or religious or similar group, campaign, nonprofit drive or event or the architectural features or characteristics of a building which do not have an advertising message on or as an integral part thereof, shall not be included within the meaning of this definition.

SIGN, AREA is the area of a sign determined from its outside measurements including any framing, trim, or molding but excluding the height and width of supports and supporting structure. For the purpose of computing area, a sign consisting of two or more sides where the interior angle between any of the sides exceeds sixty degrees, each side shall be counted when computing sign area.

SIGN, BILLBOARD means any sign including supporting structure used as an outdoor display for the purpose of making anything known; the product, business, or service so advertised or displayed being on or remote from the site of the sign.

SIGN, CONSTRUCTION means a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL means any sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way," "entrance," or "exit."

SIGN, FIXED is a sign attached, erected, or painted on the outside wall of a building and/or supported by any part of a building such as a wall, roof, window, canopy, awning, or marquee.

SIGN FLASHING or **CONTINUOUS READER BOARD** is any sign displaying flashing or intermittent lights or other lights of changing degree of intensity, brightness, or color or electronically moving copy. This definition shall not apply to signs which display public service information such as time, date, temperature, weather, or similar information provided the message does not change more frequently than once every ten seconds

SIGN, FREESTANDING means a non-movable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building

SIGN, HEIGHT means the maximum vertical distance from the uppermost extremity of a sign support to the average ground level at the base of the sign.

SIGN, HOME OCCUPATION means a sign containing only the name of the business of a permitted home occupation.

SIGN, ILLUMINATION is a sign illuminated by artificial means either internally or externally and directed towards the sign.

SIGN, INTEGRAL means the names of buildings, dates of erection, monumental citations, commemorative tablets and the like carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

SIGN, POLITICAL means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

SIGN, PORTABLE is any sign not permanently affixed to the ground nor to a building which is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes including any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, or service when the vehicle is parked so as to attract attention of the motoring or pedestrian traffic.

SIGN, PYLON is a freestanding sign that is supported by one or more poles or posts or other uprights and where the sign is not encased within a structure.

SIGN, TEMPORARY means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a period of time as specified in the zoning ordinance.

C. Sign Permit Required. A sign permit is required for the display and erection of any sign, with the exceptions listed in Item 5 below:

1. Issuance. A sign permit shall be issued by the Zoning Administrator.
2. Fee. A fee, as established by ordinance by the Town Council, shall be paid prior to the issuance of a sign permit. Under no circumstances are permit fees refundable.

3. Permit number. The permit number assigned shall be indicated on the lower right hand corner of all signs issued permits after the date of adoption of this ordinance.
4. Permit expiration. If a sign is not erected within twelve months following the issuance of a sign permit, such permit shall be null and void.
5. Exceptions to the permit requirements:
 - a. signs of a constituted government body, including traffic signs and signals, directional signs, and regulatory signs
 - b. national or state flags or other political units or of any civic, charitable, educational, philanthropic, or similar group or movement provided that no freestanding pole shall be erected in the public right-of-way nor within five feet of a service drive, travel lane, or adjoining streets.
 - c. legal devices or warnings at railroad crossings
 - d. freestanding signs or signs attached to fences, no more than one and one half square feet in area, to warn the public against hunting, fishing, trespassing, dangerous animals, swimming, the existence or danger of such, when placed on the periphery of the property or at a location where the warning is necessary
 - e. directional signs
 - f. the changing of messages on marquees and the like and the repair of an existing permitted sign
 - g. temporary signs as defined and as specified herein may be used in every zoning district unless otherwise prohibited:
 - i. one contractor's sign per job site, no more than four square feet in area, located on the property where the work is being done.
 - ii. one real estate sign per lot, advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed, no more than four square feet in area. Real estate signs must be removed no more than seven days after the closing of the sale of the mentioned property. Signs are not permitted between sidewalk and street or within public right of way.
 - iii. official notices or advertisements posted or displayed by or under the direction of any public official or court in the performance of official duties provided that all such signs be removed no more than ten days after their purpose has been accomplished.
 - iv. political campaign signs, no more than four square feet in area, may be displayed no more than 45 days prior to the election and shall be removed no later than seven days after the election. Political signs are not permitted between the sidewalk and street or within the public right of way.
 - v. temporary signs, no more than twelve square feet in area, or temporary banners announcing a campaign drive or an event of a civic, philanthropic, educational, or religious organization provided that the sponsoring organization shall ensure the proper and prompt removal of such sign within seven days after the event.
 - vi. temporary signs no more than twelve square feet in area, featuring such special events announcements as "Grand Opening," "Under New Management," or "Going out of Business" provided they are displayed for no longer than thirty days.
 - vii. any signs attached to windows or glass walls advertising weekly specials or special services offered for a limited time by a business establishment.

viii. sandwich boards on public right of way shall be removed at daily close of business

- D. No sign shall be erected to a height higher than the maximum building height allowed in the respective zoning districts.
- E. No sign shall be erected within any public right-of-way without the approval of the Zoning Administrator.
- F. Church, school, or other public or semi-public institutions may have one name sign or bulletin board not exceeding twenty square feet in area.
- G. Landscaping shall be integrated with each individual freestanding sign. Landscaping plans will be approved by the Zoning Administrator
- H. Signs and advertising structures shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, or ingress and egress for any building structure.
- I. Sign Illumination
 - 1. External Illumination. External lighting shall be limited to light fixtures utilizing white, not colored, lighting and shall not be blinking, fluctuating, or moving. External lighting shall be provided by concealed and/or screened spots or floods and shall be arranged and installed so that direct or reflected illumination does not exceed (0.5) foot candles above background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way.
 - 2. Internal Illumination. Internal lighting shall be limited to internal light contained within translucent letters and internal illuminated sign boxes provided the background or field on which the copy and/or logos are placed is opaque. The area illuminated is restricted to the sign face only. The direct or reflected illumination shall not exceed (0.5) foot candles above the background measured at the lot line of any adjoining residential or agricultural parcel or public right-of-way
- J. Permitted Signs
 - 1. Residential districts
 - a. one home occupation, nameplate, or identification sign no more than four square feet in area per residential dwelling including farms
 - b. one identification sign, no more than 24 square feet in area for subdivisions, multi-family developments, and neighborhoods
 - c. signs as may be necessary to indicate entrances and exits on private property, no more than one square foot in area provided that such sign shall include only the words "entrance" or "exit"
 - d. informative, directional, or identifying signs, flags, or legal notices erected or required by the governing body
 - e. individual building numbers, historical markers, addresses, and the like shall not be included as signage
 - 2. Commercial districts
 - a. all signs permitted in residential districts
 - b. business signs with an area of two square feet for each foot of facade width to a maximum of fifty square feet in sign area (where more than one business exists in a building, each maximum sign area is to be proportionate to the business square footage)
 - c. barber poles

- d. no sign shall project into the public right of way from the building to which it is attached nor shall any sign extend more than four feet above the roof line. Minimum height to sign bottom must be at least eight feet from the sidewalk.
 - e. theater marquees, including chaser lights, neon, and backlit changeable lettering appropriate to its use
 - f. temporary signs attached to windows or glass walls, sandwich boards, menu boards, advertising daily or weekly specials or special services offered for a limited time. Maximum height is four feet; maximum width, two feet.
3. Industrial districts
- a. all signs permitted in the commercial district

K. Signs Prohibited in All Districts

All signs not specifically permitted are prohibited, including but not limited to the following:

- 1. Signs, any part of which moves by any means, including but not limited to, flashing or rotating signs, propellers, discs, and such but excluding pennants and signs indicating time and temperature.
- 2. Any signs that use the word "stop" or "danger" or otherwise present or imply the need or requirement to stop or take caution of the existence of danger or which is a copy of, imitation of, or which for any reason is likely to be confused with any sign displayed or authorized by a public authority.
- 3. Any non-shielded illumination of a sign within 200 feet of a residential district.
- 4. Billboard signs.
- 5. Illuminated tubing or strings of lights solely for the purpose of illumination, except when displayed as decorations during the holiday seasons. This includes any lighting arrangement which outlines any portion of a building or structure by exposed tubing or strings of lights.
- 6. Signs in any public right-of-way without approval.
- 7. Signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Where the owner or lessor of the premises is seeking a new tenant, such signs may remain in place for not more than ninety days from the date of vacancy.
- 8. Signs which are pasted or attached to utility poles, trees, or fences, or in an unauthorized manner to walls or other signs, except funeral or public notices on the utility pole in front of the post office..
- 9. Signs advertising activities which are illegal under federal, state, or local laws and regulations.
- 10. Any sign displayed on an automobile, boat, truck, or other motorized vehicle which is used primarily for such advertising display.

L. Violations of Signs. The Zoning Administrator shall have the authority to determine violations of this preceding section and notify the owner of such violation in writing.

M. Nonconforming Signs

- 1. Signs which do not conform to the present regulations for the zoning district in which they are located but which were erected in accordance with those regulations in effect at the time of their erection may remain only as long as the existing use which they advertise or identify remains or until that time in which such sign is replaced.

2. No nonconforming sign shall be enlarged or worded so as to advertise or identify any use other than those uses in effect at the time it became a nonconforming sign.
3. No nonconforming sign shall be moved within the same lot or to another lot, unless the moving will relocate the sign to a zoning district in which it would conform.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Virginia Waterman's Memorial Easement		AGENDA DATE: December 19, 2013
	SUBJECT/PROPOSAL/REQUEST: Review Bids Received and Award Easement for the Virginia Waterman's Memorial		ITEM NUMBER: 8D
	ATTACHMENTS: Draft Easement, Ordinance 20131219		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Friends of Virginia Waterman's Memorial on the Eastern Shore, Inc. was incorporated in 2006 with plans to construct a memorial to Virginia's watermen who were lost at sea. Mr. Ed Lewis, president of the organization, gave a presentation to the Town Council in September 2012 requesting to construct the memorial at the Cape Charles Harbor due to the proximity of the Chesapeake Bay. At that time, Council was polled and all members expressed their support of the Virginia Waterman's Memorial being constructed at the Cape Charles Harbor.

In order for the construction to move forward, the Town needs to grant an easement for the specified location of the memorial and plans need to be reviewed by the Harbor Area Review Board. The easement is necessary before the Friends of the Virginia Waterman's Memorial can move forward with the plans. The maximum length of the easement cannot exceed 40 years.

Under Virginia Code § 15.2-2100(B), the Town needs to advertise and receive bids on any easement lasting more than five years. Under § 15.2-1800, a public hearing must also be held.

DISCUSSION:

The Town advertised for bids and a public hearing is scheduled for December 19, 2013 preceding the Town Council Regular Meeting.

Bids are due by 2:00 PM on December 19, 2013 and will be reviewed at the Council meeting.

A copy of the draft Easement Agreement is included in the agenda packet for review by Council. Staff is awaiting a legal opinion on the agreement.

RECOMMENDATION:

Staff recommends discussion of the bids received and adoption of Ordinance #20131219 Granting an Easement for the Virginia Waterman's Memorial on a portion of Tax Parcel #83A3-A-10 at the Cape Charles Town Harbor to the appropriate bidder.

Tax Parcel Number: 83-A3-10.

Prepared without the benefit of a title search.

ENCROACHMENT EASEMENT AGREEMENT

THIS ENCROACHMENT EASEMENT AGREEMENT (“Agreement”) is made this _____ day of _____, 2013, between **MUNICIPAL CORPORATION OF CAPE CHARLES**, a political subdivision of the Commonwealth of Virginia (“Grantor”), and **Friends of the Virginia Waterman’s Memorial of the Eastern Shore**, a _____ whose address is _____ (“Grantee”).

For and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. **Definitions.** For purposes of this Agreement, the following terms shall have the following definitions:

(a) “Easement Area” shall mean that portion of Tax Parcel 83-A3-10 at latitude 37 degrees, 15.908 minutes north and longitude 76 degrees, 1.089 minutes west as indicated on the diagram attached hereto as Exhibit A and incorporated herein. The area has a radius of 19 feet with the center located 50 feet east of The Shanty restaurant’s steps, 73 feet north of the water’s edge and 84 feet southwest of the sewer manhole.

2. **Grant of Easement.** Grantor does hereby grant, sell and convey to Grantee a non-exclusive easement, right and privilege on, over and across the Easement Area as necessary for the construction, installation, and maintenance of the Virginia Waterman’s Memorial (the “Memorial”) and to operate, maintain, repair, alter or replace the Memorial once constructed. The Easement shall commence upon the full execution of this Agreement and shall terminate forty (40) years thereafter. The Easement and all rights thereunder shall terminate automatically on the applicable date described above without the need for any act by either Grantor or Grantee. Notwithstanding the foregoing, Grantor and Grantee agree to execute such documents as either party may reasonably deem necessary to confirm the expiration or termination of the Easement.

3. **Maintenance.** Grantee shall be solely responsible for maintaining the Memorial and other structures or equipment in the Easement Area in good, safe condition, making such repairs and replacements as may be necessary in connection therewith. Grantor shall have no responsibility for maintaining the Easement Area or any structures or equipment located therein. However, Grantee consent to the Grantor, at its option, maintaining this Easement Area and the Memorial, at the cost of the Grantee, should Grantee fail to do so.

4. **Release and Indemnification.**

(a) Grantee accepts the Easement Area in its “AS IS” condition, “WITH ALL FAULTS” and without representation or warranty of any kind from Grantor. Grantee, for itself, its tenants, and their respective successors and assigns and their respective owners, officers, managers, directors, and employees (together with Grantee, collectively the “Grantee Parties”), hereby forever releases and discharges Grantor, its successors and assigns and their respective officials, officers, directors, and employees (together with Grantor, collectively the “Grantor Parties”) from any and all claims, actions, suits, liabilities, losses, fines, penalties, costs, and fees, including without limitation attorneys’ fees and expenses (all of the foregoing, collectively “Claims”), whether for personal injury, death, property damage, or otherwise, arising out of or relating to this Agreement, the Easement Area, or the existence or use of the Easement granted herein.

(b) Grantee hereby indemnifies, defends, and holds harmless each of the Grantor Parties for, from, and against all Claims, whether for personal injury, death, property damage, or otherwise, arising out of or relating to this Agreement, the Easement Area, or the existence or use of the Easement granted herein, except to the extent caused by the gross negligence or intentional misconduct of the party to be indemnified.

5. **Conditions.** Grantee hereby agrees to the following conditions:

(a) **Damage to Property.** Grantee shall exercise care to avoid damaging the property in any manner inconsistent with the purpose for which this Easement is granted.

(b) **Cooperation with Grantor.** Grantee shall at all times cooperate with Grantor and comply with reasonable requests consistent with the purposes for which this Easement is granted.

(c) **Approval of Design.** Grantee shall obtain approval of the design of the Memorial from Grantor prior to commencing construction activities.

(d) **Cleanup.** After construction is completed, Grantee shall repair all affected areas of the Easement and the surrounding property to substantially the same condition as of the start of construction.

6. **Termination.** Should the Grantee not comply with the terms of this Agreement, Grantor, at its option, shall require Grantee to remove the Memorial and all associated improvements, and restore the Easement Area and surrounding property to substantially the same condition as of the start of construction.

7. **Miscellaneous.**

(a) **No Assignment.** Grantee’s rights under this Agreement may not be assigned, encumbered or conveyed without the prior written consent of Grantor, which Grantor may withhold or deny in Grantor’s sole discretion.

(b) **Modification.** This Agreement may be modified only by written agreement signed by the parties hereto or their respective successors or assigns.

(c) **Headings.** Headings are for convenience or reference only and shall not affect meanings or interpretations of the contents of this Agreement.

(d) **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, provided that this paragraph shall not modify any restrictions or limitations on assignment found elsewhere in this Agreement.

(e) **Governing Law.** This Agreement shall be governed by the laws of the Commonwealth of Virginia, without regard to its conflict of laws principles.

(f) **No Recording.** This Agreement may not be recorded without the written consent of Grantor.

(g) **Notices.** All notices or communications hereunder shall be written and shall be by personal delivery or nationally recognized overnight carrier (e.g. Federal Express) or by certified mail, return receipt requested, to the parties hereto at the addresses shown below, or at such other address as any of them may designate by proper notice.

GRANTOR: MUNICIPAL CORPORATION OF CAPE CHARLES
Attention: Town Manager
2 Plum Street
Cape Charles, VA 23310

GRANTEE: FRIENDS OF THE VIRGINIA WATERMAN'S MEMORIAL OF THE
EASTERN SHORE
Attn: _____

REMAINDER OF PAGE INTENTIONALLY BLANK. SIGNATURES TO FOLLOW.

IN WITNESS WHEREOF, the parties have executed this Agreement under seal the day and year first above written.

GRANTOR:

MUNICIPAL CORPORATION OF CAPE CHARLES

By: _____(SEAL)

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA,

County of Northampton, to-wit:

I, _____, a Notary Public of the above referenced jurisdiction, do hereby certify that _____, in his or her capacity as _____ of Municipal Corporation of Cape Charles, has acknowledged the due execution of the aforesaid instrument this _____ day of _____, _____. The person is _____ personally known to me, or _____ I have examined the following type of identification: _____ (Identification must be a United States Passport, a certificate of United States citizenship, a certificate of naturalization, an unexpired foreign passport, an alien registration card with photograph, a state-issued driver's license or state-issued identification card or a United States military card).

Notary Public

My commission expires: _____

Registration Number: _____

[Signatures continue on following page.]

GRANTEE:

By: _____ (SEAL)

Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA,

City of _____, to-wit:

I, _____, a Notary Public of the above referenced jurisdiction, do hereby certify that _____, in his or her capacity as _____ of _____, has acknowledged the due execution of the aforesaid instrument this _____ day of _____, _____. The person is _____ personally known to me, or _____ I have examined the following type of identification: _____. (Identification must be a United States Passport, a certificate of United States citizenship, a certificate of naturalization, an unexpired foreign passport, an alien registration card with photograph, a state-issued driver's license or state-issued identification card or a United States military card).

Notary Public

My commission expires: _____

Registration Number: _____

Exhibit A

Diagram of Easement Area

DRAFT

Exhibit A



 **Waterman's Memorial Location**

0 30 60 120 180 240
Feet



Area depicted:

Tax Parcel # 83A3-A-10

Coordinates:

Latitude: 37 degrees, 15.908 minutes north

Longitude: 76 degrees, 01.089 minutes west

The area of the center pin has a radius of 19 feet or a total area of 1,134.115 feet.

The center pin is located 50 feet east of The Shanty's steps, 73 feet north of the water's edge and 84 feet south west of the sewer manhole.

**ORDINANCE 20131219
GRANTING AN EASEMENT ON TOWN PROPERTY
(TAX PARCEL 83A3-10)**

WHEREAS, the Town of Cape Charles was approached by the Friends of the Virginia Waterman’s Memorial on the Eastern Shore requesting permission to erect a memorial at the Cape Charles Harbor for Virginia watermen who were lost at sea; and

WHEREAS, at the September 13, 2012 regular meeting, the Town Council expressed their support for the proposed project; and

WHEREAS, Town staff has met with the president of the Friends of the Virginia Waterman’s Memorial on the Eastern Shore to determine the best location for the memorial; and

WHEREAS, the Town of Cape Charles desires to grant an easement for a portion of Tax Parcel 83A3-10 for the purpose of constructing the Virginia Waterman’s Memorial; and

WHEREAS, such easement shall be for the portion of Tax Parcel 83A3-10 at latitude 37 degrees, 15.908 minutes north and longitude 76 degrees, 1.089 minutes west. The area has a radius of 19 feet and the center of the area is located 50 feet east of The Shanty’s steps, 73 feet north of the water’s edge and 84 feet southwest of the sewer manhole (the “Easement”); and

WHEREAS, the Easement will be for a term of forty (40) years. At the end of the term, if the Friends of the Virginia Waterman’s Memorial on the Eastern Shore desires continued placement of the memorial, negotiations will be conducted with the Town Council and the necessary procedure will be followed per the Code of Virginia of 1950, as amended; and

WHEREAS, the general location and other terms of the Easement are contained in the form of Exhibit A attached hereto; and

WHEREAS, a public hearing has been held on December 19, 2013 as required by the Code of Virginia, Section 15.2-1800; and

WHEREAS, the proposed Ordinance and Easements have been advertised with invitations for bids as required by the Code of Virginia, Sections 15.2-2100-2102; and

WHEREAS, the successful bid has been received from _____,
which bid was either:

_____ the highest bid; or

_____ not the highest bid, but the Town Council, in the opinion of at least a majority of the members elected to Council, believes it to be in the best interest of the Town to accept a bid other than the highest bid for the following reason: _____.

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles, this 19th day of December 2013, that the Mayor be authorized to execute such Easements in favor of _____, generally in the form of Exhibit A attached hereto.

Adopted by the Town Council of Cape Charles on December 19, 2013

By: _____
Mayor

ATTEST:

Town Clerk

Exhibit "A" to Ordinance 2013

Diagram of Easement Area

Exhibit A



 Waterman's Memorial Location

0 30 60 120 180 240
Feet



Area depicted:

Tax Parcel # 83A3-A-10

Coordinates:

Latitude: 37 degrees, 15.908 minutes north

Longitude: 76 degrees, 01.089 minutes west

The area of the center pin has a radius of 19 feet or a total area of 1,134.115 feet.

The center pin is located 50 feet east of The Shanty's steps, 73 feet north of the water's edge and 84 feet south west of the sewer manhole.