



TOWN COUNCIL

Regular Meeting

September 18, 2014

Cape Charles Civic Center

6:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Recognition of Visitors / Presentations
 - A. Eventacular, Inc. – Joan Prescott and Dave Steward
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. Code Enforcement
 - D. Town Harbor
 - E. Cape Charles Memorial Library
 - F. Cape Charles Police Department
 - G. Public Utilities/Public Works Departments
 - H. Recreation Department
7. Old Business
 - *A. PSA/Regional Wastewater – Negotiation of Processing Agreement
 - *B. Cape Charles Multi-Use Trail Project Update
 - *C. Town Code Modifications - Commercial Facility Fees
8. New Business
 - *A. Constitution Week Proclamation
 - *B. Off-Premise Sign Regulations – Schedule Public Hearing
 - *C. Backyard Chicken Ordinance – Schedule Public Hearing
 - *D. Shore Bank Line of Credit Renewal
 - *E. Transfer of Charter Communications Cable Franchise to Comcast
 - *F. Mutual Aid Agreement with Northampton County Sheriff's Office
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
 - October 2, 2014 – Town Council Work Session, 6:00PM
 - October 10-12, 2014 – Birding & Wildlife Festival
 - October 11, 2014 – Fall Festival
 - October 13, 2014 – Town offices closed in observance of Columbus Day
 - October 16, 2014 – Town Council Regular Meeting
11. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL
Regular Meeting
Cape Charles Civic Center
August 21, 2014
6:00 PM

At approximately 6:00 p.m. Mayor George Proto, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown, Godwin, Wendell and Councilwoman Natali. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, and Town Clerk Libby Hume. The majority of the Department Heads were in attendance as well as 7 members of the public.

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

RECOGNITION OF VISITORS / PRESENTATIONS

A. *Presentation of Certificates of Commendation*

Mayor Proto presented to the following for their hard work and heroic actions in the aftermath of the tornado at Cherrystone Campground on July 24, 2014: Chief Jim Pruitt, Corporal Chelsea Pfeiffer, Peter Leontieff, Michael Mullner, Willie Lyons, Jeb Brady and the Cape Charles Volunteer Fire Company.

B. *Ed Lewis, Eastern Shore of Virginia Waterman's Memorial*

Mr. Lewis thanked Council for their ongoing support of the proposed Waterman's Memorial by granting the easement at the Cape Charles Harbor and reported on the following: i) \$1,200 was raised during the Clam Slam and to date, a total of \$25,985.29 had been raised; ii) The pedestal for the lighthouse would be octagonal in shape and would be constructed of concrete with granite on the exterior. It would cost approximately \$15K but he was hopeful that Bayshore Concrete would be able to donate the concrete for the project; iii) The wall which would be engraved with the names of the lost watermen would be constructed of black granite and was estimated at \$45K. This could possibly be reduced by constructing the wall of concrete and covering it with granite, similar to the pedestal; iv) The paver bricks would cost approximately \$5K; v) The bronze statue was estimated at \$28K - \$30K. He was planning to contact Mr. Turner of Turner Sculptures in Melfa as well; and vi) A cost estimate had not been determined yet for the lighthouse which would be constructed of steel. He was hoping to have the steel donated; vii) The estimated total for the project currently stood at \$95K. He was also looking for assistance to apply for possible grants. Mr. Lewis stated that construction would begin soon and his goal was to have the memorial completed in time for the 2015 Clam Slam Festival.

PUBLIC COMMENTS:

Larry Veber, 507 Tazewell Avenue

Mr. Veber addressed Council regarding the following: i) He complimented Council for taking the high road through the events over the past several years, thanked Council for everything they did for the best interests of the Town and asked them to keep up the good work; ii) He had been living in the Town for 27 years and this summer was the best ever due to the improvements made by the Council and staff; and iii) The Town could not have gotten everything done without volunteers. Mr. Veber recommended a possible program to recognize the volunteers as ambassadors of Cape Charles and have them participate in the parade or present them with plaques of appreciation.

Veann Duvall, 110 Tazewell Avenue

Ms. Duvall commended Councilwoman Natali for suggesting signs on the beach and asked Council to consider lifeguards at the beach during the summer months to ensure the safety of the beachgoers.

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

Mayor Proto asked if anyone had any changes to the agenda and stated that, hearing no objections, the agenda format was approved as presented by unanimous consent.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the July 14, 2014 Executive Session, July 17, 2014 Regular Meeting, the July 31, 2014 Work Session and the July 31, 2014 Executive Session.

Councilwoman Natali noted a typographical correction to the July 17, 2014 Regular Meeting minutes.

Motion made by Councilman Brown, seconded by Councilwoman Natali, to approve the minutes from the July 14, 2014 Executive Session, July 31, 2014 Work Session and July 31, 2014 Executive Session as presented and the July 17, 2014 Regular Meeting as amended. The motion was approved by unanimous vote.

DEPARTMENT REPORTS:

C. Treasurer's Report:

Treasurer Deborah Pocock reviewed the Treasurer's report dated July 31, 2014 which showed the Total Cash on Hand of \$1,195,441, the Total Cash Held in Reserve was \$1,322,741 and the Total Cash – All Accounts was \$2,518,182. Deborah Pocock went on to review the Debt Service, Revenues vs. Expenditures, the Capital Improvement Projects, the 2013 Real Estate Tax Collections, the Year-to-Date (YTD) 2013 Personal Property Tax, Machinery and Tools Tax and 2014 License Tax Collections, and the YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections. The 3-Year Revenue Comparison Graph was inadvertently omitted from the report and would be emailed to Council.

Motion made by Councilman Brown, seconded by Councilman Bennett, to accept the Treasurer's Report as submitted. The motion was approved by unanimous vote.

B. Planning Commission and Boards:

Town Planner Rob Testerman reported the following: i) The erosion and sediment control plans and site plan for the Cape Charles Lofts had been approved. The DEQ informed the Town that a Virginia Stormwater Management Plan permit was not necessary so the developer could move forward with the bonds and payment of fees for the land disturbance permit; ii) On August 25th, the Planning Commission would be holding their Comprehensive Plan Meeting and a Special Meeting regarding the Floodplain Ordinance; iii) The Historic District Review Board (HDRB) met on August 19th and approved a renovation to a single family home at 328 Randolph Avenue with minor changes. An application was just received for a new home on Jefferson Avenue and would be reviewed by the HDRB in September; and iv) He had enrolled in several certification classes regarding Stormwater management and would begin the classes in October.

C. Other Departmental Reports:

Code Official Jeb Brady reported the following: i) Construction was moving along. Three more house plans were under review and there was a potential for four more in the next several months; ii) The new owner of the hotel on Mason Avenue was anxious to move forward with

their plans for renovations; iii) People were looking at the old gas station on Mason Avenue for multiple uses; and iv) The house on Jefferson Avenue had been demolished and cleaned up with grass growing on the lot.

Councilwoman Natali asked about the status of the yogurt bar. Jeb Brady responded that he had reached out again to notify the owners that their permits were due to expire but had not received any response. He would try to get the owners to at least weather in the building but he would step in, if necessary, to ensure the safety of the building. The building was currently not a safety hazard.

Harbor Master Smitty Dize was not in attendance. Mayor Proto stated that if Council had any questions regarding the Harbor report, they should contact Smitty Dize directly.

Librarian Ann Rutledge reported the following: i) The 2014 Summer Reading Program began on June 23 and 201 children signed up. This was the 12th year for the program with only 38 children signing up that first year; ii) Ann Rutledge read comments from their Guest Book; and iii) It was a wonderful summer with a large number of tourists using the Library under the honor system. Much of the increase in customers was due to the location of the Library on Mason Avenue.

Vice Mayor Bannon stated that Ron West presented a great program regarding the ferries that ran from Little Creek to Cape Charles. Ann Rutledge added that 35 adults attended the program and thanked Mr. West. Councilwoman Natali asked that the program be scheduled again for those that were unaware of the program and would like the opportunity to attend.

Police Chief Jim Pruitt reported the following: i) Officer Jake Leuer would be graduating from the academy tomorrow, August 22nd, at 4:00 p.m.; and ii) Both of the newer police vehicles had been striped.

Councilwoman Natali thanked Chief Pruitt for including more detailed information in his monthly report, such as the 11 underage drivers stopped on golf carts in July and how the issue was handled by the officers.

Public Utilities/Public Works Director Dave Fauber stated that he did not have anything additional to report than what was included in his monthly report to Council.

Councilman Wendell stated that the smell from the wastewater treatment plant over the past weekend was embarrassing to the Town and asked if there was anything else that could be done regarding the odor issues. Dave Fauber responded that staff was actively pursuing avenues to resolve the issues. The grinder pump for the Mason Avenue station was due to come in on August 29th and should help. Councilman Wendell continued regarding the odor. Dave Fauber added that the Mason Avenue pump station could be relocated to alleviate much of the problem. This could be a possible discussion for the future.

Mayor Proto stated that the STAR Transit bus stop had been completed and added his thanks to the Public Works crew and Tom Bonadeo who helped with the project.

Recreation/Community Events Coordinator Jen Lewis stated that she did not have anything to add to her monthly report.

Town Manager Heather Arcos reported the following: i) A \$2,800 contract had been signed with Land Studio regarding the two parcels behind the Library for public parking, alley access, and sanitation needs in the commercial district. \$10K was included in the FY 2015 budget for this purpose; ii) A 4x4 Ford truck was ordered for the Police Department to replace the 2010 Dodge Charger. The truck was purchased under a State contract using a loan and grant funding from

the USDA Rural Development. The remainder of the balance would be paid from the FY 2015 budget. It would take about 10-12 weeks for the new vehicle to come in.

OLD BUSINESS

A. *PSA/Regional Wastewater*

Assistant Town Manager Bob Panek stated that the first PSA subcommittee meeting was held on July 29, 2014. Councilman Brown and Councilwoman Natali were in attendance as the Town's representatives on the subcommittee. Before proceeding to draft an agreement between the PSA and the Town, the subcommittee agreed to get updated cost estimates for processing and the Town representatives expressed their desire to obtain concurrence from Council before proceeding. Council reviewed an updated PSA analysis regarding rate per gallon which showed the total price per gallon at \$0.01187.

There was much discussion regarding the PSA and the proposed regional wastewater system, the possible pros and cons, maintenance of the system, the rate to be charged to the PSA, the possible reduction of costs to the Town's citizens which would amount to \$4 or \$5 per month, and adherence to the Town and County's Comprehensive Plans.

Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to proceed with the negotiations to draft an agreement with the PSA.

Mayor Proto stated that Council needed to know the elements of the agreement and suggested a work session for further Council discussion for items to be in the agreement and rate structure.

Councilman Brown responded that he thought tonight's discussion was not to set the rate structure but to get a consensus regarding acceptance of the County's sewage. Bob Panek stated that the County was waiting for the Town's response regarding moving forward with an agreement and the rate.

Councilman Brown amended his motion, seconded by Councilwoman Natali, to table the vote and further discussion to a work session, to be scheduled for the next available date, in order to establish a rate. The motion was approved by unanimous vote.

Motion made by Councilman Bennett, seconded by Councilman Brown, to have the Town Manager convey this decision to the PSA. The motion was approved by unanimous vote.

B. *Town Code Modifications – Commercial Facility Fees – Schedule Public Hearing*

Bob Panek stated that Council held several work sessions to review commercial facility fees from other localities along with their methods of determining fees. A comparison of the current and proposed facility fees for different types of businesses was provided to Council along with the proposed modifications to Town Code §§ 70-35 and 71-42 and proposed Ordinance 20140918-Revising Water and Sewer Connection Charges.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to schedule a public hearing on September 18, 2014 regarding the proposed modifications to the Town Code.

Councilman Bennett expressed his concern regarding the increased costs for high volume users such as restaurants and hotels and asked that the Planning Commission expedite their discussions and process regarding the Tourism Zone. Councilwoman Natali stated her agreement. Bob Panek stated that the discount factor in the formula could also be adjusted. Councilman Bennett asked for revised numbers with the discount factor changed to 50% and 60% be provided to Council for review prior to the public hearing.

The motion was approved by unanimous vote.

NEW BUSINESS:

A. *Building Code Board of Appeals*

Heather Arcos stated that the Building Code Board of Appeals consisted of five members each serving five-year terms who met as needed to hear appeals concerning the Uniform Statewide Building Code and proceeded as follows: i) Bruce Brinkley currently served on the Board and his term was due to expire on September 10, 2014. Mr. Brinkley had expressed his desire to continue his service on the Board for another term; and ii) Steve Michel, whose term was due to expire on September 10, 2017, resigned from the Board leaving one vacancy. On July 14, 2014, Council reviewed applications from interested citizens and held interviews for the available positions. Council requested staff contact Mr. Paul Skolnick, who had applied for the Harbor Area Review Board, to confirm his agreement to serve on the Building Code Board of Appeals. Mr. Skolnick agreed to serve on this Board but also requested to be named as an alternate to the Harbor Area Review Board in the case of a future vacancy.

Motion made by Councilman Bennett, seconded by Vice Mayor Bannon, to reappoint Bruce Brinkley for another term and appoint Paul Skolnick to complete Mr. Michel's unexpired term. The motion was approved by unanimous vote.

There was some debate regarding the naming of alternates to the Town's boards which could help fill future vacancies and save Council time with interviewing candidates.

Motion made by Councilwoman Natali, seconded by Councilman Brown, to name Paul Skolnick as an alternate to the Harbor Area Review Board. The motion was approved by majority vote with Councilmen Bennett and Wendell opposed.

B. *2015 Virginia Aid to Localities – Fire Program*

Heather Arcos stated that each year, the Virginia Fire Programs Fund provided financial assistance to cities, counties and incorporated towns by offering a variety of grant opportunities. \$10K was included in the FY 2014-2015 budget. The 2015 Fire Programs Fund Disbursement Agreement must be signed in order to receive the Aid to Locality funding.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to authorize the Town Manager to execute the FY 2015 Fire Programs Fund Disbursement Agreement. The motion was approved by unanimous vote.

MAYOR AND COUNCIL COMMENTS

Councilwoman Natali did not have any additional comments.

Councilman Godwin commended Ms. Susan Bauer for her hard work and achievement in obtaining a 501C status for the Rosenwald School.

Vice Mayor Bannon commented as follows: i) He asked staff to keep moving toward finalizing guidelines for the use of the Civic Center. The Cape Charles Band was looking for a place to practice and the Civic Center would be an ideal facility; ii) He expressed his concern regarding the number of pedestrians crossing the road at Bay and Mason Avenues and asked the Police Department to consider obtaining "Pedestrian Crossing" signs; and iii) He had lived in Cape Charles for 27 years and the Town had improved greatly over the last 10 years but added that more trees needed to be planted to make the Town even more appealing.

Councilman Bennett stated that this was Heather Arcos' last Council meeting and thanked her for 10 years of outstanding service to the Town and wished her the best in her new job.

Councilman Brown stated that Town could be missing income due to the number of rental properties in Town not paying transient occupancy tax (TOT) and asked the Treasurer and Code Official to compile a list of rental properties to confirm payment of the TOT and to pursue those

other properties that were not paying. Debbie Pocock responded that Jake Thornes, the intern, had been researching this issue and driving through Town to identify vacation rental properties. Almost \$900 had been collected due to his research.

Councilman Wendell commented as follows: i) He agreed with Councilman Bennett's sentiments regarding Heather Arcos and added that she would do well in her father's business; ii) In the search for a new town manager, Council should consider a requirement for the successful candidate to live in Town; iii) The Harbor for the Arts Festival was successful and there was a lot of activity in the Town. This year was the second year for the 2-year grant. The Town would probably be approached to continue funding the festival in future years and he would like to see it continued, but the Town needed to obtain the financial information regarding the festival to discuss possible funding for the future; and iv) He spoke in response to Mr. Veber's earlier comments during the Public Comment period.

Heather Arcos stated that she was proud to work for the citizens of Cape Charles and added that she grew up in Town and saw the growth and infrastructure from the 1990s to the present. She was proud of the accomplishments of the Town Council and the department heads and added that the employees were the backbone of everything that had been done. She would miss everyone but added that she would remain involved in the happenings in Town.

Mayor Proto commented as follows: i) He thanked Heather Arcos adding that it had been a pleasure to work with her and wished her success in her new career. The Town would miss her and it would be difficult to fill her shoes; and ii) The Town experienced another tragedy with the drowning of the young boy who was swimming with his aunt. The people of this Town came together to comfort the family. Staff, especially the Police Chief, officers and County officers, did their best with the search and rescue. He hoped that nothing like this happened again in the Town.

ANNOUNCEMENTS

- September 1, 2014 – Town Offices closed for Labor Day.
- September 4, 2014 – Town Council Work Session, 6:00 PM.
- September 18, 2014 – Town Council Regular Meeting.

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

Mayor Proto

Town Clerk



DRAFT
TOWN COUNCIL
Executive Session
Cape Charles Civic Center
August 21, 2014

Immediately Following Regular Meeting

At approximately 8:15 p.m. Mayor George Proto, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown, Godwin and Wendell and Councilwoman Natali. Town Manager Heather Arcos was also in attendance.

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

Paragraph 1: Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Town Manager position

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to return to Open Session. The motion was unanimously approved.

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

Motion made by Councilwoman Natali, seconded by Councilman Brown, to adjourn the Town Council Executive Session. The motion was approved by unanimous consent.

Mayor Proto

Town Clerk



DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
September 4, 2014
6:00 PM

At approximately 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown, Godwin and Wendell and Councilwoman Natali. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Clerk Libby Hume, Police Chief Jim Pruitt, Corporal Chelsea Pfeiffer, and Mr. John Anzivino of Springsted, Inc. There was one member of the public in attendance.

Mayor Proto announced the business for the evening would be to review the i) Compensation and Position Classification Plan; and ii) Organization Management Review which were prepared by Springsted, Inc.

Mr. Anzivino reviewed the following: i) Purposes for the Study; ii) Pay Philosophy; iii) The Town's Objectives; iv) The Study Methodology; v) The Study's Findings; vi) The Salary Survey Results; vii) Proposed Pay Scale; viii) Job Evaluation; ix) Implementation Options; x) Ongoing Administration; xi) Fringe Benefits; and xii) Organizational Review. (Please see attached.)

Town Manager Heather Arcos noted the items still needing to be completed and/or provided to Springsted: i) Updated FY 2014-2015 pay scale; ii) Pay ranges for the recommended positions; iii) Evaluation of the summary and comparison to the employees' current pay and possible years of service adjustments; iv) Finalization of job descriptions; v) Staff training on the SAFE system; vi) Job descriptions to be included in the Personnel Policies; vii) Updated pay scale to be included in the Personnel Policies; viii) Cost of implementing all recommendations; ix) Employee turnover analysis; and x) Exit interviews to be included in the Personnel Policies.

Mayor Proto stated that Council would need to discuss the details of the report findings in a separate work session. Council agreed that the follow-up discussion should be done as part of the budget discussions for FY 2015-2016.

Motion made by Councilman Brown, seconded by Councilman Bennett to adjourn the Town Council Work Session. The motion was unanimously approved.

Mayor Proto

Town Clerk

Public Sector Advisors



PRESENTATION TO

The Town of Cape Charles, Virginia Town Council

Compensation and Position Classification Plan

September 4, 2014

PRESENTER: John Anzivino, Senior Vice President

Purposes for the Study

- Responds to changing market conditions and supports the Town's efforts to attract and retain quality employees
- Recognizes changes in employees' duties and responsibilities resulting from workplace and organizational changes
- Ensures internal equity and consistency among similar positions
- Ensures that salaries are externally competitive with comparable employers in appropriate labor markets

Pay Philosophy

- Providing fair and equitable compensation to employees in a highly competitive and changing labor market
- Maintaining a competitive pay structure that takes into consideration the Town's fiscal resources
- Ensuring that employee compensation is based on individual performance that meets or exceeds expectations and reflects changing economic conditions
- Providing consistent administration of pay policies and procedures among all Town departments

The Town's Objectives

- Evaluate the accuracy of current classification descriptions for Town employees
- Evaluate competitiveness of the salary and benefit package compared to external market value
- Develop a compensation strategy and salary structures that are fair internally and externally
- Evaluate the internal ranking of current positions, based on job responsibilities and salaries

Study Methodology

- Meetings with the Town Manager and Department Heads
- Employee orientation meetings
- Collection of data
- Update of position descriptions
- Evaluation of positions
- Obtain market salary and benefits information
- Development of salary line
- Assignment of positions to pay grades
- Development of implementation options

The Study's Findings

- The Town's salary levels are significantly below the market
- Internal pay relationship inequities exist within the Town
- In order to develop consistency for the Town and to maintain competitiveness within the regional labor market, a new salary schedule was developed
- Policies regarding maintenance of the plan should be evaluated
- A well-balanced evaluation system should be developed

Salary Survey Benchmark Communities - Municipalities

- **Accomack County***
- **Northampton County***
- **Chesapeake Bay Bridge Tunnel Authority***
- **City of Franklin**
- **Town of Chincoteague**
- **Town of Colonial Beach**
- **Town of Kilmarnock***
- **Town of Onancock**
- **Town of Smithfield***
- **Town of Warsaw***
- **Town of West Point***
- **Town of Windsor***
- **Town of Crisfield, MD**
- **Pocomoke City, MD**

**Reflect communities who responded to the survey*

Salary Survey Results and Pay Scale Comparisons

The Town's Proposed Pay Scale:

- Has been developed utilizing the respondents' survey data and is consistent with the other jurisdictions
- Is an open range system that provides a minimum, midpoint and maximum salary consistent with the survey responses
- Contains 38 pay grades with a 5% spread between grades and a minimum to maximum spread of 50%
- Complete survey data can be found in the study

Proposed Pay Scale

Grade	Salary Range		
	Min	Mid	Max
1	11,625.00	15,500.00	19,375.00
2	12,206.25	16,275.00	20,343.75
3	12,816.56	17,088.75	21,360.94
4	13,457.39	17,943.19	22,428.98
5	14,130.26	18,840.35	23,550.43
6	14,836.77	19,782.36	24,727.96
7	15,578.61	20,771.48	25,964.35
8	16,357.54	21,810.06	27,262.57
9	17,175.42	22,900.56	28,625.70
10	18,034.19	24,045.59	30,056.98
11	18,935.90	25,247.87	31,559.83
12	19,882.70	26,510.26	33,137.83
13	20,876.83	27,835.77	34,794.72
14	21,920.67	29,227.56	36,534.45
15	23,016.70	30,688.94	38,361.17
16	24,167.54	32,223.39	40,279.23
17	25,375.92	33,834.56	42,293.20
18	26,644.71	35,526.28	44,407.85

Grade	Salary Range		
	Min	Mid	Max
19	27,976.95	37,302.60	46,628.25
20	29,375.80	39,167.73	48,959.66
21	30,844.59	41,126.11	51,407.64
22	32,386.82	43,182.42	53,978.03
23	34,006.16	45,341.54	56,676.93
24	35,706.46	47,608.62	59,510.77
25	37,491.79	49,989.05	62,486.31
26	39,366.38	52,488.50	65,610.63
27	41,334.69	55,112.93	68,891.16
28	43,401.43	57,868.57	72,335.72
29	45,571.50	60,762.00	75,952.50
30	47,850.08	63,800.10	79,750.13
31	50,242.58	66,990.11	83,737.63
32	52,754.71	70,339.61	87,924.52
33	55,392.44	73,856.59	92,320.74
34	58,162.07	77,549.42	96,936.78
35	61,070.17	81,426.89	101,783.62
36	64,123.68	85,498.24	106,872.80
37	67,329.86	89,773.15	112,216.44
38	70,696.36	94,261.81	117,827.26

Job Evaluation

Systematic Analysis and Factor Evaluation (SAFE®) System Job Evaluation Factors

Training and Ability	Experience Required
Level of Work	Human Relations Skills
Physical Demands	Working Conditions
Independence of Actions	Impact on End Results
Supervision Exercised	

Implementation Options

Option 1 – Move to Minimum

- 54% of employees are paid below the minimum of the proposed salary ranges
- Annual cost is \$61,760 or 5.29% of total salaries
- Increases market comparability

Implementation Options *(cont.)*

Option 2 – Minimum or 2% Increase for Employees

- Provides minimum level of funding to address compression issues
- 100% of employees are impacted
- Annual cost is \$74,010 or 6.34% of total salaries
- Includes Adjustments to Minimum
- Increases market comparability

Implementation Options *(cont.)*

Option 3 – Years of Service Adjustment

- Addresses salary compression issues
- 100% of employees are impacted
- Annual cost is \$83,713 or 7.17% of total salaries
- Includes Adjustments to Minimum

On-going Administration

Annual Adjustments

- Establish guidelines for base adjustments (e.g., CPI, comparable organizations, other economic indicators)
- Adjust pay ranges and wages of employees
- Adjustments that recognize individual employee performance

Fringe Benefits

Holiday Leave	Consistent with the survey results with 12-13 days
Annual Leave	Above average when compared to survey results
Sick Leave	Above the survey average of 13 days of sick leave
Pension and Retirement	Consistent with survey average including provision of a death benefit
Life Insurance	Consistent with the survey respondents in providing this benefit and above average for amount contributed
Health Insurance	For employee only and employee and one child coverage, the Town pays below the average monthly cost. For employee and spouse and family coverage, the Town pays above the survey average.
Deferred Compensation	Consistent with survey respondents in providing employees access to a plan through the VRS and providing a contribution on their behalf

Conclusions

Adoption of the reports recommendations will result in:

- Fairer and more equitable compensation to employees in a competitive and changing labor market
- Compensation that addresses internal equity and external market competitiveness
- Establishing a market position that is fiscally responsible with public resources
- Consistent administration of pay policies and procedures among all Town Departments

Organizational Review

As part of its classification and compensation engagement with the Town of Cape Charles, Springsted was asked to review classification and compensation issues, organizational and management issues, particularly those related to the Town's staffing patterns and current and future staffing levels

Organizational Review *(cont.)*

Cape Charles has witnessed rapid change in recent years. Major changes which have occurred include:

- The Town's population now exceeds an estimated year-round population of 1,000, per the 2010 Census, and continues to grow.
- The population grows to approximately 3,000 during the summer months with the influx of visitors and second homeowners.
- Continued Town growth and a constant migration of newcomers, many of whom have markedly different expectations regarding the level of public services provided.
- New commercial development in the form of downtown business growth and an increased focus on providing a higher level of services to visitors to Cape Charles.

Organizational Review *(cont.)*

To review the impact of these changes, the consultant team:

- Interviewed the Town Manager and the management staff
- Interviews were conducted to elicit responses on a number of organizational and management dimensions, among them:
 - a review of the Town's vision for the future;
 - the Town's mission, goals, and governance processes; Council priorities;
 - management processes; operational issues; and
 - current staffing

Organizational Review *(cont.)*

The Town of Cape Charles is unique. Many communities of similar size do not:

- Have a significant influx of visitors annually which creates spikes in demands for service
- Operate sophisticated utility systems
- Maintain a public beach
- Operate a 'working' commercial/recreational marina/harbor
- Maintain and staff a library
- Operate an inspections department

Organizational Review *(cont.)*

1. Technology improvements for Finance and Treasurer's functions
2. Administrative Support
3. Police Officer
4. Assistant Town Manager
5. Additional Staffing Demands

Public Sector Advisors





DRAFT
TOWN COUNCIL
Work Session
Cape Charles Civic Center
September 11, 2014
6:00 PM

At approximately 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown and Wendell and Councilwoman Natali. Councilman Godwin was not in attendance. Also present were Assistant Town Manager Bob Panek and Town Clerk Libby Hume. There were 6 members of the public in attendance.

Mayor Proto asked for a moment of silence in honor of those who perished on 9/11/2011.

Mayor Proto announced the business for the evening would be to review and discuss i) the potential agreement and establishment of rate for the Public Service Authority (PSA) for the regional wastewater system; and ii) Virginia Port Authority (VPA) Grants for Harbor Improvements.

A. *PSA – Discussion re: Agreement and Establishment of Rates*

Assistant Town Manager Bob Panek reviewed a PowerPoint presentation explaining the potential agreement and charge to the PSA for a regional wastewater system. (Please see attached.)

After much discussion, Council reached a consensus to charge a rate of 1.5¢ per gallon to the PSA and to empower Councilman Brown and Councilwoman Natali, the Council representatives on the PSA Sub-committee, to negotiate the terms of the agreement. This issue would be discussed further at the September 18th regular meeting.

B. *VPA Grants for Harbor Improvements*

Bob Panek reviewed the PowerPoint presentation explaining the VPA Grants for Harbor Improvements. This information was provided to Council for information only at this time. The Town should be notified by the VPA around November 2014 regarding the VPA Board's decision to reduce the match requirement to 25%. This issue would be revisited after receipt of the notification from the VPA. (Please see attached.)

Motion made by Councilman Bennett, seconded by Councilman Brown to adjourn the Town Council Work Session. The motion was unanimously approved.

Mayor Proto

Town Clerk

Town Council Work Session September 11, 2014

Regional Wastewater System
Southern Node, Commercial, Phase 1
Potential Agreement with Public Service Authority

1

What We Will Cover

- Background
- Treatment Cost
- Revenue and Affect on Rates
- Facility Fee and Plant Expansion
- Potential Agreement
- Way Ahead

2

Background

- Ordinance 20100621 – Cape Charles joins the Eastern Shore of Virginia Public Service Authority (PSA).
- July 2010 – Southern Node Preliminary Engineering Report (Cheriton & surrounding area); CC plant is least costly alternative for treatment.
- Sufficient grant funding not available to yield affordable usage fees.
- PSA develops smaller Phase 1 project to serve about 70 commercial properties around US 13/SR 184 intersection.
- PSA confirms that CC is interested in providing treatment service.
- PSA subcommittee formed (BOS, PSA, CC) to negotiate agreement.

3

Treatment Cost Estimates

- Dec. 2013 - CC provided treatment cost estimate of \$0.01215/gallon.
- Jul. 2014 – PSA subcommittee requested CC to update the estimate.
- Aug. 2014 – Treatment cost estimate of \$0.01187/gallon.
- Excludes pump stations and collection system operation & maint.
- Based on 150,000 gpd average flow.

4

Treatment Cost Return on Investment

- Should treatment cost to PSA be adjusted to provide a return on the Cape Charles investment in the new WWTP?
- WWTP cost (eng. & const.) \$18.9 M
 - WQIF Grant - 7.9
 - ARRA Grant - 6.1
 - CWRLF Loan (0%/20 yrs) \$ 4.9 M
- \$4.9M/20 = \$245,000/yr

5

Treatment Cost Return on Investment (ROI)

- Design capacity = 250,000 gpd
- Estimated PSA flow of 15,000 gpd = 6% (15,000/250,000)
- Annual debt service related to PSA = \$14,700 (\$245,000 x 0.06)
- 5% ROI = \$735; 10% ROI = \$1,470
- Cost base for rate update = \$650,128
 - @5% ROI \$650,128 + \$735/\$650,128 = 1.0011
 \$0.01187/gal x 1.0011 = \$0.01188/gal
 - @10% ROI \$650,128 + \$1,470/\$650,128 = 1.0023
 \$0.01187/gal x 1.0023 = \$0.0119/gal

6

Treatment Cost CC Commercial Fees

- Minimum, 0-2,000 gallons - \$63.27/month
- 2,001 – 10,000 gallons - \$3.90 per 1,000
- Treatment cost is about 63% of total wastewater rate.

<u>Gallons</u>	<u>Fee</u>	<u>Per Gallon</u>	<u>WWTP</u>	<u>Per Gallon</u>
1	\$63.27	\$63.27	0.63	\$39.86
2,000	63.27	0.0316	0.63	0.0199
3,000	67.17	0.0224	0.63	0.0141
4,000	71.07	0.0178	0.63	0.0112
5,000	74.97	0.0150	0.63	0.0094

- CC rate structure front loads fixed costs into the minimum fee.

7

Revenue and Affect on Rates Potential Revenue from PSA

- 10,000 gpd x \$0.012 x 365 = \$43,800 per year
- 15,000 gpd x \$0.012 x 365 = \$65,700 per year
- 20,000 gpd x \$0.012 x 365 = \$87,600 per year
- 25,000 gpd x \$0.012 x 365 = \$109,500 per year

8

Revenue and Affect on Rates Offsetting Fixed Costs

- About 75% of WWTP operating costs are fixed.
- PSA revenue offsets fixed costs otherwise included in CC rates.
- Example at 15,000 gpd:

$$\$65,700 \times 0.75 = \$49,275$$
- Potential affect on CC rate:

$$\$49,275 / \$1,032,605 = 0.048$$

$$\$63.27 \times 0.952 = \$60.23 \text{ (about \$36 less per year)}$$
- Reduction of rate dependent on PSA flow.

9

Facility Fee and Plant Expansion PSA Facility Fee

- Facility Fee calculation for existing buildings using proposed new CC Class 2 factors and formula total about \$223K.
- Existing buildings have on-site sewage disposal systems.
- The fee will increase the capital cost of the project. Will need to be recouped either through taxes or incorporated in service fee.
- Could make other alternatives more financially attractive.

10

Facility Fee and Plant Expansion Capacity & Expansion

- Existing permitted capacity is 250,000 GPD.
- About 100,000 GPD capacity remaining, 800 Equiv. Res. Conn. (ERCs).
- Doubling capacity to 500K GPD would cost about \$5M.
- Incremental expansion to 350-375 GPD costs much less, maybe \$2M.
- Also, need reuse pipeline to Bay Creek; \$0.5M.
- Required capacity at full build-out is about 750,000 GPD.

11

Facility Fee and Plant Expansion Funding Sources

- If 20,000 assigned to PSA, 80,000 GPD remain, or 640 ERCs.
- $640 \times \$6,600 = \4.2M reserved for plant expansion.
- Reaching existing capacity triggers Annexation Agreement cost sharing provision for expansion.
- At existing capacity customer base increases by about 2/3, generating significant increase in usage fees. A portion could be utilized.
- 640 more buildings @ \$400K = \$256M increase in tax base; at current rate \$700K additional annual tax revenue. A portion could be utilized.

12

Potential Agreement Elements

- Scope of Services – Treatment, etc.
- Sewer Use Regulations
- Maximum Volume and Adjustment
- Price of Services
- Procedure to Adjust Prices
- Billing and Payment for Services
- Facility Fees
- Term of Agreement
- Termination Procedures

13

Potential Agreement Goals

- Promote economic development mutually beneficial to both Town and County.
 - Maintain consistency with Town and County comprehensive plans.
 - Prevent development on US 13 from negatively impacting the Town, both from a business and environmental perspective.
 - Historic Town Overlay District recommended by Planning Commission.
- Reduce Town wastewater bill by \$X/month.
 - Treatment service generates some amount.
 - Additional services (billing, maintenance) to PSA could generate more.
- Prepare financially for future wastewater and water infrastructure expansion.

14

Way Ahead

Downside of Not Partnering

- No additional revenue.
- No rate reduction.
- No influence on US13/SR184 development (proposed overlay).
- Likely that County/PSA would build small treatment plant; CC taxpayers would participate through County real property tax.
- No economy of scale for infrastructure, operations, etc.
- Development will still occur with either on-site or mass drain fields atop the aquifer.

15

Way Ahead

Council Action

- Consider treatment rate & elements/goals of an agreement with PSA.
- Provide guidance and empower Town PSA subcommittee members to negotiate draft agreement (September 18 Council meeting).
- Draft agreement will be reviewed and approved by Council.
- Or, decide not to proceed and dissolve PSA subcommittee.

16

Town Council Work Session September 11, 2014

Virginia Port Authority Grants
For Harbor Improvements

1

Unexecuted VPA Grants

- \$500,000 for breakwaters. No matching funds available.
- \$75,000 for additional floating dock segment. Dependent on reconfiguration of existing docks and new wave attenuators, with South Port as partner. Partnership not consummated. No matching funds available.
- \$255,250 for wave attenuator. Requested as part of proposed marine terminal project, but not authorized as such. No matching funds available.

2

Potential Consolidation

- Opportunity to request VPA to consolidate and re-purpose grants to fund an additional breakwater segment.
- Recent wave study concluded that fixed breakwaters are more effective against westerly swells.
- Due to significant fetch from breakwaters, wave attenuators still useful for controlling wind driven waves (chop).
- Would require VPA Board resolution.

3

Breakwater Cost

- Recent estimate –

Construction	\$800,000
Mob./Demob.	44,000
Contract Admin.	<u>25,000</u>
Total	\$869,000

- 50% match required for projects >\$500K = \$434,500.
- If 25% match, drops to \$217,250.

4

Funding the Match

- Private contributions – Unsuccessful to date.
- General Fund – Recognize that additional harbor protection has broader benefits than Town Harbor operations.
- Harbor Fund – Revenue has not been sufficient to carry debt service for the two existing breakwaters. But, large debt service payments end in 2017.
- Hybrid approach – General Fund carries the debt service (proceeds from recent bond issuance) until room available in Harbor Fund. Either leave GF payments in place or payback from HF. Treasurer is analyzing the numbers.

5

Proposed Request to VPA

- Consolidate the three existing grant allocations.
- Repurpose for construction of breakwaters.
- Reduce match requirement to 25%.

6

Planning Department Report for Town Council

From: Rob Testerman
To: Town Council
Date: September 2, 2014
Subject: Report for Planning Department

1. There is no new information on the Harbor Access Road.
2. There is no new information regarding the Army Corps of Engineers Harbor dredging project.
3. Staff is revisiting previous discussions regarding “way-finding” signs in town to help direct pedestrians and tourists around Town.
4. Staff is researching the feasibility and potential requirements of posting a “designated swimming area” at the Town Beach. Also being discussed is signage at beach entrances warning swimmers of deep water ahead.

Permits Issued

- Zoning Clearance - 2
- Resource Protection Area Delineation – 1
- Zoning Violations - 5

Planning Commission Meeting – August 5

1. The Planning Commission held its Comprehensive Plan meeting on August 25. All Comprehensive Plan review material can be found on the website. Mrs. Meil is currently compiling all text amendments for Planning Commission review.
2. The Planning Commission held a Special Meeting on August 25 to continue discussions regarding the Floodplain Ordinance update (required by the state). The draft has been sent to the state for review to ensure minimum requirements are met. Upon approval from the state, we can then schedule a Public Hearing.
3. The Planning Commission held its regular meeting Tuesday, September 2.
 - a. The Commission scheduled a Public Hearing for the draft backyard chicken ordinance on October 7, 2014. They have requested a joint public hearing with the Town Council if possible. The Commissioners also scheduled a joint work session with the Town Council on September 25, 2014 to discuss the chicken ordinance in detail with the Council and to answer any potential questions from Council prior to the public hearing.
 - b. The Planning Commission continued discussion on the proposed Tourism Zone, staff plans to present draft language to the Commission at their October 7 meeting.

Historic District Review Board – August 19

1. The HDRB met and approved renovations plans for a single family home at 328 Randolph Avenue, with minor changes to the plan.
2. The Board will meet September 16 to review plans for a new home on Jefferson Avenue, as well as renovation plans for 9 and 11 Monroe Avenue (duplex).

Code Enforcement

Month of August FY 2015

Building Permits Issued/Permit Fees Collected:

Permits this month: 25	
Permits this year: 41	Total permits last year: 269
Total construction this month: \$1,237,292	
Total construction this year: \$1,986,542	Total construction last fiscal year: \$6,874,978
Permit fees this month: \$36,030.07	
Total permit fees this fiscal year: \$68,018.95	Total permit fees last fiscal year: \$95,845.65
Bay Creek Water/Sewer Tap fees: \$12,350	
The Colony/Sewer Water Tap fees: \$12,350	
Marina Village/Marina Village East Sewer/Water Tap fees: \$0	
Bayside Village Sewer/Water Tap fees: \$0	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$49,400	Total Tap fees last fiscal year: \$37,050
Fire Dept. levy this month: \$868.76	
Total Fire Dept. levies this year: \$1,362.55	Total Fire Dept. levies last fiscal year: \$3,343.33
State levy this month: \$173.76	
Total state levies this year: \$272.52	Total state levies last fiscal year: \$943.38
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: 5	
Grass cutting: 6	
Enforcement fees charged this month: \$300	
Enforcement fees charged this year: \$5,000	Fees charged last fiscal year: \$10,050
Enforcement fees collected: \$0	
Enforcement fees collected this year: \$4,183.18	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 August FY 2015

Other items of note:

1. Completed **50** inspections
2. Conducted 0 zoning clearances
3. Completed 2courtesy residential inspections
4. Conducted 1 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. Continuing work with Bob Panek on alternatives to Class II Connection Fees.
10. Plans have been approved for the Cape Charles Loft Project. Some interior demolition has begun.
11. Construction throughout Town is still increasing with several new homes going up.

09/04/14

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PE140046	Electrical	08/25/2014	3 Bay Vistas Way	100 Amp Temp Pole	\$56.00	\$150
	PG140010	Gas	08/19/2014	15 East Bay Drive	Outdoor Fire Pit	\$56.00	\$300
	PE140043	Electrical	08/19/2014	15 East Bay Drive	Circuit for Hot Tub	\$56.00	\$600
	PB140058	Building	08/21/2014	138 Heron Pointe Driv	New S/F Res	\$17,803.89	\$650,000
	PM140027	Mechanical	08/13/2014	540 Jefferson Avenue	1 New Mini Split	\$63.24	\$3,792
083A3-0100-27	PB140060	Building	08/19/2014	203 Madison Avenue	Tear off/rooof front porch	\$58.80	\$3,000
083A3-0100-26	PE140045	Electrical	08/20/2014	501 Monroe Avenue	upgrading to 400 amp panel	\$83.44	\$7,400
083A3-0100-23	PM140028	Mechanical	08/13/2014	525 Monroe Avenue	2 new air to air heat pumps	\$56.00	\$2,050
	PE140038	Electrical	08/06/2014	643 Monroe Avenue	Upgrading to 200 Amp Service	\$56.00	\$1,400
	PE140039	Electrical	08/06/2014	423 Plum Street	200 Amp Temp Pole	\$100.80	\$4,000
083A3-0100-60	PP140034	Plumbing	08/15/2014	328 Randolph Avenue	New Plumbing for Rehab	\$67.20	\$4,500
083A3-0100-60	PE140037	Electrical	08/18/2014	328 Randolph Avenue	New Electrical for House Renovation	\$57.68	\$2,800
083A3-0100-60	PG140011	Gas	08/29/2014	328 Randolph Avenue	2 new outlets & on demand water heater	\$58.80	\$3,000
	PB140061	Building	08/20/2014	425 Randolph Avenue	Porch Repair	\$56.00	\$1,000
	PB140063	Building	08/29/2014	425 Randolph Avenue	tear off /rooof front porch	\$56.00	\$1,000
083A3-0100-58	PP140036	Plumbing	08/15/2014	516 Randolph Avenue	New On-Site Water Line	\$56.00	\$800
083A3-0100-58	PP140035	Plumbing	08/15/2014	516 Randolph Avenue	Plumbing Alteration	\$61.60	\$3,500
083A3-0100-58	PE140040	Electrical	08/15/2014	516 Randolph Avenue	Adding 5 new circuits	\$56.00	\$200
083A3-0100-58	PB140059	Building	08/15/2014	516 Randolph Avenue	Kitchen Remodel, Bath Remodel	\$70.00	\$5,000
	PG140009	Gas	08/07/2014	530 Randolph Avenue	2 Gas Outlets	\$56.00	\$800
	PE140042	Electrical	08/18/2014	156 Sunset Blvd	New Electrical for S/F Res	\$162.40	\$14,000
	PE140041	Electrical	08/18/2014	156 Sunset Blvd	100 amp temp pole	\$56.00	\$200
	PB140062	Building	08/29/2014	171 Sunset Blvd.	New S/F Res	\$16,540.62	\$500,000
083A3-0100-37	PB140057	Building	08/05/2014	501 Tazewell Avenue	Tear off/rooof, new siding and accessor	\$229.60	\$26,000
083A3-0100-37	PE140044	Electrical	08/20/2014	501 Tazewell Avenue	100 amp subfed panel	\$56.00	\$1,800

Total Permits: 25

\$36,030.07

\$1,237,292

PerDateIssued Range from 08/01/2014 to
08/31/2014



Town Harbor Town Council Report August, 2014

September 2, 2014

Maintenance:

1. Continued re-screwing all dock boards
2. Replaced 1 bad board on C-Dock
3. Repaired motor on the seafood hoist.
4. Replaced water lines along the bulkhead by the office.
5. Replaced the top of fire pedestal 14 and replaced the top of electrical pedestal B13 & B14 both located on the floating docks.
6. Replaced water hose on gangway.

Upcoming Items that needs to be completed:

Although we have four cruising/yacht clubs scheduled for September we should not be as busy as we were this summer. This will allow us time to get caught up on all the projects below.

1. **Finish painting the fuel tank (In Progress)**
2. **Re-tighten all cleats on floating docks (In Progress)**
3. Replace all broken pile caps
4. Re-nail all rubber bumpers
5. **Clean all electrical pedestal bus bars in the inner harbor. (In Progress)**
6. Paint the boat ramp parking stripes
7. Begin replacing fuel hoses.
8. Replace boards on A-Dock
9. Re-tighten all bolts on the floating docks.
10. Paint the Stage
11. Re screw all boards on the board walk in the inner harbor with stainless screws

Capital Projects and Harbor improvements:

1. Replace Outboard motor on the Harbor Masters Boat (unforeseen problem)
2. Offshore Breakwaters – this is our biggest complaint that when the winds are out of the west. This is something that needs to be considered.
3. More Dock Space and New Floating Docks, there is a need for more dock space as we are averaging being 67% full every night so far this year as compare to 55% last year for the same time period.
4. New Office and Fuel Docks – The Master plan calls for a new office, this is to be centrally located in the Harbor so that we can see everything that goes on. Currently we are having problems with people just docking where they want when staff is not visible, no matter that the sign we installed states call the HM Office for berthing assignments. Also there is no place for me to conduct my normal business. I need to be at the harbor although some suggestions have been for me to move to the Municipal Building.



Town Harbor Town Council Report August, 2014

Other Items:

1. Follow us on Face Book (**Cape Charles Town Harbor**) over 2000 likes!!!
2. Current Office Hours – 8 am to 6 pm Monday – Thursday, 8 am – 7 pm Friday, 7 am – 7 pm Saturday, 7 am – 6 pm Sunday.
3. **New Hours** beginning October 1st, 8 am to 6 pm – 7 days a week
4. Waiting list – We transferred 0 persons to a Slip assignment. Below is the number of people we have left on the waiting list as of August 31st,

Length	Annual	Seasonal	Total
20ft	2	6	8
24ft	7	4	11
30ft	9	6	15
36ft	5	2	7
45ft	9	2	11
50ft	1	1	2
60ft	2	0	2
Total	35	21	56



Town Harbor Town Council Report August, 2014

Harbor Events:

Clam Slam 2014 & 2015: We will be having our Clam Slam 2014 wrap up meeting on September 9th and the committee would like to present a power point presentation to Council at its October meeting. All preliminary signs are looking good. We have already started working on Clam Slam 2015 as the Buy Boats will return for their reunion. Official dates will be announced soon, it is looking like July 31st – August 2nd.

El Galeon Andalucia: As of this time, Dave Kabler is working on getting this Spanish Vessel in to our harbor. On August 27th several members of staff and the community met along with Mayor Proto to discuss what we could do to get this once in a life time vessel into our harbor. We agreed that we could do the same as what we have done in the past and offer dock space, utilities, Wifi, and showers and restrooms facilities. This Vessel would arrive on September 30th, and Depart October 13th. This means should would be in for the Fall Festival and The Birding and Wildlife Festival.



Trick or Treat with Pirate Pete: Will be October 25th, this event was called Haunted Harbor and was a little misleading last year. In an effort to continue to attract boaters to Cape Charles and the Harbor. Last year we had 12 boats in for the weekend at \$545. This year we feel that number will increase. This year we will again ask all of our boaters to decorate themselves and their vessels, we will give out gift certificates for certain classes of vessels and costumes. We plan on showing a scary movie as a drive in style in the parking area all will be open to the public.

Dropping of the Crab Pot: Staff is meeting on September 3rd, to discuss the overall budget and start putting this in place. The overall plan is to have a Greenland New Years. Drop the Crab Pot and fire off the fireworks at 10 pm. So all families can enjoy. There will be music, food, beverages, Champagne, and of course, Happy New Year's Paraphernalia.

Blessing of the Fleet: This will be held April 24th, 2015 and we are going to change things up a bit to try and get more people involved. Details will be forth coming



Town Harbor Town Council Report August, 2014

Business:

Transient vessels are vessels that stays in a particular place ten or less nights. Below is a comparison for the last three years for transient vessels nights docked and the dollar amount year to date. Please note that our transient docking increased 40.4% from 2012 to 2013 and 102.3% from 2012 to 2014.

	2012	2013	2014
Nightly	396 = \$21,506	601 = \$31,599	668 = \$42,201
Weekly	60 = \$ 2,261	28 = \$ 1,774	76 = \$ 5,609
Hourly	3 = \$ 15	2 = \$ 10	61 = \$ 305
Total	\$23,782	\$33,383	\$48,115

Our Docks have been extremely full this Fiscal Year so far as we have had a waiting list 3 times, 4th of July, Clam Slam, and Labor Day, and we are already over booked for Memorial Day Weekend 2015 and Clam Slam 2015,

Transient sales have increased since 2012 to 2013 by 36% and from 2012 to 2014 by 112.1%

2012 = \$ 86,225

2013 = \$117,409

2014 = \$182,864

All of the increases above can be attributed directly and indirectly to marketing. We have a marketing grant that we use as we advertise in Proptalk and Spinsheet magazines every month and keep everyone updated. These magazines reach boaters not only all over the bay but up and down the entire East Coast. We also keep everyone updated through Social Media with daily updates on our Face Book Page. Some of our business can be directly contributed to our events as for Clam Slam 2012 we had a boat here that belonged to Seaford Yacht Club and for the last two years for Labor Day Weekend that group has come in with 23 boats for the weekend. We can also contribute our hand out booklet as we have been told on several occasions that they have heard about us from other boaters that have our booklet and they really enjoy seeing all of our events. Next year we may try to get them printed with coupons from our business. Yacht Clubs have been great as we will host numbers 15 and 16 in September.

Cape Charles Memorial Library
August 2014

1. Paws to Read, **the 2014 Summer Library Reading Program** ended on August 29 and we had a total of 207 children to sign up to read this summer. This was the highest number of participants we have had in the past 12 years! We awarded a grand total of 290 prizes and 48 free books for reading participation. An estimated 250 of the prizes were for Brown Dog ice cream tokens. **Thank you Brown Dog Ice Cream for the second summer of generously donating free ice cream to our readers and partnering with us for a successful summer!**

2. See below for monthly attendance for programs held during August 2014. Special programs with * are sponsored by the **Friends of the Cape Charles Memorial Library**. Programs **in bold** are outreach. Programs in *italics* are sponsored in part by Virginia Commission for the Arts.

- Lego Club – every other week22
- Kids Movie Night –weekly in summer27
- Paws to Paint - weekly in summer57
- Preschool Storytime – weekly25
- Toddler Storytime – weekly.....23
- *Virginia Living Museum-Totally Turtles45
- **Bonnie Mahl, E.S. Soil & Water Conservation10**
- Chess Club – not held in August
- **Moonrise Jewelry – Making Jewelry37**
- **Barefoot Puppets-Galapagos George*.....85
- **Mermaid Hales, Storyteller*.....70
- **Lynn Ruehlman, Storyteller*54
- **Ron West-Cape Charles Ferries35**
- **Hog Island Sheep read by Andrew Barber with the Barrier Island Center10**

TOTAL500

3. On August 14 guest speaker Ron West presented a **History of the Cape Charles Ferries**. This informative slide show was a big hit for locals and visitors alike; and Ron did a great job!

4. The Cape Charles Memorial Library participated in the Harbor for the Arts Festival during the weeks of August 1-17. Our programs were the Barefoot Puppet Theatre, Story Time with Mermaid Hales, and Storyteller Lynn Ruehlman. We had great feedback on these special programs.

5. As of today our Facebook page has 434 likes. For additional information about library programs and library related information check out our **Facebook** page!

CAPE CHARLES MEMORIAL LIBRARY 2014

	January	February	March	April	May	June	July	August	September	October	November	December	YTD
INCOME:													
Copier/Prt	\$40.90	\$71.20	\$68.10	\$126.90	\$72.70	\$52.00	\$45.00	\$71.70	\$0.00	\$0.00	\$0.00	\$0.00	\$548.50
Faxes	\$16.50	\$17.50	\$25.50	\$39.30	\$34.60	\$47.00	\$29.00	\$43.50	\$0.00	\$0.00	\$0.00	\$0.00	\$252.90
TOTAL	\$57.40	\$88.70	\$93.60	\$166.20	\$107.30	\$99.00	\$74.00	\$115.20	\$0.00	\$0.00	\$0.00	\$0.00	\$801.40
Deposit													
BOOK CIRC-ADLT													
Fiction	378	388	393	434	422	495	611	8	0	0	0	0	3129
Non-fiction	135	150	114	110	135	166	143	4	0	0	0	0	957
DVDs	184	162	202	169	171	167	314	13	0	0	0	0	1382
TOTAL 2014	697	700	709	713	728	828	1068	25	0	0	0	0	5468
Books Circ. 2013	844	0	0	576	538	777	1014	1020	841	804	650	711	7775
BOOKS CIRC-JUV													
Fiction	293	340	338	351	332	680	981	81	0	0	0	0	3396
Non-Fiction	73	111	88	47	53	73	112	5	0	0	0	0	562
DVDs	77	67	112	76	41	114	193	13	0	0	0	0	693
TOTAL 2014	443	518	538	474	426	867	1286	99	0	0	0	0	4651
Books Circ 2013	541	0	0	336	400	808	978	822	735	762	597	549	6528
TOTAL 2014	1140	1218	1247	1187	1154	1695	2354	124	0	0	0	0	10119
Total Circ. 2013	1385	0	0	912	938	1585	1992	1842	1576	1566	1247	1260	14303
ATTENDANCE 2014	819	912	1019	951	1062	1323	2005	2234	0	0	0	0	10325
Attendance 2013	656	575	675	718	756	1418	2160	1586	1131	1180	936	919	12710
PROGRAMS 2014	9	13	17	16	20	15	26	20	0	0	0	0	136
Programs 2013	8	6	9	10	8	14	20	13	13	14	12	14	141
PROG. ATTEND 2014	83	156	143	195	189	152	525	500	0	0	0	0	1943
Prog. Attend 2013	65	74	95	112	67	21	582	199	134	149	199	575	2272
Computer Classes	0	0	0	0	0	0	0	0	0	0	0	0	0
Class Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0
INTERNET USE 2014	237	217	214	283	280	256	293	411	0	0	0	0	2191
Internet use 2013	200	162	207	201	172	333	510	414	335	306	221	252	3313
LIBRARY CARDS 2014	19	14	9	9	13	14	27	25	0	0	0	0	130
Library cards 2013	6	9	8	7	7	26	52	32	24	14	15	22	222
Voulnteer Hours 2014	31.50	29.50	38.49	47.00	76.00	62.50	40.15	31.75	0.00	0.00	0.00	0.00	356.89

CAPE CHARLES POLICE DEPARTMENT

MONTHLY STATISTICS

August 2014

The following information is the monthly statistics regarding law enforcement activities for the Cape Charles Police Department.

- Calls for service in Cape Charles: 50
- Calls for service outside of Cape Charles: 20
- Felony arrests: 0
- Misdemeanor Arrests: 0
- D.U.I. Arrests: 0
- Traffic Summons: 3 (see below)
- Traffic Warnings (written& verbal): 14
- Parking tickets: 12
- Building Checks: 26
- Assisted Northampton County Sheriff's Office: 14
- Assisted Virginia State Police: 1
- Assisted Federal Agencies: 0
- Assisted Fire& Rescue: 5
- Foot Patrol Hours: 74

The following took place in August:

- Jake Leuer completed police academy.
- Chelsea Pfeiffer completed 8 hours of cellular trace technology
- Jake is now completing his Field Training with Officer Bell
- 3 days were spent on beach by all officers due to drowning, and body recovery.

Traffic summons:

1. Speeding 43/25 zone
2. Fail to stop for stop sign
3. Speeding 44/25 zone

11 hours were spent patrolling Bay Creek.

Public Utilities

Monthly Report August 2014



Production Summary

- Miss Utility Tickets: 15
- Emergency Call Outs After Hours and Weekends:
 - Number of times called out: 0
 - Total Man Hours: 0
- Sludge: Not Available
- Water: Total Production: 5,022,384
 - High: 303,100 (System Flush)
 - Low: 107,000

Average	Raw Water	Finished Water
Hardness	438.4	124.2
Iron	8.48	.014
Manganese	.537	..006

All Data in PPM

- Waste Water:
 - Average Flow 169,500 gpd
 - Maximum 280,000 gpd
 - Total for Month 5,254,500 Gallons
 - Nutrients:
 - Phosphorus Average .35 mg/l Limit .3 mg/l annual average
 - Nitrogen Average 2.775mg/l Limit 4 mg/l annual average

Personnel

- Water
 - Patrick Christman Operator Class 3 Water, Operator in Charge
 - Ron Bailey Operator Class 3 Water
 - Scottie Neville Operator Class 4 Water
 - Gerald Elliott Maintenance
- Waste Water
 - Patrick Christman Operator Class 2 WW, Operator in Charge
 - Freddie Meditz Operator Class 3 WW, Lab Manager
 - Dan Dabinett Operator Class 3 WW, Maintenance
 - Billy Powell Maintenance Supervisor

Completed Projects

- We have responded to DEQ comments on the Keck Well Aquifer Test and Ground Water Withdrawal Permit. Waiting for their Reply.

Public Utilities

In Progress

- Replacement of aging water meters.

Upcoming Projects

- An automatic flush valve will be installed in Heron Point. FY 2015

Capital Projects

- Water:
 - Emergency Generator for Water Plant \$45k
 - Contract signed and waiting for equipment to be delivered.
 - Contractor is on site installing wiring and new slab for equipment.
 - Engineering for Keck Wells \$60k
 - 90% drawings and specifications are progressing and will be going through GHD internal QA/QC review process later this month.
 - GHD to deliver the 90% documents to the Town by October 10.
 - Assuming about 2 weeks of review for the Town, GHD plans to receive comments around October 24.
 - After addressing the Town's comments on the 90% documents, GHD would send out permitting packages in early November and assuming about 12 weeks for permitting agency review (ending in January 2015).
 - With about 1 month for addressing any permitting comments, 1 month for final review, and 2 months for project bidding, construction would be expected to start as early as May 2015.
- Waste Water
 - Channel Grinder for MAPS \$50k
 - Engineered as part of the MAPS improvements and Mason Avenue Force Main Project
 - The equipment has been delivered, channel grinder is in place. Controls and electrical are being hooked up.

PUBLIC WORKS

August 2014

Dump Fees

- Oyster Landfill: 17 Trips, 7.21Tons @ cost of \$414.05
Note: 1,680 lbs. @ no charge due to tornado

Staff Report

- Dashon Collins (7-28 started & in training)
- Mike Mullner on vacation (8-18 thru 8-22)

Finally, on behalf of the public works crew, we would like to thank you for the commendation given for the assistance during the aftermath of the Cherrystone tornado.

Completed Projects

- Monthly meter reads
- Star-Transit Shelter completed
- Identified 7 street lamps out & reported to ANEC for repair
- Civic Center windows have been security filmed ½ way up on entrance side
- Trimmed & weeded @ Tennis court
- Route 184 trees mowed & brush cleaned up
- Storage lockers installed @ Bay ave & Central Park bathrooms

Events

- Clam Slam (1st thru 3rd)
- Harbor for the Arts Events (1st thru 17th)
- (2) Wedding's in Central Park

In Progress

- Tornado brush damage clean up still in progress
- Beach cleaning
- Manual street gutter clean
- Mowing of 9 Town properties
- Golf cart path maintenance
- Trash can maintenance
- Weed spraying
- Training new hire
- Bay Avenue gazebo trim repair

Upcoming Projects

- Safety training
- Construct new steps to beach from sidewalk @ Jefferson ave
- Re-paint no parking curbs (yellow) Town wide & handicapped areas (blue) on Mason ave
- Re-paint Municipal building 1st floor entrance & down stairs offices
- P.W. shop office space

Man Hours per Project/Task

Vehicle Maint.	Equipt. Maint.	Building Maint.	Public Debris Areas	Street Cleaning	Beach Maint.	Public Sanitation	Public facilities cleaning	Admin. training	Property maint. & repair	Events/ Meter Reads
19.5	26	59.5	92.5	18.5	31	54	57	15.5	106.5	28/9

Recreation Department September 2014 Council Report

Programming and Events:

1. Book Club
 - A. August 4 - The Girls of Atomic City – 4 adults in attendance
 - B. August 18 - The Girls of Atomic City – 5 adults in attendance
 - C. August 28 – Unbroken – 5 adults in attendance – This was a special meeting as one of our book club members is a seasonal resident and was returning home.
2. Arts and Crafts
 - A. August 6 – Sand Castles – 3 children in attendance
 - B. August 13 – Puffy Fluffy Butterflies – 4 children in attendance
 - C. August 20 – Summer Leis – 14 children in attendance
 - D. August 27 – Summer crafts – 6 children in attendance
3. Get Fit at NRYG
 - A. August 7 – Scavenger Hunt – children learned how they can have fun while exercising. About 15 children in attendance.
4. Wildlife Refuge – Jennie Bratz gave a presentation on critters.
5. BINGO – 6 adults in attendance
6. Fun with Science – Children made snow, snot and watched things grow when submerged in water – 3 children in attendance

Upcoming Programs and Events:

1. Arts and Crafts – 9/3, 9/10, 9/17, 9/24, 10/1, 10/8, 10/15, 10/22, 10/29, 11/5, 11/12, 11/19
2. Cornhole – 9/18, 9/25, 10/2, 10/9, 10/16, 10/23, 10/30, 11/6
3. Scrapbooking – 9/11, 9/25, 10/9, 10/23, 11/13
4. Line Dancing – 9/15, 10/6, 10/20, 11/3, 11/17
5. Adult Book Club – 9/15, 10/6, 10/20, 11/3, 11/17
6. BINGO – 9/5, 9/19, 10/3, 10/17, 11/7, 11/21
7. 4-H Clover Bud Clove – 9/30, 10/28, 11/25
8. Mommy and Me – 9/2, 9/9, 9/16, 9/23, 9/30, 10/7, 10/14, 10/21, 10/28, 11/4, 11/18, 11/25
9. Halloween Party – October 25

 TOWN OF CAPE CHARLES	AGENDA TITLE: Public Service Authority (PSA) and Regional Wastewater.		AGENDA DATE: September 18, 2014
	SUBJECT/PROPOSAL/REQUEST: Southern Node regional wastewater system subcommittee guidance.		ITEM NUMBER: 7A
	ATTACHMENTS: Proposed motion.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Bob Panek, Interim Town Manager	

BACKGROUND:

The Public Service Authority (PSA) has been exploring a limited Southern Node service area focused on 68 commercial properties around the US 13/SR 184 intersection. The PSA has been working with the Northampton County Board of Supervisors (BOS) to develop financial options for implementing the system. The capital cost for construction would be financed via a combination of tax revenues from a special tax district and the general fund. The operations cost for the new system would include treatment at the Cape Charles wastewater treatment plant and may include collection system maintenance, meter reading and billing, if the PSA contracts with the Town for these services. These costs would be included in customer service rates in the proposed new service district. The PSA and the BOS have been provided the Town estimates for these operational costs.

At the joint BOS/PSA meeting on March 24, 2014, the BOS reaffirmed their support of the PSA and the Southern Node commercial project, and approved creation of a subcommittee of two members each of the BOS, the PSA and Cape Charles to negotiate the provision of treatment services. The BOS appointed Mr. Hogg and Mr. Hubbard. The PSA appointed Mr. Panek and Mr. Ingram. The Town appointed Ms. Natali and Mr. Brown. The first PSA subcommittee meeting was held on July 29, 2014. The subcommittee agreed to get updated cost estimates for treatment from the Town based on more recent experience. Additionally, the Town representatives expressed a desire to obtain concurrence from Council before proceeding.

DISCUSSION:

The updated treatment cost estimates, as well as other aspects of an agreement, were reviewed by Council at the August 21, 2014 Regular Meeting. Council reviewed the matter in greater depth at the September 11, 2014 Work Session. A consensus was reached among a majority of Council on cost, elements of an agreement, and goals to be achieved in negotiating an agreement. Council agreed to consider approving this guidance to the Town PSA subcommittee members at the next Regular Meeting.

RECOMMENDATION:

Staff recommends consideration of the attached motion.

Proposed Motion

That the Cape Charles representatives to the PSA subcommittee proceed to negotiate the terms of an agreement to provide wastewater treatment services under the following guidelines:

1. Price of \$0.015 per gallon.
2. Elements of an agreement to include but not be limited to:
 - a. Scope of Services
 - b. Sewer Use Regulations
 - c. Maximum Volume and Adjustment
 - d. Price of Services
 - e. Procedure to Adjust Prices
 - f. Billing and Payment for Services
 - g. Facility Fees
 - h. Term of Agreement
 - i. Termination Procedures
3. Should an agreement on treatment price appear probable, include other services in the agreement (e.g. meter reading, pump station maintenance, etc.) that would further offset Cape Charles fixed costs.
4. Goals:
 - a. Promote economic development mutually beneficial to both Town and County.
 - b. Reduce the Town wastewater bill by the maximum amount consistent with an acceptable price for services to the PSA.
 - c. Prepare financially for future wastewater and water infrastructure expansion.

And, that a negotiated agreement be brought back to Council for review.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Community Trail – Phase 2		AGENDA DATE: September 18, 2014
	SUBJECT/PROPOSAL/REQUEST: Progress update and contract change order.		ITEM NUMBER: 7B
	ATTACHMENTS: None.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Bob Panek, Interim 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 100% design documentation, including the bid package, to VDOT for review on May 1, 2014. The overall layout is as previously presented (available in the Town Hall). VDOT has completed their review and requested a few minor changes. Land Studio has incorporated the changes and is updating the National Environmental Policy Act review documentation. However, VDOT is requiring a detailed update for Threatened and Endangered Species. Land Studio needs to subcontract that effort to a consultant having access to the appropriate agency data bases. They have proposed a contract change order not to exceed \$2,000 for that effort.

The Town has provided VDOT the required water quality and right of way certifications.

We have provided “before” and “after” drawings to property owners along the route so they can be familiar with the planned improvements, and have now obtained all required construction easements.

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 for FY 2013 thru FY 2015.

The Threatened and Endangered Species update is the last significant step before requesting VDOT approval to advertise for construction bids.

RECOMMENDATION:

Discuss the proposed change order to the Land Studio contract and, if deemed appropriate, authorize the Assistant Town Manager to execute the change order.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Commercial Connection Charges		AGENDA DATE: September 18, 2014
	SUBJECT/PROPOSAL/REQUEST: Proposed modifications to Town Code Sections 70-35 and 71-42.		ITEM NUMBER: 7C
	ATTACHMENTS: 1. Facility Fee Comparison 2. Discount Factor Comparison 3. Proposed Ordinance		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek & Jeb Brady	REVIEWED BY: Bob Panek, Interim Town Manager	

BACKGROUND:

All but \$1,750 of the water and wastewater connection charges are for the Facility Fee to generate funds for creating plant capacity. In the case of a residential structure (Class I), the Facility Fee equates to \$10,600 of the total charge of \$12,350. Connection charges for commercial structures (Class II) are calculated with a formula using the Class I Facility Fee and water consumption estimates published by the Department of Health. The current formula yields a very large Facility Fee for most small businesses, since it uses the Class I Facility Fee as a floor and unrealistically high consumption factors. The resultant Facility Fee bears little relationship to the plant capacity required to service the business. This has been viewed as a barrier to construction of new commercial properties.

DISCUSSION:

Town Council reviewed this issue at several Work Sessions. Commercial facility fees from towns ranging in population from 1,487 to 7,727 were reviewed along with their methods of determining fees. The actual water consumption for different types of businesses in Cape Charles was reviewed, and several alternative methods of calculating the commercial Facility Fee were considered. Based on these discussions, there is consensus on the following:

1. Utilize realistic consumption factors based on usage experienced in Cape Charles.
2. Change the formula to: Class I facility fee x residential equivalent x 75% (residential equivalent equals estimated consumption divided by residential consumption of 125 gallons per day).
3. Incorporate a minimum equal to the Class I Facility Fee for a residence having fewer than 2 bedrooms (currently \$5,300).
4. Incorporate a provision for adjusting the fee for buildings being converted to a different use.

The revised method of calculating commercial facility fees would:

1. Bring the fees more in line with plant capacity actually utilized.
2. Largely eliminate the inequity between low and high volume commercial users.
3. Significantly lower the capital investment required for small businesses.

At the August 21, 2014 Regular Meeting, Town Council approved a public hearing on the proposed ordinance reflecting the above changes. The public hearing was held this evening.

A comparison of the current and proposed Facility Fee for different types of businesses is at attachment 1. Attachment 2 compares the proposed Facility Fee to those calculated with larger discount factors, as requested at the August 21, 2014 meeting. The proposed ordinance containing the modifications to the Town Code §§ 70-35 and 71-42 is at attachment 3.

RECOMMENDATION:

Consider the proposed ordinance and public comments, and, if Council deems the changes appropriate, call for a roll call vote to adopt the ordinance.

Class II Facility Fee

	<u>Current</u>	<u>Proposed</u>
• Retail store	\$ 21,200	\$ 5,300
• Accountant's office	\$ 11,448	\$ 5,300
• Doctor's office	\$ 14,840	\$ 5,300
• Ice cream parlor	\$ 19,080	\$ 7,314
• Automotive service	\$ 11,448	\$ 8,586
• 50 seat restaurant	\$ 31,800	\$ 31,800
• 100 room hotel	\$120,840	\$286,200

Class II Facility Fee Alternatives

	<u>Current</u>	<u>Proposed</u>	<u>Alt. 1</u>	<u>Alt.2</u>
• Retail store	\$ 21,200	\$ 5,300	\$ 5,300	\$ 5,300
• Accountant's office	\$ 11,448	\$ 5,300	\$ 5,300	\$ 5,300
• Doctor's office	\$ 14,840	\$ 5,300	\$ 5,300	\$ 5,300
• Ice cream parlor	\$ 19,080	\$ 7,314	\$ 5,851	\$ 5,300
• Automotive service	\$ 11,448	\$ 8,586	\$ 6,869	\$ 5,724
• 50 seat restaurant	\$ 31,800	\$ 31,800	\$ 25,440	\$ 21,200
• 100 room hotel	\$120,840	\$286,200	\$228,960	\$190,800

Proposed = Class I facility fee x residential equivalent x 75%

Alt 1 = Class I facility fee x residential equivalent x 60%

Alt 2 = Class I facility fee x residential equivalent x 50%

ORDINANCE 20140918
REVISING WATER AND SEWER CONNECTION CHARGES

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

WHEREAS, future growth will necessitate expansion of system capacity; and

WHEREAS, the need for system capacity is driven by water consumption demand; and

WHEREAS, the current method of calculating Class II commercial connection charges does not bear a consistent relation to water consumption demand; and

WHEREAS, improvement of this methodology will correct this situation and alleviate an unnecessary barrier to development of new small businesses; and

WHEREAS, it is appropriate to establish connection charges that are fair and reasonable; now

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles, this 18th day of September, 2014, that Sections 70-35 and 71-42 of the Town Code be revised per the attached.

Adopted by the Town Council of Cape Charles on September 18, 2014.

By: _____
Mayor

ATTEST:

Town Clerk

Sec. 70- 35. Connection Charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the costs associated with maintaining the waterworks. The facility fee covers the capital cost of creating waterworks capacity.
- (b) Class I - The connection fee shall be \$875 and the facility fee shall be \$4,000, for a total charge of \$4,875. For residences having fewer than two bedrooms, the charge shall be one-half of that amount.
- (c) Class II – The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee x residential equivalent x 75%. Residential equivalent shall be the estimated daily water consumption rate for the building, as shown below, divided by the residential daily water consumption rate of 125 gallons per day. For buildings with a proposed use not shown below, and for water incorporated into a manufactured or processed product, the Town Manager will develop an estimated daily water consumption rate for approval by the Town Council. In no case shall the facility fee be less than a Class I fee for a residence having fewer than two bedrooms.

<u>Building Use</u>	<u>Gallons Per Day</u>
Food and Beverage, principally sit down	10 per seat
Food and Beverage, principally carry out	115
Lodging	45 per lodging room
Retail Sales	20 up to 5,000 sq. ft., 4 per 1,000 sq. ft. above 5,000
Office	25 up to 5,000 sq. ft., 5 per 1,000 sq. ft. above 5,000
Medical Office	50 per provider
Manufacturing*, Distributing, Servicing	135 up to 30,000 sq. ft., 5 per 1,000 sq. ft. above 30,000

*excluding water incorporated into a product

For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. For buildings being converted to a different use, a new facility fee shall be calculated and the increment shall be either charged if higher or refunded if lower than the previous use.

- (d) Such charges, plus \$100 for inspection and review fees, shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.

Sec. 71- 42. Connection Charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the Town’s costs associated with maintaining the treatment works. The facility fee covers the capital cost of creating treatment works capacity.

- (b) Class I - The connection fee shall be \$875 and the facility fee shall be \$6,600, for a total charge of \$7,475. For residences having fewer than two bedrooms, the charge shall be one-half of that amount.
- (c) Class II – The connection fee shall be \$875. The facility fee shall be calculated on a consumption based formula as follows: Class I facility fee x residential equivalent x75%. Residential equivalent shall be the estimated daily water consumption rate for the building, as shown below, divided by the residential daily water consumption rate of 125 gallons per day. For buildings with a proposed use not shown below, and for water incorporated into a manufactured or processed product, the Town Manager will develop an estimated daily water consumption rate for approval by the Town Council. In no case shall the facility fee be less than a Class I fee for a residence having fewer than two bedrooms.

<u>Building Use</u>	<u>Gallons Per Day</u>
Food and Beverage, principally sit down	10 per seat
Food and Beverage, principally carry out	115
Lodging	45 per lodging room
Retail Sales	20 up to 5,000 sq. ft., 4 per 1,000 sq. ft. above 5,000
Office	25 up to 5,000 sq. ft., 5 per 1,000 sq. ft. above 5,000
Medical Office	50 per provider
Manufacturing*, Distributing, Servicing	135 up to 30,000 sq. ft., 5 per 1,000 sq. ft. above 30,000

*excluding water incorporated into a product

For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption based formula shall be \$1,375, rather than the Class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. For buildings being converted to a different use, a new facility fee shall be calculated and the increment shall be either charged if higher or refunded if lower than the previous use.

- (d) Such charges, plus \$100 for inspection fees and review fees, shall be paid to the Building Department at the time of building permit issuance, or to the Town Treasurer pursuant to any payment programs authorized by Town Council, prior to the initiation of connection related construction activities.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Constitution Week Proclamation		AGENDA DATE: September 18, 2014
	SUBJECT/PROPOSAL/REQUEST: 2014 Constitution Week Proclamation		ITEM NUMBER: 8A
	ATTACHMENTS: Proclamation 20140918		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Bob Panek, Interim Town Manager	

BACKGROUND:

Constitution Week is an American observance to commemorate the adoption of the United States Constitution. The observance runs annually from September 17 to September 23. It was officially enacted by Public Law #915 on August 2, 1956 by President Dwight D. Eisenhower from a congressional resolution petitioned by the Daughters of the American Revolution, but it was President George W. Bush who officially declared the inception of Constitution Week in September 2002.

The purpose of the observance week is to:

1. Emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity;
2. Inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and
3. Encourage the study of the historical events which led to the adoption of the Constitution on September 17, 1787.

DISCUSSION:

Localities across the United States annually proclaim the week of September 17-23 as Constitution Week and many hold week-long celebrations to mark the anniversary of the signing America's most important document. This year marks the 227th anniversary of the actual signing of the Constitution.

RECOMMENDATION:

Adopt Proclamation 20140918 Designating September 17 – 23, 2014 as Constitution Week in the Town of Cape Charles, Virginia.

Town of Cape Charles Proclamation 20140918

Designating September 17-23, 2014 as “Constitution Week” in the Town of Cape Charles, Virginia

WHEREAS, September 17, 2014, marks the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE I, George Proto, by virtue of the authority vested in me as Mayor of the Town of Cape Charles, Virginia, do hereby proclaim the week of September 17 through 23, 2014 as

Constitution Week

in the Town of Cape Charles and call upon all the citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In witness whereof, I have hereunto set my hand and caused the official seal of the Town of Cape Charles to be affixed this 18th day of September, 2014.

Mayor George Proto

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Off-Premise Sign Regulations		AGENDA DATE: September 18, 2014
	SUBJECT/PROPOSAL/REQUEST: Schedule Public Hearing		ITEM NUMBER: 8B
	ATTACHMENTS: Ordinance 20141016		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Rob Testerman	REVIEWED BY: Bob Panek, Interim Town Manager	

BACKGROUND:

In December of 2013, the revised sign regulations were adopted by Town Council. In the regulations, an “off-premise sign” is defined as a billboard, which is prohibited in town. By definition, the sandwich board type signs advertising the businesses on Strawberry Street are considered billboards. Without these signs, businesses on side streets (Strawberry, Peach, Nectarine) get overlooked by visitors as the shops are not as visible as those on Mason Avenue, causing them to lose foot traffic and business.

Some time ago, there were discussions of installing a “wayfinding sign” near the intersection of Mason and Strawberry which would draw attention to, and point visitors in the direction of the additional shops in town. Staff has begun revisiting the possibility of having such a sign installed.

In order to enforce the regulations, and at the same time avoid negatively impacting businesses in town, Town Council could temporarily suspend a portion of the sign regulations. Doing so would allow the businesses on the side streets to continue to place their portable signs that attract foot traffic of customers who might otherwise not realize the businesses are there.

The specifics would include the following:

Town Council temporarily suspend the prohibition on off premise signage for businesses located on Strawberry, Peach, and Nectarine Streets until such a time that a “way-finding sign” is constructed or the sign regulations are revisited, provided that:

- any off premise signage is limited to ten square feet in area;
- the signage is located no more than 160 feet from the advertised business (with permission from the property owner where the sign would be located);
- that the sign is removed at the end of each business day.

This temporary suspension will need to be done through adoption of an ordinance. A draft ordinance has been prepared and is attached to this staff report.

RECOMMENDATION:

Schedule a public hearing to hear comments and take action on the potential temporary suspension of certain regulations contained within Section 4.1 Sign Regulations, of the Cape Charles Zoning Ordinance, as described in the attached draft Ordinance 20141016.

ORDINANCE 20141016
TEMPORARY SUSPENSION OF ENFORCEMENT FOR A PORTION OF THE SIGN
REGULATION FOR BUSINESSES LOCATED ON SIDE STREETS

WHEREAS, on December 19, 2013, the revisions to Cape Charles Zoning Ordinance § 4.1-Sign Regulations were adopted by the Town Council; and

WHEREAS, off-premise signs are defined as billboards which are prohibited in the Town; and

WHEREAS, a number of businesses are located on side streets, such as Strawberry, Peach and Nectarine Streets, and are not as visible as those on Mason Avenue, causing them to lose foot traffic and business without an off-premise sign; and

WHEREAS, the Planning Commission reviewed this issue and recommended temporary suspension of a portion of the sign regulations to allow businesses on side streets to place portable signs to attract foot traffic until a way-finding sign can be installed on Mason Avenue or the sign regulations are revisited; and

WHEREAS, in an effort to support the businesses on the Town's side streets, Council agrees with the Planning Commission recommendation, provided that:

- i. any-off premise signage be limited to ten square feet in area;
- ii. the signage be located no more than 160 feet from the advertised business, with permission from the property owner where the sign would be located;
- iii. the sign be removed at the end of each business day; now

THEREFORE BE IT ORDAINED by the Town Council of Cape Charles, this 16th day of October, 2014, that enforcement of a portion of the sign regulations pertaining to off-premise signs for businesses located on the Town's side streets be temporarily suspended, subject to the above conditions, until such time that a way-finding sign is installed on Mason Avenue or the sign regulations are revisited.

Adopted by the Town Council of Cape Charles on October 16, 2014.

By: _____
Mayor

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Backyard Chicken Ordinance		AGENDA DATE: September 18, 2014
	SUBJECT/PROPOSAL/REQUEST: Schedule Public Hearing for Backyard Chicken Ordinance		ITEM NUMBER: 8C
	ATTACHMENTS: Draft Backyard Chicken Ordinance		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Rob Testerman	REVIEWED BY: Bob Panek, Interim Town Manager	

BACKGROUND:

As Council is aware, for the past several months, staff and the Planning Commission have been discussing the potential for a backyard chicken ordinance, which, if approved, would allow residents to raise a certain number of hens on their residential property. At its September 2, 2014 meeting, the Planning Commission approved a motion to schedule a joint public hearing with Town Council on the matter for its October 7, 2014 meeting.

Since this issue has been extensively examined by the Planning Commission, staff recommends that the Town Council and the Planning Commission have a joint work session prior to the public hearing in order to give Town Council a more detailed background of how the draft language evolved. The tentative date for the work session is September 25, 2014.

The draft language would allow for the raising of up to five hens in the R-1, R-2, and R-E districts. However, this would not be a by-right use. In order to raise chickens, the applicant would be required to obtain a Conditional Use Permit, which would be reviewed and acted upon by both the Planning Commission and Town Council.

Tonight’s purpose is simply to schedule the hearing. At the work session and public hearing, Council will be given a full breakdown of the draft ordinance, processes, procedures, previous discussions, etc.

RECOMMENDATION:

Schedule a Joint Public Hearing to review and hear public comment on the draft “backyard chicken ordinance” for October 7, 2014.

To be added as a conditional use permit to the R-1, R-2, and RE zoning districts.

1. Keeping up to five (5) hens, provided the following requirements are met:
 - a. The principle use is a single-family dwelling.
 - b. The person raising the hens must own and occupy the residence.
 - c. No person shall keep any rooster, or hen that crows in a manner resembling a rooster.
 - d. No person shall slaughter any hens outdoors.
 - e. The hens shall be provided with both a hen house and a fenced outdoor enclosure.
 - i. The hens must be kept in the hen house or fenced outdoor enclosure at all times and shall not be allowed to roam free.
 - ii. The hen house shall be a covered, predator-resistant, well-ventilated structure providing a minimum of two (2) square feet per hen.
 - iii. The outdoor enclosure shall be adequately fenced to contain the hens and to protect the hens from predators.
 - iv. The hen house must be kept in a clean, dry, and sanitary condition at all times.
 - v. The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.
 - f. Hen houses and outdoor enclosures may only be located in rear yards, in accordance with Town zoning regulations.
 - g. Hen houses and outdoor enclosures shall be located at least ten (10) feet from side property lines, AND at least thirty (30) feet from any dwelling on an adjacent lot.
 - h. Food for hens must be kept in a rodent-proof, metal container.
 - i. Eggs shall not be sold.
 - j. A permit must be obtained from the Zoning Administrator annually. An annual permit fee of \$15 shall be charged to the applicant.
 - k. Flocks must be registered with the Virginia Department of Agriculture and Consumer Services.
 - l. Backyard flocks and coops will be inspected annually to ensure continual compliance, as well as upon receiving a complaint.
 - m. Should the person raising chickens relocate, the Conditional Use Permit for raising chickens shall become null and void.
 - n. At such a time when the person raising chickens ceases from raising chickens, or relocates, the chicken coop and outdoor enclosure shall be dismantled. Should the Town be required to remove the structures, costs of removal shall be charged to the person previously raising chickens.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Shore Bank Credit Line		AGENDA DATE: September, 18, 2014
	SUBJECT/PROPOSAL/REQUEST: Renew line of credit through Shore Bank		ITEM NUMBER: 8D
	ATTACHMENTS: Resolution 20140918 Authorizing the Renewal of the Line a of Credit with Shore Bank		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Deborah Pocock	REVIEWED BY: Bob Panek, Interim Town Manager	

BACKGROUND:

Since 2011, the Town of Cape Charles has maintained a Line of Credit in the amount of \$500,000 for working capital. All disbursements must be approved by the Town Council.

DISCUSSION:

Shore Bank has recently approved the renewal of the Town’s line of credit with the following terms and conditions.

1. \$500,000; Unsecured.
2. Loan Document Preparation fee of \$250.
3. Variable interest rate at prime plus 0.5%, with a floor of 3.75%.
4. Repayment on monthly basis; maintain a zero balance for a period of no less than 30 consecutive days during each 12 month period.
5. Annual review by Shore Bank.
6. No prepayment penalty.

RECOMMENDATION:

Staff recommends adoption of Resolution #20140918-Authorizing the Renewal of the Line of Credit with Shore Bank in the amount of \$500,000.

RESOLUTION 20140918

AUTHORIZING THE RENEWAL OF THE LINE OF CREDIT WITH SHORE BANK

WHEREAS, the Town of Cape Charles has carried a line of credit with Shore Bank since 2011; and

WHEREAS, the Town Council of the Town of Cape Charles desires to continue this line of credit; and

WHEREAS, Shore Bank has offered the Town of Cape Charles a \$500,000 unsecured line of credit with a variable interest rate of Prime plus 0.5%, with a floor of 3.75%; now

THEREFORE BE IT RESOLVED by the Town Council of the Town of Cape Charles, Virginia, this 18th day of September 2014, to authorize Mayor Proto to execute the loan documentation to renew the unsecured line of credit for \$500,000 with Shore Bank. In the event the Mayor is unavailable to sign the documents, both the Vice Mayor and Interim Town Manager would be required to sign. The credit line would be available for use as determined and authorized by the Town Council of the Town of Cape Charles.

Adopted by the Town Council of the Town of Cape Charles on September 18th, 2014.

By: _____
Mayor

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Charter Cable Franchise Assignment		AGENDA DATE: September 18, 2014
	SUBJECT/PROPOSAL/REQUEST: Assignment of cable system franchise from Charter Communications, Inc. to Comcast Corporation.		ITEM NUMBER: 8E
	ATTACHMENTS: Proposed Consent Resolution		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Bob Panek, Interim Town Manager	

BACKGROUND:

By Ordinance 04-01, Council granted a non-exclusive franchise to Falcon Media Cable, dba Charter Communications, for the construction, operation and maintenance of a cable system for a term of 10 years. The Ordinance contains the following provision concerning assignment:

8. Pledge, Assignment of Assets.

Grantee may not assign the Franchise without first obtaining the expressed written consent of the Grantor Council, which consent shall not be unreasonably withheld, provided, however, that Grantee may mortgage of pledge the Franchise for financing purposes.

DISCUSSION:

Following Comcast Corporation’s acquisition of Time Warner Cable, Comcast will exchange cable systems serving approximately 3.1 million customers with Charter Communications. Comcast Corporation is a global media and technology company with two primary businesses: Comcast Cable and NBC Universal. They are the nation’s largest video and residential high speed internet provider. By letter of June 17, 2014, Comcast requested the Town’s consent to assign the Charter franchise to CCO Transfers, LLC, which will immediately become a Comcast wholly-owned subsidiary. A proposed resolution providing consent is attached.

RECOMMENDATION:

Review the requested franchise assignment and, if acceptable, move to adopt the resolution.

RESOLUTION 20140918A TRANSFER CONSENT

WHEREAS, Charter Communications VI, LLC ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the Town of Cape Charles, VA (the "Franchise Authority") and to operate and maintain a cable television system therein; and

WHEREAS, Charter Communications, Inc. ("Charter") is the ultimate parent company of Franchisee; and

WHEREAS, on April 25, 2014, Charter and Comcast Corporation ("Comcast") entered into the Comcast/Charter Transactions Agreement (the "Agreement"), pursuant to which the Franchisee, through a restructuring under Charter's ownership, will become CCO Transfers, LLC ("New Franchisee") and immediately thereafter will become a wholly-owned subsidiary of Comcast (the "Transaction"); and

WHEREAS, Franchisee has filed an FCC Form 394 with the Franchise Authority with respect thereto; and

WHEREAS, the Franchise Authority has considered and approves of the Transaction.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Cape Charles, the Franchise Authority, this 18th day of September, 2014, as follows:

1. The foregoing recitals are approved and incorporated herein by reference.
2. The Franchise Authority consents to the Transaction and assignment.
3. The Franchise Authority confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, all action necessary to approve the Transaction has been duly and validly taken.
4. Comcast or New Franchisee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Comcast; (b) restructure debt or change the ownership interests among existing equity participants in Comcast; (c) pledge or grant a security interest to any lender(s) of Comcast's assets, including, but not limited to, the Franchise, or of interest in Comcast, for purposes of securing any indebtedness; and (d) sell equity interests in Comcast or any of Comcast's affiliates.
5. Upon closing of the Transaction, New Franchisee shall remain bound by the lawful terms and conditions of the Franchise.
6. This Resolution shall be deemed effective upon adoption.

7. This Resolution shall have the force of a continuing agreement with New Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of New Franchisee and Comcast

Adopted by the Town Council of Cape Charles on September 18, 2014

By: _____
Mayor

ATTEST:

Town Clerk

 TOWN OF CAPE CHARLES	AGENDA TITLE: Law Enforcement Mutual Aid Agreement		AGENDA DATE: September 18, 2014
	SUBJECT/PROPOSAL/REQUEST: Law Enforcement Mutual Aid Agreement with the Northampton County Sheriff's Office		ITEM NUMBER: 8F
	ATTACHMENTS: Law Enforcement Mutual Aid Agreement, Resolution 20140918B		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Jim Pruitt, Chief of Police	REVIEWED BY: Bob Panek Interim Town Manager	

BACKGROUND:

On occasion, the Town of Cape Charles Police Department and the Northampton County Sheriff's Department assist each other on various calls for service. This has been done in an unofficial capacity. An agreement has been submitted by Northampton County for a reciprocal agreement for mutual aid and for cooperation in the furnishing of law enforcement services between the County and Cape Charles. The Northampton County Sheriff's Department requested all the incorporated towns in the County with police departments to execute mutual aid agreements.

In 2012, the Town Manager and former Police Chief Brown met with Thomas Bullock, III, Law Enforcement Specialist with the Virginia Municipal League, to review the agreement. Mr. Bullock stated that the agreement was fine and all points were covered.

On April 24, 2012, a Law Enforcement Mutual Aid Agreement was signed by Town Manager Heather Arcos under Police Chief Charles Brown.

DISCUSSION:

With Chief Brown's retirement and the appointment of Chief Jim Pruitt, Sheriff David Doughty requested a new agreement be signed and notarized. Commonwealth Attorney Bruce Jones advised that a resolution be adopted due to a recent issue with an Exmore traffic case.

RECOMMENDATION:

Staff recommends Council authorize the Town Manager to execute the new Law Enforcement Mutual Aid Agreement with Northampton County.

LAW ENFORCEMENT MUTUAL AID AGREEMENT

THIS AGREEMENT, made this 19th day of September, 2014, by and between the TOWN OF CAPE CHARLES, VIRGINIA, a Municipal Corporation of the Commonwealth of Virginia and NORTHAMPTON COUNTY, VIRGINIA.

WHEREAS, Virginia law authorizes local governments and Sheriffs in counties where no police department has been established to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of law enforcement services; and

WHEREAS, the Town of Cape Charles and the Sheriff of Northampton County have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and

WHEREAS, it is deemed to be mutually beneficial to the parties hereto to enter into an agreement concerning mutual aid and cooperation with regard to law enforcement; and

WHEREAS, the parties desire that the terms and conditions of this Law Enforcement Mutual Aid Agreement be established;

NOW, THEREFORE, in consideration of the mutual benefits to be derived from a Law Enforcement Mutual Aid Agreement, the parties hereto covenant and agree as follows:

1. Each party will endeavor to provide law enforcement support to the other party in this Agreement within the capabilities available at the time the request for such support is made within the terms of this Agreement.
2. Requests for assistance pursuant to the terms and conditions of the Agreement shall be made by the requesting jurisdiction's Chief of Police or Sheriff or his respective designee.
3. The requesting party shall be responsible for designating a radio communications system for use by the requested party.
4. The personnel of the requested party shall render such assistance under the direction of the Chief of Police, Sheriff or the respective designee of the requesting party.
5. Law Enforcement support provided pursuant to this Agreement shall include, but not be limited to, the following resources: uniformed officers, marine patrol officers, canine officers, aerial support when maintained, forensic support, plainclothes offices, special operations personnel and related equipment. All law enforcement officers and personnel shall be duly trained and currently certified through the DCJS for the position provided.
6. Subject to the terms of this Agreement, and without limiting in any way the other circumstances or conditions in which mutual aid may be requested and provided under this Agreement, the parties hereto agree to provide assistance to the requesting party in situations requiring the mass processing of arrestees and transportation of arrestees. The parties to the Agreement further agree to assist the requesting party with security and operation of temporary detention facilities.
7. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a request for law enforcement support when the personnel of the party to whom the request is made are, in the opinion of the requested

party, needed or are being used within the boundaries of that party, nor shall any request compel the requested party to continue to provide law enforcement support to another party when its personnel or equipment, in the opinion of the requested party, are needed for other duties within the boundaries of its own jurisdiction.

8. In those situations not involving the provision of mutual aid upon request, law enforcement officers and personnel, and other employees of the Sheriff hereunder, may also enter the other's jurisdiction in furtherance of law enforcement purpose, concerning any offense in which the entering law enforcement agency may have a valid interest, provided, that the entering personnel shall, as soon as practical, make such presence known to the Chief of Police or Sheriff of the entered jurisdiction, or his designated representative.
9. The responsibility for investigation and subsequent actions concerning any criminal offense shall remain with the law enforcement agency of the locality whose court has original jurisdiction over the offense. Entering law enforcement personnel shall promptly notify the law enforcement agency of the entered locality upon discovery of a crime over which the court of the entered locality has original jurisdiction.
10. Officers acting pursuant to this Agreement shall be granted authority to enforce the law of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer; such authority shall be in conformance with Virginia Code Section 15.2-1730.1; however, law enforcement officers of any party who might be casually present in any other jurisdiction shall have power to apprehend and make arrests only in such instances wherein an apparent, immediate threat to public safety precludes the option of deferring action to the local law enforcement agency.
11. All law enforcement officers, agents, and other employees of the parties of this Agreement who are acting pursuant to this Agreement shall have the same powers, rights, benefits, privileges, and immunities in each other's jurisdiction, including the authority to make arrests in each other's jurisdiction.
12. The services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities for the liability enjoyed by the parties within their boundaries shall extend to their participation in rendering assistance outside their boundaries. It is understood that for the purposes of this Agreement, the responding party is rendering aid once it has entered the jurisdictional boundaries of the party receiving assistance.
13. All pensions, relief, disability, worker's compensation, life and health insurance, and other benefits enjoyed by said law enforcement officers or personnel as employees of their respective jurisdictions shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that provision of these benefits shall remain the responsibility of the employing party.
14. Each party agrees that, in activities involving the rendering of assistance to another party pursuant to this Agreement, each party shall waive any and all claims against all other parties thereto which may arise out of their activities outside their respective jurisdictions. It is expressly understood that the provisions of this paragraph shall not apply to entry of law enforcement officers or other personnel into another jurisdiction pursuant to Paragraph 8 of this Agreement.

15. The parties shall not be liable to each other for reimbursement for injuries to law enforcement officers or personnel, or damage to equipment incurred when going to or returning from another jurisdiction, except to the extent that reimbursement for such expenses may be or is received from the Federal Emergency Management Agency (FEMA) or other governmental agency. Neither of the parties shall be liable to each other for any other costs associated with, or arising out of, the rendering of assistance pursuant to this Agreement, except to the extent that reimbursement for such expenses may be or is received from FEMA or other governmental agency.

16. This Agreement rescinds and supersedes all previous written agreements and oral understandings relating to the provision of mutual law enforcement services between the parties.

17. Any of the parties hereto may withdraw from this Agreement by giving thirty (30) day's written notice to that effect to the other parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective Town Manager and County Administrator or Sheriff, the official sea of each town and county affixed hereto and attested by their respective Town and County Clerks, and indicating thereafter the ordinance or resolution authorizing the execution. Sheriffs may attest by Notary Public.

TOWN OF CAPE CHARLES

BY: _____
Bob Panek, Interim Town Manager

ATTEST: _____
Libby Hume, Town Clerk

The above signatures were acknowledged before me this ____ day of _____, 2014. My commission expires: _____. Registration Number: _____

Notary Public

COUNTY OF NORTHAMPTON

BY: _____
David L. Doughty, Jr., Sheriff

ATTEST: _____

The above signatures were acknowledged before me this ____ day of _____, 2014. My commission expires: _____. Registration Number: _____

Notary Public

RESOLUTION 20140918B
LAW ENFORCEMENT MUTUAL AID AGREEMENT

WHEREAS, Virginia law authorizes local governments and Sheriffs in counties to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of law enforcement services; and

WHEREAS, the Town of Cape Charles and the Sheriff of Northampton County have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and

WHEREAS, it is deemed to be mutually beneficial to the Town of Cape Charles and the Northampton County Sheriff's Office to enter into a Law Enforcement Mutual Aid Agreement (attached); now

THEREFORE BE IT RESOLVED by the Town Council of Cape Charles, this 18th day of September, 2014, to enter into a Law Enforcement Mutual Aid Agreement with the Northampton County Sheriff's Office for cooperation in providing law enforcement services across jurisdictional lines to increase the ability to preserve the safety and welfare of the residents of the Town of Cape Charles and Northampton County.

Adopted by the Town Council of Cape Charles on September 18, 2014.

By: _____
Mayor

ATTEST:

Town Clerk