



# TOWN COUNCIL

## Regular Meeting

August 20, 2015

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. None
4. Public Comments (3 minutes per speaker)
5. Consent Agenda
  - A. Approval of Agenda Format
  - B. Approval of Minutes
6. Department Reports
  - \*A. Treasurer's Report
  - B. Planning Commission and Boards
  - C. Other Department Reports
7. Old Business
  - A. Cape Charles Community Trail Phase 2 Update
8. New Business
  - A. Harbor Breakwater Project Update
  - \*B. FY 2016 Virginia Aid to Localities - Fire Programs
  - \*C. Budget Re-appropriation – Funds for Manhole Project
  - \*D. Electronic Summons System Ordinance
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
  - August 25, 2015 – Mayor's Office Hours, 6:00 PM – 7:00 PM
  - September 3, 2015 – Town Council Work Session, 6:00 PM
  - September 7, 2015 – Town Offices closed for Labor Day
  - September 8, 2015 – Mayor's Office Hours, 2:00 PM – 3:00 PM
  - September 10, 2015 – Town Council Work Session, 6:00 PM
  - September 17, 2015 – Town Council Regular Meeting, 6:00 PM
11. Adjournment



**DRAFT  
TOWN COUNCIL  
Regular Meeting  
Civic Center  
July 16, 2015  
6:00 p.m.**

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 Brown, Godwin, Wendell and Councilwoman Natali. Councilman Bennett arrived at 6:13 p.m. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Treasurer Deborah Pocock and Town Clerk Libby Hume. The Department Heads were in attendance as well as 19 members of the public.

A moment of silence was observed and was followed by the recitation of the Pledge of Allegiance.

**RECOGNITION OF VISITORS/PRESENTATIONS:**

Mayor Proto presented two commendations to Messrs. Caleb Mabry and Michael McLendan for their quick thinking and heroic actions to save a victim from drowning at the Cape Charles Beach on June 21, 2015. Mr. Mabry accepted the commendation for Mr. McLendan as well.

**PUBLIC COMMENTS:**

*Hank Mayer, 22 Bay Avenue*

Mr. Mayer gave a brief background regarding the development of the CapeCharlesbytheBay.com website through the NEA Our Town grant and by a number of organizations and citizens of the Town. He went on to express his concern regarding the status of the website and social media marketing program adding that the program needed to be managed by professionals who appreciated and loved Cape Charles and were supported by the business community which were both its clients and beneficiaries. Mr. Mayer stated that the website and related social media had become a major marketing tool for many events and a great resource for marketing area lodging, restaurants and entertainment and added that it was the number one resource for referrals for his bed & breakfast, in competition with a variety of other websites. Mr. Mayer went on to state that he would like to see a non-profit organization in the town take over the management of the program as it was not intended to be a for-profit venture and would always require financial support from the town. Mr. Mayer acknowledged that there currently wasn't an organization to take on the responsibility for the program and suggested the formation of a tourism commission. The Town, organizations and citizens needed to find a way to come together to grow this asset and a way to maintain and protect it during this period of transition.

Town Clerk Libby Hume read emails from the following: Ms. Dorie Southern, 104 Monroe Avenue; Mr. Kearn Schemm, 104 Monroe Avenue; and Mr. George Southern, 104 Monroe Avenue. (Please see attached.)

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

**CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:**

**Motion made by Councilman Bennett, seconded by Councilman Brown, to approve the agenda format as presented. The motion was approved by unanimous vote.**

**CONSENT AGENDA – APPROVAL OF MINUTES:**

The Town Council reviewed the minutes of the June 18, 2015 Regular Meeting, the June 30, 2015 Special Meeting, and the July 9, 2015 Work Session.

**Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to approve the minutes from the June 18, 2015 Regular Meeting, the June 30, 2015 Special Meeting, and the July 9, 2015 Work Session as presented. The motion was approved by unanimous vote.**

**DEPARTMENT REPORTS:**

**A. *Treasurer's Report:***

Treasurer Deborah Pocock reviewed the Treasurer's report dated June 30, 2015 which showed the Total Cash on Hand of \$1,412,580, the Total Cash Held in Reserve was \$1,464,492 and the Total Cash – All Accounts was \$2,877,072. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the Capital Improvement Project Tracking Report, the YTD 2014 Real Estate, Personal Property, Machinery and Tools Tax & 2015 License Tax Collections, and the FY 2015 YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections.

**Motion made by Councilwoman Natali, 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 Larry DiRe reported that the Planning Commission met on July 13, 2015 to review comments received regarding the Comprehensive Plan. A full report will be included in the August Council packet. The next Comprehensive Plan meeting was scheduled for September 1, 2015.

Councilman Wendell asked about the recent conversation with the Virginia Department of Transportation (VDOT) regarding parking and asked what the public could expect regarding the Bay Avenue parking project. Larry DiRe stated that pull-in angled parking would not necessarily be prohibited on Bay Avenue based on the speed limit, it being a divided road and crash history. A traffic count would also need to be performed regarding the number of cars and golf carts parked along the street during various times.

There was much discussion regarding this issue as follows: i) Could the Council submit a new application to change the current parking situation on Mason Avenue? Larry DiRe stated that an application could be submitted and would have to go through the entire process for a determination from VDOT; ii) Was there a need for reverse-angle parking along Bay Avenue? Staff did not have all the data to make a determination about the number of additional spaces that would be created. Currently there were no markings to designate any type of parking; and iii) When would the parking be changed on Bay Avenue? Larry DiRe responded that the decision was up to the Council whether an application should be submitted to VDOT. Mayor Proto added that he believed Council approved reverse-angle parking for both Mason and Bay Avenues and unless the Council decided as a group to change the plan for Bay Avenue, an application would be submitted to VDOT requesting reverse-angle parking for Bay Avenue. Councilman Brown stated that when the reverse-angle parking was initially approved by Council, the town did not have an option for pull-in angled parking along Mason Avenue. An ordinance was adopted regarding parking and needed to be enforced.

Councilman Wendell added that more study was needed and suggested a work session to discuss the need, etc. Mayor Proto agreed.

**C. *Other Departments:***

***Code Enforcement:***

Code Official Jeb Brady reported the following in addition to his written report: i) Over 100 more permits were issued in FY 2015 over FY 2014 and \$90K more was collected over FY 2014. The trend was still going upward regarding new construction. Bay Creek had 40 Discovery Tours scheduled over the next three weeks; and ii) The Northampton Hotel had been permitted and construction should begin within the next two weeks.

Councilman Wendell stated that there were 17 electrical meters on the side of the Cape Charles Lofts, but only two water meters and asked about protocol regarding this matter. Public Works/Public Utilities Director Dave Fauber stated that on multiple unit apartments, one meter was installed for the entire building. The Cape Charles Lofts would have a minimum usage of 34K gallons per month which would be split between the 17 units and each unit would be charged for minimum usage. If the account went over the 34K gallons, the overages would be split equally. The Fairways Condos in Bay Creek were set up the same way.

*Town Harbor:*

Harbor Master Smitty Dize stated that there would be carnival rides at Clam Slam this year and he was expecting a huge turnout.

*Cape Charles Memorial Library:*

Librarian Ann Rutledge reported that it had been a busy summer. The library had seen a 25% increase in attendance since relocating to the current building. On July 15<sup>th</sup>, the library held a mime program which had 99 attendees, making the total attendance of 207 for the day.

Councilman Wendell asked about Mr. Mayer's comment during the public comment period regarding the town not contributing any funding for the development of the Cape Charles by the Bay website. Assistant Town Manager Bob Panek responded that the website development was funded by a number of grants from the Virginia Commission for the Arts and Virginia Tourism Corporation along with contributions from businesses, organizations and individuals. The town contributed about \$20K or \$25K for the Arts Walk planning efforts as part of the Our Town project.

*Police Department:*

Town Manager Brent Manuel stated that Police Chief Jim Pruitt would be arriving late and asked whether Council had any questions regarding the submitted report.

Councilwoman Natali stated that she had a citizen question regarding the threat of gangs over the July 4<sup>th</sup> holiday. Brent Manuel responded that the police chief received information that there could have been some retaliation from events that occurred over Memorial Day. The Police Department was fully staffed and a portable lighting device was provided by VDOT to light up the beach area after the completion of the fireworks to provide added safety for residents and visitors leaving the beach. The rain helped facilitate the issue. The police officers continued to monitor things throughout the day and he was never notified of anything to substantiate the rumor.

*Public Utilities/Public Works Departments:*

Public Utilities/Public Works Director Dave Fauber reported the following: i) The outdoor water fountain by the beach bathrooms had been installed and should be operational by the weekend; ii) The layout for the water fountain at the library had been completed and the fountain should be installed sometime next week; and iii) He was planning to have the roof of the maintenance building sealed, and the fire hydrants and Pine Street pump station painted. There was much discussion regarding the maintenance and painting projects.

Councilman Wendell commented on the float line at the beach stating that he felt it was too close to the beach and should have been installed closer to the drop off area. Councilman Wendell went on to state that the signage advising of deep water should be in the water vs. on the beach where people were more likely to pay attention to them and concluded by stating that it was a good effort but more work was necessary.

*Recreation Department:*

Recreation/Community Events Coordinator Jen Lewis was not in attendance. Brent Manuel stated that the summer employee was doing a good job and bringing people in for daily

activities. The Capture the Flag activity was well attended on June 25<sup>th</sup>, with 16 participants, and June 30<sup>th</sup>, with 28 participants.

Councilman Wendell commented that while the summer help was leading exercises on the beach, the town should be researching the cost of a beach patrol vs. lifeguards to determine what the town could afford. Brent Manuel stated that he had spoken to Mr. Thomas Green, the chief of lifeguards for Virginia Beach and had recently received a number of spreadsheets from him. Mr. Green also offered to come evaluate the beach and provide suggestions.

Councilwoman Natali added that the Town Council discussed the beach safety issues at the June 30<sup>th</sup> special meeting and requested staff to research the issues.

## **OLD BUSINESS**

### **A. *PSA/Regional Wastewater Update:***

Assistant Town Manager Bob Panek stated that the PSA met with the Northampton County Board of Supervisors (BOS) on June 22, 2015 to brief the status of the project regarding i) engineering progress; ii) cost estimate; iii) engineering and construction timeline; iv) draft treatment agreement with Cape Charles, including outstanding issues; v) special tax district (STD) and STD/General Fund tax ratios; vi) county advance for operations costs and first bond payment; vii) county obligation for PSA bonds; and viii) PSA operations and maintenance costs. The BOS voted to suspend further work on the project until the issues with Cape Charles could be resolved.

Councilman Bennett noted a number of inconsistencies in an article published by the Eastern Shore Post and asked that Council be provided a copy of the minutes from the June 22<sup>nd</sup> meeting.

### **B. *Partial Tax Exemption Request:***

Deborah Pocock stated that a request was submitted by Gary and Christine Williams for consideration of a partial real estate tax exemption under the Town's program offering a tax exemption for rehabilitation of certain commercial or industrial structures. The requirements for this exemption were identical to the exemption offered by Northampton County which provided the pre and post assessments of the property. The Town's process required submission of a separate application to the Town but the County Commissioner of Revenue's decision letter was used as a basis for admission into the Town's program. Gary and Christine Williams were apparently not made aware of the requirement to apply to the Town separately from the County but had fulfilled all of the other required obligations and met the criteria as stated in State, County and Town Codes. Council held a work session on July 9<sup>th</sup> to review the request. The tax abatement, at the current tax rate, would be just over \$200 per year for 10 years, beginning retroactively with tax year 2014.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to approve a retroactive partial tax abatement for tax year 2014 and the next 9 program years for Gary and Christine Williams' commercial property located at 309 Mason Avenue. The motion was approved by unanimous vote.**

### **C. *Payment of Insurance Proceeds:***

Deborah Pocock stated that Council had appropriated funds and amended the FY 2015 budget at the April 16, 2015 meeting to pay the insurance proceeds from earthquake damage amounting to \$41,073.91 to Charon Ventures as per the sales contract. The construction schedule had been extended beyond the end of FY 2015 and was expected to be completed and ready for the issuance of the certificate of occupancy within the next few weeks. At that time, the developer would pay the Town about \$60K in water and sewer connection charges and the Town needed to pay the above mentioned amount to Charon Ventures. Since FY 2016 started

July 1<sup>st</sup>, it would be necessary to appropriate the funds again and amend the FY 2016 budget so that this contractually required payment could be made.

**Motion made by Councilman Brown, seconded by Councilman Bennett, to appropriate \$41,073.91 and amend the FY 2016 budget in order to satisfy the contractual requirement. The motion was approved by majority vote with Councilman Wendell opposed.**

D. *Application for Harbor Development Certificate – 300 Mason Avenue:*

Larry DiRe stated that on April 20, 2015, the Harbor Area Review Board (HARB) met and recommended approval of a Harbor Development Certificate for a new construction of a mixed use development at 300 Mason Avenue. The Town Council held a special meeting on May 14, 2015 to review the application and denied the request for the following reasons: i) The plans showed the property being purchased by the Town as a “future phase;” ii) The proposed roof line was out of character with the surrounding buildings; iii) The materials needed to be labeled on the drawings; iv) The lower balconies should be removed since they only appeared to be about 4’ off the ground and the exposed area beneath needed to be enclosed; v) It appeared that some of the windows shown on plan SD-2 were below floor level; vi) The drawings needed to show the locations of the mechanical equipment on the roof and the equipment needed to be screened; vii) The site plan did not appear to be in conformance with the guidelines; and viii) The plans (SD-2) needed to show which areas were residential and which were commercial. New plans and photographs had been submitted addressing the points raised by Council. The property owner also submitted a survey plat showing the parcel for subdivision, which was planned for a town-owned public plaza.

**Motion made by Vice Mayor Bannon, seconded by Councilman Brown, to approve a Harbor Development Certificate for 300 Mason Avenue.**

There was much discussion regarding this project with Councilman Bennett expressing his concern regarding i) the double curves of the roof lines; ii) amount of open space; iii) lack of a landscaping plan with a description of plant material; and iv) lack of a rendering being submitted; v) the elevations shown on the plans did not seem to be accurate and the lower balconies’ elevations were not changed from four feet as previously requested. Councilman Bennett concluded by stating that the plans as submitted still did not satisfy the intent of the Harbor Area Guidelines.

Councilman Wendell and Vice Mayor Bannon suggested having the developer, Mr. Patrick Hand, speak regarding Councilman Bennett’s objections, but Mayor Proto denied the request and opted to schedule a work session for a future date to be determined.

**The motion was defeated by majority vote, with Vice Mayor Bannon voting in favor of approval. Councilwoman Natali abstained from the vote.**

**NEW BUSINESS:**

A. *Cape Charles by the Bay:*

Bob Panek stated that the Mayor and some members of Council had received numerous complaints from business owners and residents about the Cape Charles by the Bay website and marketing contract awarded to Cape Charles Wave, LLC expressing their concerns regarding the firm’s ability to effectively market the Town as a tourism destination given the negativity often displayed in their on-line publication, Cape Charles Wave, and lack of familiarity with happenings around town. Consequently, a stop work order was issued until direction could be obtained from Council. Bob Panek went on to propose three options as follows: i) Lift the stop work order to allow Cape Charles Wave, LLC to perform the contract as awarded; ii) Not contract for the services at this time and wait for a non-profit to step forward to perform tourism marketing under a grant agreement with the Town; or iii) Re-compete the contract under newly authorized competitive negotiation procedures for goods and nonprofessional

services as outlined in § 2.2-4303 of the Code of Virginia. Competitive negotiation required the issuance of a Request for Proposals specifying the factors to be evaluated and after negotiations had been concluded with two or more offerors, contract award was made to the offeror making the best proposal and providing the best value.

There was much debate regarding the issue and options and the terminology of professional vs. non-professional in relation to the Code of Virginia. Several of the Council stated their preference for the Town staff to maintain the website. Councilwoman Natali stated that she would like to review the options in more detail. Mayor Proto agreed that a work session should be scheduled.

Bob Panek stated that during the interim, the website was getting stale and suggested having staff update the information. Council was in agreement.

#### **MAYOR AND COUNCIL COMMENTS**

Councilman Bennett stated to Councilman Wendell that the issue with the Cape Charles by the Bay website was not regarding professional vs. non-professional but more of a competent vs. non-competent issue.

Councilman Brown expressed his concern regarding reverse-angle parking adding that the Town adopted an ordinance allowing for reverse-angle parking. When vehicles were parked in violation of the ordinance, the Police Department should be permitted to enforce the ordinance. Currently, cars were being permitted to pull-in and parallel-park in spaces designated for reverse-angle parking and some cars were even parking in angles on the south side of Mason Avenue as well with nothing being done to correct the issue. Councilman Brown continued to state that it was inappropriate for Mayor Proto to have stopped enforcement and throw out tickets which had been issued. It was a mistake to place limitations on the Police Department to enforce the ordinances. If the ordinances were not going to be enforced, they should be taken off the books.

Councilman Wendell stated the following: i) He complimented Mayor Proto regarding rescission of the parking tickets and for admitting that the parking was not phased in properly. The Town needed to rethink the issue of reverse-angle parking; ii) The Town never actively asked about the price of the property purchased by Patrick Hand in order to acquire it. It was good to see the Town lease the property from the railroad for additional parking but the area needed to be cleaned up and signage needed to be installed to inform people of the parking area. Lighting also needed to be installed; iii) He felt the Cape Charles Wave, LLC was both technologically competent and professional. The comments received from the businesses and residents were based on personality similar to what the Cape Charles Wave website was accused of. He was hopeful of a good resolution to the issue; and iv) More needed to be done regarding beach safety and signage to warn people of the dramatic drop off and currents. Again, he stated that he applauded the effort but more work was necessary.

Vice Mayor Bannon commented as follows: i) The Friends of the Cape Charles Memorial Library hosted a book signing on July 13<sup>th</sup> with 42 people in attendance. It was a great event. The next book signing event will be on July 20<sup>th</sup> at the Cape Charles Civic Center and would feature Kirk Mariner. He was hoping for a good turnout; and ii) He received complaints from two neighbors regarding pleasure boats and trailers being stored on the streets. He asked whether the boat owners could be asked to store them off-street. Mayor Proto stated that this might be a VDOT issue but the Town could review the issue again.

Councilwoman Natali stated the following: i) She agreed with Vice Mayor Bannon regarding boats and trailers being stored on the streets and added that there was a flatbed trailer abandoned, with flat tires and an expired license, and asked that this issue be addressed as well; ii) She wanted to make sure that people were aware of the Dock Dogs competition being held at Bay Creek from this Friday, July 17<sup>th</sup>, through Sunday, July 19<sup>th</sup>. The event was free and open to the public. People were

also encouraged to bring their dogs; and iii) The Citizens for Central Park, in conjunction with Harbor for the Arts, was sponsoring a number of concerts in Central Park with the first one scheduled for July 26<sup>th</sup>, from 6:00 p.m. to 8:00 p.m.

Mayor Proto stated that he did not have any additional comments.

**ANNOUNCEMENTS**

- July 28, 2015 – Mayor’s Office Hours, 6:00 PM – 7:00 PM.
- July 31-August 2, 2015 – Clam Slam.
- August 6, 2015 – Town Council Work Session, 6:00 PM.
- August 7-16, 2015 – Harbor for the Arts.
- August 9, 2015 – Art Rocks the Inns, 1:00 PM – 4:00 PM.
- August 11, 2015 – Mayor’s Office Hours, 2:00 PM – 3:00 PM.
- August 13, 2015 – Town Council Work Session, 6:00 PM.
- August 14-16, 2015 – Friends of the Library Book Sale at the Civic Center.
- August 20, 2015 – Town Council Regular Meeting, 6:00 PM.

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

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Mayor Proto

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Town Clerk

**July 16, 2015 Town Council Regular Meeting**  
**Public Comments Provided in Writing**

*Dorie Southern, 104 Monroe Avenue*

Dear Cape Charles Town Council,

On June 10, a contract between the Town of Cape Charles and Cape Charles Wave LLC was executed to provide maintenance, support, and social media marketing for the Cape Charles By the Bay website.

At the June 18 Town Council meeting, objections to the contract were voiced by 14 members of the local business community.

On June 22, the town manager issued a stop work order to Cape Charles Wave LLC. A town memo states, "The complaints question the firm's ability to effectively market the Town as a tourism destination, given the negativity often displayed in their on-line publication *Cape Charles Wave* and lack of familiarity with happenings around town."

Our first reaction to the reason given for the stop work order was disbelief. "Lack of familiarity with happenings around town?" This is being said of me and my husband, who for three years published a newspaper expressly devoted to happenings around town? During those three years the Wave has reported nearly 2,000 local events – far more than any other news media.

"Negativity often displayed"? Yes, news is often negative. But our detractors are cherry-picking the *Wave*. There was plenty of good news reported. For example:

-- "Here's the Scoop on Brown Dog Ice Cream: Grand opening was a 'wild success,' with lines of customers 'from the dipping cabinet to the door,' reported a staff member. The five regular employees weren't nearly enough to serve the crowd, and Elton's friends and family members found themselves pressed into service." The story ended by saying: "Thanks Foster (the brown dog). You and your family are going to make a lot of folks happy!"

-- "Travel writer Becky Krystal stayed at Hotel Cape Charles recently, and gave a very favorable review. Unlike some local residents, Krystal didn't seem to mind the modern look of the just rebuilt Hotel Cape Charles, which she termed "very zen" and "eco-beach chic." The *Wave* even published a page-1 reprint of the glowing *Washington Post* review.

-- "Bay Haven Inn Remake Reflects Town Pride. The transformation at 403 Tazewell Avenue is one of the most dramatic examples of what is being played out all over the Cape Charles Historic District. Houses are getting coats of paint, new roofs, new plumbing, electrical work, shored-up foundations, and years of overgrowth are being trimmed from yards. Houses like Bay Haven Inn are surely promoting confidence in the Historic District."

-- "Business has been so good at the Shanty Restaurant at the Town Harbor that they plan to expand next year. The restaurant, which leases land from the Town of Cape Charles, has applied for permission to enclose the front entrance, add a market to the right of the entrance, and enclose the rear deck."

We have concluded that the indignation expressed at the Town Council meeting by those 14 individuals was less about the *Wave* and more about the fact that the Kohlers did not receive the contract renewal. Cape Charles By the Bay would not exist today were it not for the Kohlers and the Bed & Breakfast Association.

Sincerely,  
Dorie Southern  
104 Monroe Avenue  
571-201-2636

\*\*\*\*\*

*Kearn Schemm, 104 Monroe Avenue*

Dear Town Council,

I am the Southern's friend and business partner in the operation of Southern Breezes, a vacation rental duplex at 104 Monroe Avenue. We resent seeing tax dollars go to support a website favoring the Bed & Breakfast Association in exclusion of the vacation rental sector, which dwarfs the B&Bs. We started our vacation rental business five years ago, when only two B&Bs operated in the town and there were no hotels, and I reject Mr. Brinkley's claim that my business partner "does not have a solid background in tourism." George Southern has designed and maintained

tourism websites on [vrbo.com](http://vrbo.com), [homeaway.com](http://homeaway.com), vacation [rentals.com](http://rentals.com), [tripadvisor.com](http://tripadvisor.com), and the state of Virginia's own tourism web page.

During the two years the By the Bay website has existed, we were never approached to advertise. And even had we been asked, we would have declined, given the website's idiotic prohibition against linking our rental to our advertising in [vrbo.com](http://vrbo.com) and [homeaway.com](http://homeaway.com), for which we pay \$1,100 annually. More than 100 town vacation rental properties are featured on those two websites, and it's no surprise that not a single one is shown on Cape Charles by the Bay. Why spend money on a website that refuses to link basic information at the advertiser's request?

As to the allegations that the *Wave* lacks "familiarity with happenings around town," this is laughable. I have been approached by about a dozen people (neighbors and local business people) since the *Wave* stopped publication, and the common thread of their remarks was, "I would know nothing about what is going on in town if it weren't for the *Wave*." No one in town knows the happenings here better than the *Wave*.

Given their work ethic and experience, a *Wave*-run Cape Charles by the Bay would improve in quality and better serve our community. The Stop Work Order should be rescinded.

Sincerely,  
KEARN C. SCHEMM  
104 Monroe Avenue  
703-869-5885

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*George Southern, 104 Monroe Avenue*  
Dear Cape Charles Town Council,

As my business partner notes, the By the Bay website was designed to promote B&Bs. Our goal is to double the number of ads on the website. That should not be too difficult once vacation rentals are allowed to advertise without the current restrictions. When prospective visitors Google "Cape Charles," they are looking primarily for a place to stay. The majority of visitors are families for whom a B&B or a hotel room is not adequate. They want rental houses, and Cape Charles is full of them. But you would never know it from looking at the town's tourism website.

A purported reason for cancelling the contract is that disgruntled businesses would not advertise in By the Bay if it were managed by Cape Charles Wave LLC. But most businesses are not advertising in it anyway! Following is some information reported by the Kohlers to the town on June 7 and passed on to me upon receiving the contract:

- Ellen Moore Gallery never responded to a request to advertise.
- Cape Charles Water Sports (the Heywards) never responded to a request to advertise this year.
- Sea Grass Floral (Cynthia Dempster) never paid for their ad.
- Eastern Shore Signs (Andy Buchholz) moved to Cheriton and could not therefore be listed.
- There was no record of any advertising this year by the Baldwins.
- And there was no record of any advertising by Cape Charles Boat Tour Co. (David Lee).

That accounts for 7 of the 14 individuals who spoke against the Wave LLC. Another three individuals (Tammy Holloway and Bruce and Carol Evans) represent B&Bs and therefore have a strong reason to support the B&B Association. That leaves only 4 other business representatives who spoke and who actually had paid for ads in the website. They are Brown Dog, the Shanty, Hotel Cape Charles, and the Boardwalk. All four of those paid ads were removed by the Kohlers before they ceased managing the website on June 30.

The fact is that the town's tourism website lost four paying ads, plus two B&B ads, as a result of awarding the contract to the Wave LLC. If you allow me to manage the website as contracted, I will replace those 4 cancelled ads with 40 new ones, and if I cannot I will not charge for my services. In fact I already sold 2 ads before getting the stop work order. Please allow me to perform the services you have contracted for.

I'll conclude with more positive quotes from past issues of the *Wave*:

"TOURISM WEBSITE DEBUTS: All told, the website is an impressive new Town promotion which has been sorely lacking for years. It's a professional job (designed by Ciniva Web Agency in Norfolk), fairly easy to navigate, and does the Town proud."

Grand opening of the Cape Charles Yacht Center: “The yacht center is seen as a significant development that will change industry on the Eastern Shore. Components include a 40-acre harbor district and an 80-acre industrial park with access through a new road that will connect the harbor to Route 13, providing direct access for trucks to the harbor,” the *Wave* reported. Three months later the *Wave* featured a large front-page poster for the Baldwins’ first Bayamo party at the Yacht Center.

Sincerely,  
GEORGE SOUTHERN  
104 Monroe Avenue  
571-201-4101

DRAFT



***DRAFT***  
**TOWN COUNCIL**

**Executive Session**  
**Civic Center**  
**July 16, 2015**

**Immediately Following Regular Meeting**

At approximately 8:00 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 and Wendell, and Councilwoman Natali. Councilman Godwin was not in attendance nor were any members of the staff.

**Motion made by Councilman Brown, seconded by Councilman Wendell, 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 or 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:** Personnel – Town Manager

**Motion made by Councilman Brown, seconded by Vice Mayor Bannon, 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; Natali, yes; Wendell, yes.

**Motion made by Councilwoman Natali, seconded by Councilman Bennett, to adjourn the Town Council Executive Session. The motion was unanimously approved.**

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Mayor Proto

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Town Clerk



**DRAFT**  
**TOWN COUNCIL**  
**Special Meeting**  
Cape Charles Civic Center  
July 30, 2015  
6:00 p.m.

At 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 Godwin, and Councilwoman Natali. Councilman Wendell was not in attendance. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Town Planner Larry DiRe and Town Clerk Libby Hume. There were five members of the public in attendance including Harbor Development Certificate applicant Mr. Patrick Hand.

**PUBLIC COMMENTS**

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

Mayor Proto stated that he preferred to reverse the order of agenda items moving item B – Harbor Development Certificate – Strawberry Street Station to the beginning.

**Motion made by Councilwoman Natali, seconded by Councilman Brown, to reverse the order of business. The motion was approved by unanimous vote.**

*B. Harbor Development Certificate – Strawberry Street Station*

Mayor Proto stated that he did not have a chance to review the updated plans prior to the meeting due to the delay in receiving the plans. There was much discussion regarding the timing of delivery of the plans, the inability of staff to reproduce full-size plans and the preference for digital plans so manageable copies could be duplicated and emailed. The digital plans were received late this afternoon. Mr. Hand explained that miscommunication with his architect was part of the reason for the delay in providing the plans.

**Motion made by Councilman Bennett to table the review and discussion of the Strawberry Street Station plans for a future meeting. The motion was not considered due to a lack of a second.**

Mr. Hand explained the revisions to the proposed plans. There was much debate regarding the following: i) The landscape plan showed eight pin oak trees but Mr. Hand stated otherwise. There was some discussion regarding the actual plans still being different from what was submitted for review. Mayor Proto stated that what was built needed to reflect the final drawings approved by Council so the submitted drawings needed to be an accurate representation of the planned development. Mr. Hand added that in his past experience, plans were approved with conditions of certain things being modified; ii) There would be 20% open space and 40 parking spaces as approved by the Board of Zoning Appeals; iii) The difference between the provided renderings and three-dimensional renderings; iv) Mr. Hand stated that the upper level balconies facing the pedestrian mall would have cloth awnings which would not protrude into the right-of-way; v) The roof line of the building and the Zoning Ordinance requirement that no building have the same continuous elevation for a distance of more than 80 linear feet. Councilman Bennett explained that a height difference of one or one and a half feet

would meet the requirement; vi) The Mason Avenue side of the building conformed with the required setbacks. Mr. Hand stated that if Council would approve a lesser setback, the building would line up with the other structures along Strawberry Street; vii) Mr. Hand stated that he left an area on the side of the building for a permanent mural to be painted and the space would also be a good location for the Town to display banners for events; and viii) The lowest balconies on the south side or back of the building would be about four feet above grade with grass underneath. The area underneath would be easy to maintain. The balcony decks would be made of pervious material. All balconies would be within the permitted setbacks.

Town Planner Larry DiRe stated that staff would review the plans and construction throughout the process to ensure conformity of all guidelines and regulations.

**Motion made by Vice Mayor Bannon, seconded by Councilman Brown, to approve the Harbor Development Certificate for the Strawberry Street Station with the following conditions: i) The trees and plantings would be installed as shown on the submitted plan (C003) and verified for conformity with the Harbor Area ordinance; ii) The parapet wall on the roofline would be broken up with height differences of approximately one and a half feet; iii) The space for the mural would also be available to display town banners; and iv) Grass would be planted in the area underneath the lowest balcony decks. The motion was approved by majority vote with Councilman Bennett opposed.**

A. *Cape Charles by the Bay Website and Marketing Program*

Vice Mayor Bannon recused himself from the discussion and vote regarding the Cape Charles by the Bay website since his B&B was listed on the website and he received income from the advertising.

Councilman Bennett asked whether there were any other members on the Council represented on the website.

Mayor Proto stated that his chocolate business, Sweet Annie's Chocolates, was on the website but he did not have an expanded listing. Sweet Annie's Chocolates was mainly a wholesale business and he derived no direct income from the website. Council agreed that the mayor did not need to recuse himself.

Town Manager Brent Manuel provided the background of the Cape Charles by the Bay website and marketing program adding that this evening's discussion would be a continuation of discussion from the July 16<sup>th</sup> regular meeting. As discussed previously, there were four options as follows: i) Lift the stop work order and allow Cape Charles Wave, LLC to perform the contract as awarded; ii) Do not contract for the services and wait for a non-profit organization to step forward to perform tourism marketing under a grant agreement with the town; iii) Re-compete the contract under the competitive negotiation procedure for goods and nonprofessional services as allowed by the Code of Virginia; and iv) The town would take over maintenance of the website. Another option would be to get the original stakeholders together to discuss the future of the website. There were a number of organizations and a lot of people who spent a lot of money and time in the development of the website. Mayor Proto stated that each of the original partner organizations needed to appoint a representative for the meeting.

There was much discussion regarding the following: i) The ability of staff to maintain the website. Brent Manuel stated that he did not think the website would be an issue but staff would not be able to maintain the social media portion which would be more cumbersome and would require more time to monitor activity on the sites.; ii) The lack of any other organizations with an interest to take over the website and if the town

were to take over the maintenance of the site, no one would ever step forward to take it over; iii) The ownership of the website. Councilwoman Natali noted that the domain name was registered to Greg Kohler; iv) The possibility of separating the issue of the website from the social media aspect. Under the competitive negotiation process, the town could review the experience and history of the proposers and proceed to negotiate with the top two; v) Mayor Proto and Councilman Godwin wanted legal opinions obtained regarding any liability to the town. Mayor Proto also requested an opinion from the Virginia Municipal League; vi) Mayor Proto stated that a stakeholders meeting needed to be scheduled as soon as possible and that a representative from Council needed to be chosen. Councilman Bennett suggested Councilwoman Natali as the Council representative. Mayor Proto stated that he would also attend the first stakeholders meeting and added that Brent Manuel would be contacting the stakeholders to organize a meeting.

Councilman Bennett asked when a decision was going to be made regarding the Cape Charles by the Bay contract to which Mayor Proto responded that a decision could not be made until after the stakeholders met.

Councilman Bennett added that the website and social media pages were going stale rapidly and if nothing was done, the sites would lose credibility.

**Motion made by Councilman Brown, seconded by Councilman Godwin, to table further discussion until information was received after the stakeholders meeting. The motion was unanimously approved.**

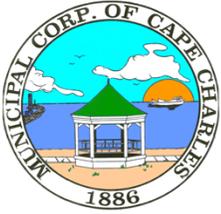
**Motion made by Councilman Brown, seconded by Councilwoman Natali, to adjourn the Town Council Special Meeting. The motion was unanimously approved.**

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Mayor Proto

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Town Clerk



**DRAFT**  
**TOWN COUNCIL**  
**Work Session**  
Cape Charles Civic Center  
August 13, 2015  
6:00 p.m.

At 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 Brown and Godwin and Councilwoman Natali. Councilman Bennett arrived at 6:03 p.m. Councilman Wendell was not in attendance. Also in attendance were Town Manager Brent Manuel, Town Planner Larry DiRe and Town Clerk Libby Hume. There was one member of the public in attendance.

Mayor Proto stated that the order of business for the evening would be to review the following: A. Electronic Summons System Ordinance; B. Parking of Trailers on Streets; C. Harbor Access Road; D. Wayfinding Signs; and E. Mason Avenue Reverse-Angle Parking.

**A. *Electronic Summons System Ordinance***

Town Manager Brent Manuel stated that effective July 1, 2015, the Code of Virginia permitted towns to establish the assessment of an additional fee up to \$5 in criminal and traffic cases arising within the town for the purpose of funding software, hardware and associated costs for the implementation and maintenance of an electronic summons system. Establishment of this fee must be done by ordinance. Council reviewed the draft ordinance to establish the additional fee. There were no objections to the ordinance as presented. This item would be on the August 20<sup>th</sup> Regular Meeting agenda for a vote.

**B. *Parking of Trailers on Streets***

Brent Manuel stated that complaints had been received regarding the storage of boats and trailers on the town's streets. Town Code § 42-90 addressed this issue and currently prohibited the parking of "travel trailers, coaches, motorized dwellings, tent trailers, boat trailers, amphibious houseboats and the like" on "any public street or public right-of-way for more than 48 hours" but the ordinance was not enforced.

There was much discussion regarding enforcement of the ordinance as well as the issue of construction vehicles/trailers, dumpsters, storage pods and abandoned vehicles which were not covered by this ordinance. Councilman Brown stated that abandoned vehicles were already addressed. Councilman Brown went on to state that several years ago, when he was the police chief, he had about 30 abandoned vehicles removed from both public streets and private property. Photos were taken of all affected vehicles and notices were given to the owners. The majority of the owners removed the vehicles upon notification.

After further discussion, Council reached an agreement as follows: i) The existing ordinance needed to be enforced. All future complaints should be submitted to the town manager to contact the police chief regarding enforcement; and ii) Staff would research procedures taken by other localities in regards to abandoned vehicles, storage containers, dumpsters, utility/construction vehicles or trailers, etc. parked or stored on public streets.

**C. *Harbor Access Road***

Brent Manuel stated that a letter was received from County Administrator Katie Nunez regarding the planned Harbor Access Road and its prioritization because of the economic development value. The project was expected to reach the stage of right-of-way acquisition

this fall and the County had agreed to assemble all the donation properties into one closing for transfer to the Virginia Land Trust. Bob Panek was the principal contact for the town and with Charles McSwain's departure, Ms. Nunez would be the contact person for the County.

There was much discussion regarding this issue as follows: i) Council was supportive of the project and the donation of the necessary property but there was concern regarding the transfer of the property first to the county, then to the Virginia Land Trust and whether the town would get the property back if the project was not completed. Council requested staff to research the Virginia Land Trust and whether this process was VDOT's standard procedure when acquiring property; ii) There was some discussion regarding a separate utility project in which some utilities needed to be relocated. As a result of this project, another issue was discovered regarding the proximity to the town's wells located on the former Keck property; and iii) No determination could be made until more information was received regarding the location and amount of land to be transferred and the Virginia Land Trust.

#### D. *Wayfinding Signs*

Town Planner Larry DiRe stated that the town along with various partners had developed a new Town Map and Information brochure featuring an updated wayfinding map showing locations of commercial, recreational and public properties around town. Staff contacted several major businesses about the benefits of cooperative directional signage and the Oyster Farm and Cape Charles Yacht Center expressed a willingness to site the Town's wayfinding map sign board on their properties as well as an interest in working with the Town to site directional sign boards to their locations on town-owned property. Staff was awaiting the digital file of the wayfinding map for production into a directional sign board which would be posted at key locations throughout the town. Specific locations at the Oyster Farm and Cape Charles Yacht Center had not yet been determined.

Larry DiRe went on to state that the Oyster Farm was requesting approval to site a permanent free-standing directional sign on the town-owned property at Fig Street and Randolph Avenue. Currently several directional and informational signs were on this property and the area was frequently used as a location for temporary signage.

There was much discussion regarding this issue as follows: i) Council expressed their concern regarding setting a precedent by allowing such a specific sign on town property; ii) The purpose of wayfinding signage was to provide directional information regarding a number of businesses and properties vs. one business; iii) The wayfinding signage should be consistent in size and appearance; iv) There were a number of other signs, provided by VDOT, directing travelers to businesses in town. The business owners contracted with VDOT directly and Council had no opposition to these signs; and v) The proposed size and location of the Oyster Farm sign would pose a traffic hazard. Councilman Brown stated that placement needed to be a minimum of 15' from the curb to not obstruct the views of drivers.

Larry DiRe noted that a wayfinding strategy for pedestrians would be different from a vehicular strategy, but he would draft both strategies. Council agreed that the proposed strategies should be reviewed first by the Planning Commission and presented to the Council with the Commission's recommendations.

#### E. *Mason Avenue Reverse-Angle Parking*

Brent Manuel stated that additional signage was needed along Mason Avenue to put a typically observant person on notice that if they parked heading the wrong way they could be fined.

Larry DiRe stated that the current signage met VDOT's requirements. Two white signs were installed by VDOT and were located on the east and west ends of the area. The town

purchased additional signs showing the three-point process to park. All signs currently faced the west bound traffic. A major issue was the east-bound traffic that crossed over the oncoming traffic lane to pull into the spaces on the north side of Mason Avenue. Larry Dire recommended additional signage at the east and west ends of the area facing the east bound lane and another sign at the corner of Bay and Mason Avenues to alert east bound drivers of reverse-angle parking on the north side of Mason Avenue. Another consideration would be to request VDOT to paint double yellow lines down Mason Avenue vs. the current broken line adding that people normally know not to cross a double yellow line.

There was much discussion regarding this issue as follows: i) Councilman Brown noted that the majority of vehicles pulling into the angled spaces were locals; ii) The reverse-angle parking did have a traffic calming effect; iii) Staff would contact VDOT asking whether pull-in angle parking could be a consideration for Mason Avenue; iv) The possibility of restriping the lines back for parallel parking; v) The newly opened gravel parking area leased from the railroad and the fact that people typically preferred to park in front of the businesses vs. walking the additional distance from the gravel parking area; vi) Mayor Proto asked Council to consider extending the non-enforcement of the parking ordinance for another year and modifying the ordinance to add an effective date. Councilman Brown stated that Council could postpone the enforcement for another year, but the town would have the same issues next year when the police officers began enforcing the parking; vii) The possibility of mandating the parking spaces on the north side of Mason Avenue as short-term parking, i.e. for 30 minutes or an hour, to allow better access to the spaces in front of the retail businesses. Several business owners had commented that they liked that angled parking allowed more people to park in front of their businesses; viii) Mayor Proto stated that the town did not properly roll out the change to reverse-angle parking. Brent Manuel added that VDOT moved the paving project up from the fall to early spring. The timing change did not allow the town to give timely notice to the residents and business owners. Articles were published in several issues of the Gazette and with the utility bills, but it was difficult to get the word out to everyone; ix) Mayor Proto stated that the town had a problem with effective communication in getting messages out to everyone. Although notices were published in the Gazette and with utility bills, the town needed to blanket the entire town with notices, flyers, signs, etc. Councilwoman Natali stated that notices should be placed on the utility pole in front of the post office adding that the town had a variety of residents – some were very tech savvy and some were at the other extreme where they were afraid of technology; and x) Safety issues regarding different types of parking were discussed and nationwide statistics showed that reverse-angle parking overall was safer than pull-in angle parking.

Council reached a general consensus to continue with reverse-angle parking with the installation of additional signage, provision of flyers and brochures to all businesses along Mason Avenue, the Bed & Breakfasts, real estate companies, rental property owners and agents, etc. Electronic copies of the flyer, brochure and signage wording would be emailed to the Council for their review and comments. Once finalized, electronic versions would be emailed to everyone as well as being included in the utility bills and the Gazette.

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

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Mayor Proto

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Town Clerk

**MUNICIPAL CORPORATION OF CAPE CHARLES  
TREASURER'S REPORT  
July 31, 2015**

**CASH POSITION**

<b>Cash on Hand</b>	<b>6/30/2015</b>	<b>7/31/2015</b>	<b>Increase/(Decrease)</b>
Shore Bank Checking Account	\$ 365,995	\$ 246,709	\$ (119,286)
Shore Bank Money Market Account	\$ 650,232	\$ 550,497	\$ (99,735)
LGIP Account 1 - Unrestricted	\$ 97,458	\$ 97,470	\$ 12
LGIP Account 2 - Unrestricted	\$298,895	\$298,934	\$ 39
<b>Total Cash On Hand</b>	<b>\$ 1,412,580</b>	<b>\$ 1,193,610</b>	<b>\$ (218,969)</b>

<b>Restricted and Reserved Cash Balances</b>	<b>6/30/2015</b>	<b>7/31/2015</b>	<b>Increase/(Decrease)</b>
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,471	\$234,471	0
Shore Bank Checking Account - Police Funds	\$431	\$431	0
LGIP Account 2 - Restricted for USDA Police Vehicle loans	\$10,875	\$10,875	0
PNC Account- 2013 Bond Proceeds - Principal	\$958,993	\$958,993	0
PNC Account- 2013 Bond Proceeds - Interest	\$2,139	\$2,284	145
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,584	\$257,584	0
<b>Total Cash Held in Reserve</b>	<b>\$ 1,464,492</b>	<b>\$ 1,464,637</b>	<b>\$ 145</b>
<b>Total Cash - All Accounts</b>	<b>\$ 2,877,072</b>	<b>\$ 2,658,248</b>	<b>\$ (218,824)</b>

**DEBT SERVICE**

<b><u>Next Debt Service Payments:</u></b>	<b><u>Due Date</u></b>	<b><u>Amount</u></b>
PNC Refinance & New Money	9/1/2015	\$28,845.25

## REVENUE VS. EXPENDITURES

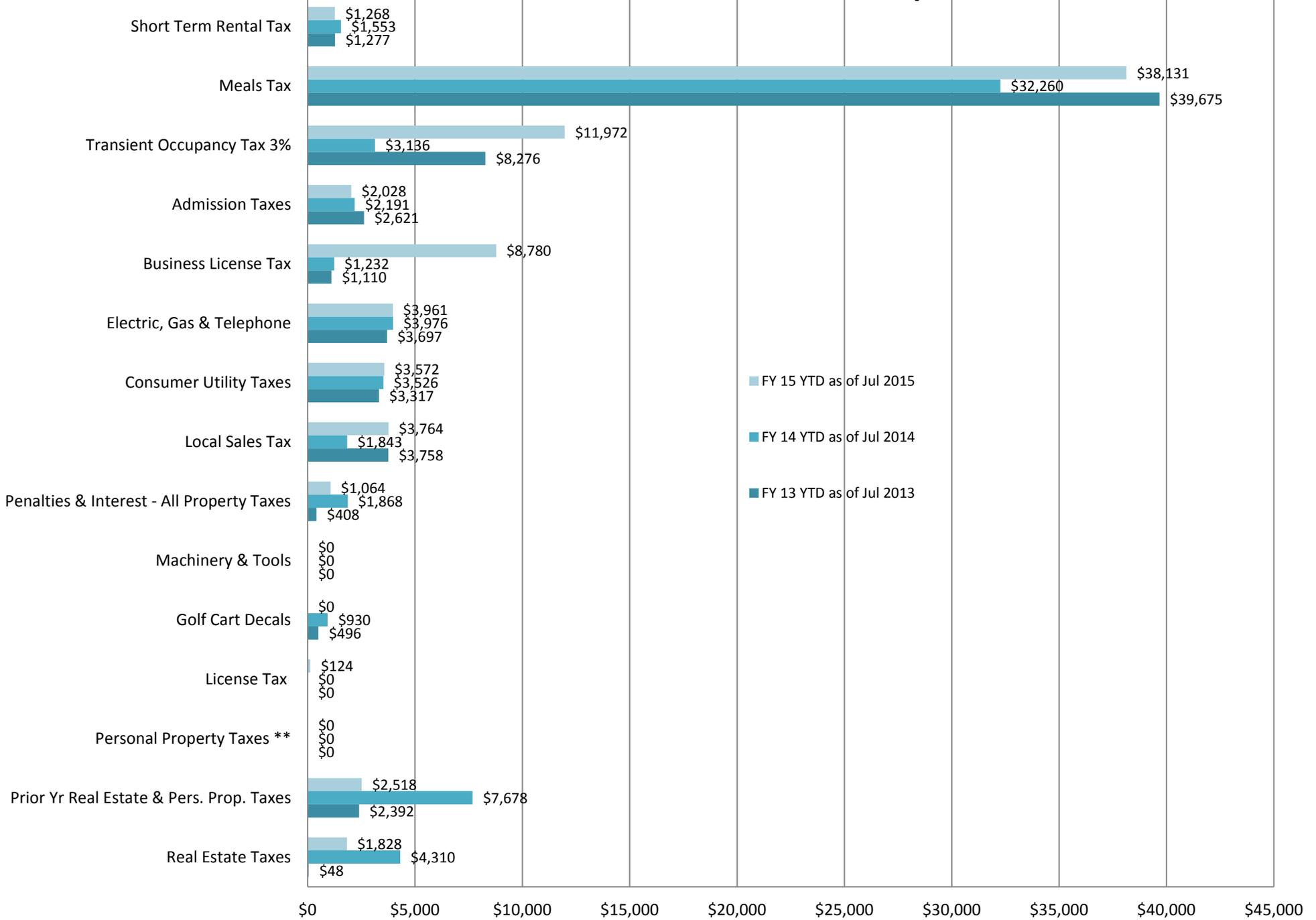
FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY15
<b>GENERAL</b>						
REVENUES	96,788	77,832	96,788	18,956	4,158,455	2.33%
EXPENDED	333,517	222,310	333,517	111,207	4,050,514	8.23%
NET	(236,729)	(144,478)	(236,729)	(92,251)	107,941 surplus to harbor	
<b>PUBLIC UTILITIES</b>						
REVENUES	207,963	159,604	207,963	48,359	1,723,011	12.07%
EXPENDED	110,848	117,389	110,848	(6,542)	1,723,011	6.43%
NET	97,115	42,214	97,115	54,901	0	
<b>HARBOR</b>						
REVENUES	179,787	137,631	179,787	42,156	1,965,837	9.15%
EXPENDED	111,551	149,634	111,551	(38,083)	2,073,778	5.38%
NET	68,237	(12,003)	68,237	80,239	(107,941)	
<b>SANITATION</b>						
REVENUES	16,718	15,559	16,718	1,159	175,300	9.54%
EXPENDED	157	154	157	3	175,300	0.09%
NET	16,561	15,405	16,561	1,156	0	

## FY 2016 Capital Improvement Project Tracking Report

As of:  
7/31/2015

	<u>FY16 Status or Start Date</u>	<u>Percent of Completion</u>	<u>FY16 Budgeted</u>	<u>FY16 QTR 1 Expended</u>	<u>FY16 QTR 2 Expended</u>	<u>FY16 QTR 3 Expended</u>	<u>FY16 QTR 4 Expended</u>	<u>FY16 YTD Expended</u>	<u>(Over)/Under Budget</u>
<b>General Fund</b>									
Enterprise Management System (Finance)	September/October order date	0%	\$ 55,069	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,069
Replacement Police Vehicle	September/October order date	0%	\$ 26,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,000
Police vehicle cameras & software		0%	\$ 10,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,600
Code Enforcement Vehicle	TBDelivered in August	0%	\$ 25,302	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,302
Public Works Tractor	September/October order date	0%	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Mason St RR Parking Lot Improvements		43%	\$ 20,000	\$ 8,591	\$ -	\$ -	\$ -	\$ 8,591	\$ 11,409
Sidewalk Repair Program (VDOT grant 50%)		0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Pine St Parking/Waste Mgmt Design		0%	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60,000
Strawberry Street Plaza Purchase/Improvements		0%	\$ 70,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000
ArtWalk - Wayfinding Signage		0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Central Park Playground Equipment (phase 1)		0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Cape Chas Multi-Use Trail Phase 2		0%	\$ 1,570,000	\$ 1,008	\$ -	\$ -	\$ -	\$ 1,008	\$ 1,568,993
Security Cameras for Beach, Park, Civic Center		0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
<b>subtotal</b>			<b>\$ 1,941,971</b>	<b>\$ 9,598</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 9,598</b>	<b>\$ 1,877,304</b>
<b>Water Fund</b>									
Automatic Flush (2 &3 of 5)	Start in August	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
Valve Exerciser (shared cost)	Complete	100%	\$ 3,500	\$ 3,400	\$ -	\$ -	\$ -	\$ 3,400.00	\$ 100
<b>subtotal</b>			<b>\$ 3,500</b>	<b>\$ 3,400</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,400</b>	<b>\$ 100</b>
<b>Sewer Fund</b>									
Valve Exerciser (shared cost)	Complete	100%	\$ 3,500	\$ 3,400	\$ -	\$ -	\$ -	\$ 3,400	\$ 100
Plum & Mason Pump Station Engineering		0%	\$ 165,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 165,000
Manhole Rehab (if reappropriated)		0%	\$ 41,792	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 41,792
<b>subtotal</b>			<b>\$ 210,292</b>	<b>\$ 3,400</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,400</b>	<b>\$ 206,892</b>
<b>TOTAL</b>		<b>1%</b>	<b>\$ 2,155,763</b>	<b>\$ 16,398</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 16,398</b>	<b>\$ 2,084,296</b>

# Three Year Revenue Comparison



# Planning Department Report for Town Council

From: Larry DiRe   
To: Town Council  
Date: August 7, 2015  
Subject: Report for Planning Department  
Attachment: None

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## Permits:

One Application for Zoning Clearance was received this month for demolition of an accessory structure at 530 Randolph Avenue. The application was approved.

## Planning Commission:

1. The Planning Commission met in a work session on Monday July 13<sup>th</sup> to begin reviewing received comments on the draft Comprehensive Plan revisions.
2. The Planning Commission met in a regular meeting on Tuesday August 4<sup>th</sup>. The Commissioners discussed the draft language for inclusion in the zoning ordinance defining a bedroom; reviewed the latest version of the draft Accessory Dwelling Units ordinance; reviewed the latest version of the draft Tourism Zone ordinance and directed staff to include the Treasurer in the review process; proposed Bay Avenue reverse angle parking drawings were discussed and the Commissioners want more data on the number of cars parked at the beach; they reviewed a zoning map amendment to correct a cartographer's error; and a zoning ordinance text amendment for brew pubs in the Commercial – 1 district was discussed. Public comment was received on brew pubs, and reverse angle parking.
3. On Tuesday September 1<sup>st</sup> the Planning Commission will hold its next regular meeting and will continue review of received comments on the draft Comprehensive Plan.

## Historic District Review Board:

1. The Historic District Review Board received three applications and met on July 21<sup>st</sup>. The Board approved a Certificate of Appropriateness for demolition, reconstruction, and exterior improvement at 309 Jefferson Avenue. They also approved a Certificate of Appropriateness for a backyard screened-in porch at 501 Monroe Avenue. The request to allow a non-conforming front porch door at 234 Tazewell Avenue was denied.
2. The Board accepted a proposed solar panel appendix section for the Historic District Guidelines. As required by Article XIII Section 8.20.C of the zoning ordinance, the Board will hold a public hearing prior to adopting and incorporating any amendments into the Guidelines document.
3. The Board reviewed the Windows and Doors section of the Historic District Guidelines as part of their on-going review of that document.

## Board of Zoning Appeals:

1. The BZA met on Wednesday August 5<sup>th</sup> regarding an application for variance for 309 Jefferson Avenue. The BZA held the public hearing where received comments from neighboring property owners were read into the record. Upon closing the public hearing they convened a meeting to consider the application. There was much discussion of the issue and the Board tabled the application pending an opinion from the Town attorney about the terms "restrictive," "more restrictive," and "less restrictive." Upon receiving that legal opinion the BZA will advertise and hold a follow up meeting to decide on the application.

## Code Enforcement

Month of July FY16

### Building Permits Issued/Permit Fees Collected:

Permits this month: 18	
Permits this year: 18	Total permits last year: 364
Total construction this month: \$1,784,115	
Total construction this year: \$1,784,115	Total construction last fiscal year: \$6,699,479
Permit fees this month: \$24,684.93	
Total permit fees this fiscal year: \$24,684.93	Total permit fees last fiscal year: \$186,198.10
Bay Creek Water/Sewer Tap fees: \$12,350	
The Colony/Sewer Water Tap fees: \$0	
Marina Village/Marina Village East Sewer/Water Tap fees: \$0	
Bayside Village Sewer/Water Tap fees: \$0	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$12,350	Total Tap fees last fiscal year: \$111,150
Fire Dept. levy this month: \$968.18	
Total Fire Dept. levies this year: \$968.18	Total Fire Dept. levies last fiscal year: \$5,612.52
State levy this month: \$200.33	
Total state levies this year: \$200.33	Total state levies last fiscal year: \$1,122.65
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: 4	
Grass cutting: 4	
Enforcement fees charged this month: \$950	
Enforcement fees charged this year: \$950	Fees charged last fiscal year: \$10,050
Enforcement fees collected: \$0	
<b>Enforcement fees collected this year: \$0</b>	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 July FY16

**Other items of note:**

1. Completed **142** inspections
2. Conducted 0 zoning clearances
3. Completed 4 courtesy residential inspections
4. Conducted 3 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Cape Charles Lofts is moving along. Contractor has requested for some temporary C.O. for some units this week.
10. Hotel Northampton is permitted and under construction.
11. Strawberry Street Station will be submitting plans soon once an approved Site Plan is in place.

08/05/15

# Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PM150051	Mechanical	07/20/2015	204 Bay Avenue	New Mini Split	\$171.12	\$5,200
	PF150002	Fire Suppresio	07/20/2015	1134 Bayshore Lane	FIREWORKS DISPLAY AUGUST 1, 2015	\$0.00	\$5,500
	PB150056	Building	07/07/2015	300 Fulcher Street	Tear off/roeroof	\$89.60	\$8,500
	PB150051	Building	07/20/2015	4 Heron Court	New S/F Res	\$17,608.20	\$1,100,000
083A1-0100-08	PB150057	Building	07/07/2015	309 Jefferson Avenue	Demo Wood Part of Barber Shop & Roof	\$84.00	\$2,500
	PB150058	Building	07/13/2015	1 Mason Avenue	Hotel Renovation	\$5,155.35	\$500,000
	PB150062	Building	07/27/2015	1 Monroe Avenue	Tear off/roeroof	\$167.80	\$14,965
	PB150054	Building	07/06/2015	1 Park Row	Interior Demo	\$56.00	\$1,500
	PE150030	Electrical	07/07/2015	1 Park Row	Rewiring house	\$59.92	\$3,200
083A3-0100-49	PE150031	Electrical	07/21/2015	123 Peach Street	Upgrading to 200 Amp Service	\$56.00	\$1,500
	PM150052	Mechanical	07/20/2015	710 Randolph Avenue	New mini split for office	\$0.00	\$3,300
	PP150032	Plumbing	07/07/2015	125 Strawberry Street	New Plumbing for Rehab	\$56.00	\$2,000
	PB150059	Building	07/24/2015	125 Strawberry Street	Residential Alt & Add	\$476.17	\$80,000
083A3-0205-00	PB150061	Building	07/27/2015	105 Tazewell Avenue	Tear off/roeroof	\$145.60	\$11,000
083A3-0100-38	PB150060	Building	07/27/2015	409 Tazewell Avenue	Tear off/roeroof	\$161.57	\$13,850
	PB150055	Building	07/08/2015	602 Tazewell Avenue	Residing & New Windows	\$190.40	\$19,000
	PP150033	Plumbing	07/10/2015	412 Walbridge Bend	New Plumbing for S/F Res	\$151.20	\$12,000
	PE150032	Electrical	07/23/2015	412 Walbridge Bend	100 Amp Temp Pole	\$56.00	\$100
<b>Total Permits:</b>						<b>\$24,684.93</b>	<b>\$1,784,115</b>

PerDateIssued Range from 07/01/2015 to  
07/31/2015

# Revenue Totals by Category/Items

From: 07/01/2015 to: 07/31/2015

## Inspection

Sewer Tap Insp	1	\$50.00
Water Tap Insp	1	\$50.00
<b>Inspection totals</b>	<b>2</b>	<b>\$100.00</b>

## Miscellaneous

E/S Agreement in lieu of plan	1	\$150.00
Fire Dept Fee	16	\$968.18
Res. Sewer Connection	1	\$875.00
Res. Sewer Facility	1	\$6,600.00
Res. Water Connection	1	\$875.00
Res. Water Facility	1	\$4,000.00
<b>Miscellaneous totals</b>	<b>21</b>	<b>\$13,468.18</b>

## Plan Review

Sewer Plan Rev	1	\$50.00
Water Plan Rev	1	\$50.00
<b>Plan Review totals</b>	<b>2</b>	<b>\$100.00</b>

## Residential

Valuation Res \$2.5K - \$10K	1	\$53.50
<b>Residential totals</b>	<b>1</b>	<b>\$53.50</b>

## Review

Landscape Plan Review	1	\$100.00
Residential Building Plan Revi	1	\$200.00
Residential Site Plan Review	1	\$150.00
<b>Review totals</b>	<b>3</b>	<b>\$450.00</b>

## State Tax

STATE TAX.	16	\$200.33
<b>State Tax totals</b>	<b>16</b>	<b>\$200.33</b>

## Valuation

Com \$0 - \$2.5K	1	\$75.00
Com Bldg Plan Review Fee	1	\$250.00
comm > \$10k	1	\$4,075.00

Garage- 5B	1	\$323.87
Residential decks & porches- 5B	2	\$774.55
Residential, one and two family- 5B	2	\$3,316.93
Valuation Res \$0 - \$2.5K	1	\$50.00
Valuation Res \$0-\$2.5K	3	\$150.00
Valuation Res \$2.5K - 10K	2	\$143.50
Valuation Res > \$10K	6	\$1,054.07
Work W/O Permit	1	\$100.00
<b>Valuation totals</b>	<b>21</b>	<b>\$10,312.92</b>
<hr/>		
<b>Grand Totals</b>	<b>66</b>	<b>\$24,684.93</b>



***Town Harbor  
Town Council Report  
July, 2015***

August 3, 2015

**Maintenance:**

1. Continued replacing and re-screwing deck boards around the harbor.
2. The CF Moto is now over at PW as we gave it to them.

**Upcoming Items that needs to be completed:**

1. Re-tighten all cleats on floating docks (In Progress 20% completed).
2. Re-nail all rubber bumpers (In Progress 25% completed).
3. Paint the boat ramp parking stripes. (In Progress 45% complete)
4. Re screw all boards on the board walk in the inner harbor with stainless screws.(In Progress 80% complete)
5. Re-tighten all bolts on the floating docks (0% complete)
6. Scale, prime & paint dirty oil tank. (0% % Complete)
7. Replace misc. light censors on pedestals. (0% Complete)
8. Continue to clean all electric pedestal bus bars. (3% Complete)
9. Replace Broken window in the men's restroom (Ordered)
10. Replace decks on the HM Boat (0% Complete)

**Capital Projects and Harbor improvements:**

1. Offshore Breakwaters – Survey is complete and Langley & McDonald is currently working on the bid package. There may be more monies available to assist with the project.
2. Dredging – the next phase will probably begin around or after Labor Day as Cottrell has begun with the pipe.
3. Watermen's Memorial – Nothing new to report
4. Virginia Port Authority – We were awarded the carryover request for \$830,000 for FY 15/16
5. Virginia Department of Health – We may get around \$80,000 to assist with the breakwaters. This is part of a Tier 1 Boating Infrastructure Grant that was awarded to another marina that no longer could use it. There is no match as the VPA grant acts as the match.

**Other Items:**

1. Follow us on Face Book (**Cape Charles Town Harbor**) over 2750 likes!!! 4.6 out of 5 stars from 111 reviews
2. Current Office Hours – 8:00 am to 6:00 pm 7 days a week thru Labor Day Weekend.



***Town Harbor  
Town Council Report  
July, 2015***

**Harbor Events:**

**Clam Slam 2015 & 5<sup>th</sup> Annual Boat Docking contest:**

Below are some basic stats:

1. Around 6000 people for the weekend opposed to about 3000 last year
2. Cash Sponsorship – \$24,400
3. Inkind Sponsorship - \$10,000
4. Total Sponsorship - \$34,400
5. Admission sold – around \$35,000
6. VIP Area 2014 = 92 people – 2015 =325 People
7. Over 500 wrist bands sold for rides
8. Every hotel room and cap site in Northampton County Sold Out
9. Just about all water slips in Cape Charles sold out

\*\*\*Note\*\*\* Treasurer will be presenting final numbers at some point.

**3<sup>rd</sup> Annual Trick or Treat with Pirate Pete:** October 24, 2015: More details to follow

**4<sup>th</sup> Annual Lighted Boat Parade:** More Details to follow

**2<sup>nd</sup> Annual Dropping of the Crab Pot:** December 31<sup>st</sup> at 10pm. Mason Ave.

**9<sup>th</sup> Annual Blessing of the Fleet:** April 29<sup>th</sup>, 2016 @ 6pm.

**28<sup>th</sup> Annual Clean the Bay Day:** June 4, 2016 @ 8:00 am.

**5<sup>th</sup> Annual Tall Ships @ Cape Charles:** June 11 – 12, 2016. ????

**Clam Slam 2016 & 6<sup>th</sup> Annual Boat Docking contest:** Will be August 5<sup>th</sup> – 7<sup>th</sup>, 2016



**Town Harbor  
Town Council Report  
July, 2015**

**Business YTD:**

Rentals

	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>
<b>Monthly</b>	<b>80 = \$11,085</b>	<b>69 = \$11,151</b>	<b>216 = \$36,531</b>
<b>Weekly</b>	<b>23 = \$ 1,138</b>	<b>36 = \$ 2,299</b>	<b>7 = \$ 1,193</b>
<b>Nightly</b>	<b>474 = \$15,713</b>	<b>301 = \$19,454</b>	<b>535 = \$25,500</b>
<b>Hourly</b>	<b>2 = \$ 10</b>	<b>26 = \$ 128</b>	<b>54 = \$ 270</b>

Fuel

	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>
<b>Diesel</b>	<b>10,590 = \$36,667</b>	<b>12,475 = \$44,340</b>	<b>13,162 = \$31,193</b>
<b>Transport</b>	<b>7,707 = \$25,547</b>	<b>0 = \$ 0</b>	<b>246 = \$ 526</b>
<b>Regular</b>	<b>5,796 = \$19,780</b>	<b>4,734 = \$16,923</b>	<b>4,759 = \$12,681</b>
<b>Plus (Non Ethanol)</b>	<b>6,302 = \$26,461</b>	<b>3,681 = \$16,959</b>	<b>5,965 = \$21,983</b>

Wharfees (Lbs)

	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>
<b>Conchs</b>	<b>0 = \$ 0</b>	<b>260 = \$ 2</b>	<b>0 = \$ 0</b>
<b>Crabs</b>	<b>193,275 = \$1,944</b>	<b>181,035 = \$2,012</b>	<b>192,780 = \$2,142</b>
<b>Fish</b>	<b>13,664 = \$ 6</b>	<b>62,384 = \$ 34</b>	<b>9,512 = \$ 38</b>
<b>Horse Shoe Crabs</b>	<b>12,240 = \$ 41</b>	<b>10,974 = \$ 27</b>	<b>5,520 = \$ 35</b>
<b>Oysters</b>	<b>0 = \$ 0</b>	<b>0 = \$ 0</b>	<b>0 = \$ 0</b>

Credit Card Fees this month = \$2635.82

Credit Card fees YTD = \$2635.82

Finance Charges YTD = \$586.19

Finance Charges Collected YTD = \$171.70



***Town Harbor  
Town Council Report  
July, 2015***

Waiting List as of 8/1/2015

<u>Length</u>	<u>Annual</u>	<u>Seasonal</u>	<u>Total</u>
20ft	2	4	6
24ft	1	2	3
30ft	6	3	9
36ft	4	1	5
45ft	11	1	12
50ft	0	0	0
60ft	2	0	2
Total	26	11	37

Clubs Reserved for the season = 23

Mayor and Council,

Thank you for 10.5 great years and it has truly been a pleasure being the Harbor Master as the town has grown. I do appreciate the opportunity.

William (Smitty) Dize  
Harbor Master

Cape Charles Memorial Library  
Monthly Report  
July 2015

1. Below is the monthly attendance for **programs** held at the Library in July:

**Children's Programs**

Preschool Story time – 5 (weekly)	28
Toddler Storytime -5 (weekly)	50
Chess Club - 3	20
Imagine/Create -1	16
Crafts- 4	65
Kiptopeke State Park - Skins & Skulls	22
Chris Campbell Music for Kids	43
Hoopoe the Mime	99
Bonnie Mahl-ES Soil & Water Conservation	20
Va. Living Museum-Reptiles of the World	39
Don Fogle –Movement with Meaning	68
Movie Night	53
2 <sup>nd</sup> Stuffed Animal Sleepover at the Library	85

**Adult programs**

Summer Author Series-Lenore Hart & Rip Phillips 42

TOTAL 650

2. This has been an extremely busy summer at the library. Our total attendance count for Wednesday, July 8 was 150 patrons.

3. Our 2<sup>nd</sup> Teddy Bear Sleepover was very successful with 85 participants. After a storytime with juice and cookies the children made a craft to take home and then they left their animals in the Library for a sleepover. All animals were picked up by their owners on the next day.

4. The Friends of the Library and the Library Board held a joint meeting at the Civic Center on July 8 at 5:00.

5. As of today 247 children have signed up to read books in our Summer Reading Program and we have had 31 children to receive a free book for reading 15 books (if younger) or 3 books (if older).

6. Our large screen TV has been installed and we have purchased a DVD player to use with the screen. This will be useful for training as well as future programs.

7. On July 13 at 7:00 the **Friends of the Cape Charles Memorial Library** held another Summer Author Series program at the library featuring special guests Lenore Hart, author of *Water Woman* and Cape Charles' own Rip Phipps, reading from his book of poetry, *Open Border*.

8. Chesapeake Bay communications upgraded the RAM on our computers on July 31.

9. For additional information about library programs and library related information check out our **Facebook** page.



# CAPE CHARLES POLICE DEPARTMENT

## MONTHLY STATISTICS

July 2015

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

- Calls for service in Cape Charles: 65
- Calls for service outside of Cape Charles: 12
- Felony arrests: 1
- Misdemeanor Arrests: 2
- D.U.I. Arrests: 0
- Traffic Summons: 11 (see below)
- Traffic Warnings: 37 (written& verbal):
- Parking tickets: 4
- Building Checks: 22
- Assisted Northampton County Sheriff's Office: 10
- Assisted Virginia State Police: 0
- Assisted Federal Agencies: 1
- Assisted Fire& Rescue: 12
- Foot Patrol Hours: 117.5
- Bay creek patrol hours: 55

The following took place in July:

- The Town of Cape Charles police and fire department was honored for the response at the Cherrystone tornado with Resolution 111.

Traffic summons:

1. Reckless driving 46/25 zone
2. Driving while suspended
3. Expired inspection
4. Speeding 42/25 zone
5. Speeding 44/25 zone
6. Speeding 42/25 zone
7. Speeding 42/25 zone
8. Speeding 40/25 zone
9. Reckless driving 51/25 zone
10. Speeding 42/25 zone
11. Passing on double lines

Arrests:

1. Drinking in public
2. Shoplifting
3. Drinking in public



# Public Utilities

## Monthly Report July 2015



### Production Summary

- Miss Utility Tickets:
- Emergency Call Outs After Hours and Weekends:  
Number of times called out:  
Total Man Hours:
- Fire Calls: Man Hours:
- Sludge: Tons
- \*Water: Total Production : 4,346,450 Gallons  
High: 206,600 gallons on June 14  
Low: 84,000 gallons on June 5

Average	Raw Water	Finished Water
Hardness	262.6	119.4
Iron	8.69	.53
Manganese	2.94	.091

All Data in PPM

- \*Waste Water: Average Flow 131,280 gpd  
Maximum 158,900 gpd on June 1  
Total for Month 3,938,400 Gallons  
Nutrients:  
Phosphorus Average .5 Limit .3 mg/l annual average  
Nitrogen Average 1.4 Limit 4 mg/l annual average  
(\*Numbers are from previous month)

### Personnel

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

### Completed Projects

- According to our DEQ permit writer, we should be receiving the Ground Water Withdrawal Permit very soon.
- Installed water fountains at Beach bathrooms and Library
- Town wide water flush

## Public Utilities

### In Progress

- Working with GHD on preparing for upgrades to the Plum Street and Pine Street Pump Stations.
- Pipe line from Keck Wells. 90% Engineering submitted to VDH.
- Working with VDOT engineers on the new road from 184 to Bayshore Road. According to the engineers on the project, out of 2,000 projects in this district, our project is #2 on the priorities list.

### Upcoming Projects

- Install auto-flush on Creekside Lane. A sample recently taken at Heron Point tested at 68 ppb. In recent years the samples at this time of year have run, 97 ppb 2014; 70 ppb 2013; 102 ppb 2012; and 84 ppb 2011. It appears that the auto flush system installed at the end of Heron Point Drive is having a positive effect on the water in that area.

### Capital Projects

- Water:
  - Engineering for Keck Wells \$60k
    - Under Task Order No.2, 90% drawings and specifications have been completed and presented to the Town for review. Approved by the Town, they have been submitted to the Department of Health, Office of Drinking Water for review.
    - Up to 3 months or so for permitting agency review
    - 1 month to produce 100% documents once permitting comments are received
    - 1 month final review
    - 2 months bid period
    - 5 months construction
  - Preliminary Engineering for the installation of the chlorination equipment. Under Task Order No.4 a PER was prepared and submitted to the VDH-ODW for review. A response is being prepared for comments received from the ODW. We received some helpful comments from the ODW this month. An estimated \$30k will need to be budgeted for next year to install.
- Waste Water
  - Pump Station Improvements
    - GHD has prepared a PER under Task Order No. 5 for improvements to the Pine Street and Plum Street Pump Stations. We had a kick off meeting in January. The intent is to upgrade the controls and equipment at both stations and to increase capacity at the Plum Street Station. We are looking at diverting some, or all, of this flow away from the Mason Avenue Pump Station, directly into the Mason Avenue Force Main.

# **PUBLIC WORKS**

**July 2015**

## **Dump Fees    0**

- Recycled 5 truckloads of bags & leaves
- Recycled 16 truckloads of non-chip able brush

## **Staff Report**

- Pete Leontieff on vacation (Monday, July 20<sup>th</sup> through Monday, July 27<sup>th</sup>)
- Mike Mullner will be leaving us after Labor Day for a new career in Florida. Mike was a great asset and we all wish him well.

## **Completed Projects**

- Monthly meter reads & training of new areas in progress
- Delivered water report door hangers to all Town residents
- 4 New Parking Area signs installed on 4”x 4” posts with solar cap lighting
- 1-outdoor drinking water double fountain installed @ Bay Avenue bathroom area
- Pressure washed all Mason Avenue town-owned garbage cans inside and out
- Vehicle maintenance checked all P.W. fleet and topped off fluids
- Repaired the bench inside of the “O” in LOVE @ beach front
- Installed security concave mirrors @ Library for rear computer area & Municipal building front lobby
- Cleared brush & trees from Water Plant fence area for future power pad
- Gazebo bunting removed for Central Park wedding event
- Installed 60” wall mounted TV on 2<sup>nd</sup> floor of Library
- Helped Coast Guard Station with yard debris
- L.O.F. Performed on 1-PW dump truck, 1-Police Charger along with tire rotate, Zero turn mower, Polaris UTV
- Harbor/Shanty/Railroad/Golf cart path – scraped shell road surfaces (4times each)
- Mowed 10 Town properties 4 times & weed wacked 2 times
- Watered all Town plants 3 times

## **Events**

- July 4<sup>th</sup> Holiday (Friday 7-1)
- Clam Slam (Friday 7-31 thru 8-2)

## **In Progress**

- Manual street gutter clean
- Fig Street Town Sign replacing U.G. electric & new dark sky compliant light fixture
- Tennis court 1 new light fixture modification to install
- Town wide street tree & bush trimming
- Mason Avenue new parking lot fencing to be installed
- Vehicle/equipment maintenance
- Alley maintenance
- Safety & on-the-job training
- John Deere Gator to dealer for fuel injection problems

**Upcoming Projects**

- Alley tree & bush right of way trimming
- Change July - Mason Avenue banners out
- Drinking fountain install @ Library
- Equipment clean, wax or repaint
- Bay Avenue repaint no parking @ all Beach sidewalk stairs (awaiting striping plan for Bay Avenue)
- Repaint no parking curbs (yellow) Town wide & handicapped areas (blue) on Mason Avenue
- Repaint Municipal building 1<sup>st</sup> floor entrance & down stairs offices
- Bay Avenue Gazebo trim repair
- Polaris UTV front axle bearing boot replacement
- Build bike racks for all beach entrances
- Install alley stop signs

**Man Hours per Project/Task**

Vehicle Maint.	Equipment Maint.	Building Maint.	Public Debris Areas	Street Cleaning	Beach Maint.	Public Maint.	Public facilities cleaning	Admin. training	Property maint. & repair	Events	Meter Reads
33	37	60	95	11	23	31	39	44	74	113	12

**Recreation Department**  
**August 2015 Council Report**

1. Attendance for many programs has been slow for the past month. Bingo continues to be the biggest program. Outdoor programming is always a big hit. Staff will be re-evaluating programming before planning Fall programming.
2. The Kiosk panels have been finalized and should be heading to Pannier for printing. We are looking at the Birding Festival for the Ribbon Cutting.
3. Clam Slam was a great success as always. The buoy contest was not as popular this year but a carnival is huge competition and the important thing is that all kids left happy.
4. The Town has been given all the luminaries previously owned by the Northampton County Chamber. They will be used for the Grand Illumination.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Cape Charles Community Trail, Phase 2		<b>AGENDA DATE:</b> August 20, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Status report.		<b>ITEM NUMBER:</b> 7A
	<b>ATTACHMENTS:</b> None.		<b>FOR COUNCIL:</b> Action ( ) Information (X)
	<b>STAFF CONTACT (s):</b> Bob Panek, Asst. Town Manager	<b>REVIEWED BY:</b> Brent Manuel, 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 under the Transportation Alternatives Program, administered by the Virginia Department of Transportation (VDOT), and twenty percent by the Town. To date, we have 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. Council has included the Phase 2 project in the FY 2016 budget.

The low bid for Phase 2 construction was about \$350K more than the engineer’s estimate and there is insufficient grant funding remaining to accommodate the additional cost. Our consulting firm, Land Studio PC, estimates that sufficient cost can be removed by deferring the portion of the trail along Washington Avenue from Peach Street to Fig Street. The deferred eastern segment along Washington Avenue would be included in a future construction phase. VDOT has approved this change and rebidding the project.

**DISCUSSION:**

We have executed a contract change order with Land Studio in the amount of \$162K for restructuring the bid package and construction administration. The new bid package contains several alternates to allow construction of as much of the original scope as is possible within available funding. It has been submitted to VDOT for review and approval. We anticipate the invitation for bids to be advertised in September.

**RECOMMENDATION:**

Provided for information only.

 <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> Harbor Breakwater Project		<b>AGENDA DATE:</b> August 20, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Status report.		<b>ITEM NUMBER:</b> 8A
	<b>ATTACHMENTS:</b> None.		<b>FOR COUNCIL:</b> Action ( ) Information (X)
	<b>STAFF CONTACT (s):</b> Bob Panek, Asst. Town Manager	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

The Harbor Redevelopment Plan includes five offshore breakwaters for protection of the harbor from westerly swells and waves. The first two have been built with a combination of Virginia Port Authority (VPA) grant and Town matching funds (bond proceeds) at a cost of about \$1M. The first two were the minimum required to provide protection for the new floating docks. The docking area is still negatively affected by swells generated by sustained winds, particularly from the southwest during the summer months. The Town Harbor has received some customer complaints. Excessive movement also results in additional repair requirements. Alternate protection measures such as wave attenuators have been considered, but a recent wave study has shown that offshore breakwaters provide the best protection. The third breakwater will be built to the south of the other two to block these swells. It is estimated to cost about \$860K, including construction engineering. Council has included construction of the third breakwater in the FY 2016 budget. This will be funded 75% from previous unexpended VPA grants and 25% from Town bond proceeds.

**DISCUSSION:**

We have executed a contract change order with Langley & McDonald, Inc. for construction engineering and administration in the amount of \$39.5K. The hydrographic survey has been completed and they are updating the plans and specifications based on the new water depths. They are also drafting the bid package. This will include the use of excess concrete shapes being donated by Bayshore Concrete Products from the Skanska facility in Chesapeake. This will generate material cost savings that may contribute to additional protection improvements within the available funding. Bid alternates will be included to add an additional two feet of height to the new and existing breakwaters. We anticipate the invitation for bids to be advertised in September.

**RECOMMENDATION:**

Provided for information only.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** 2016 Virginia Aid to Localities – Fire Program

**AGENDA DATE:**  
August 20, 2015

**SUBJECT/PROPOSAL/REQUEST:** 2016 Fire Programs Fund  
Disbursement

**ITEM NUMBER:**  
8B

**ATTACHMENTS:** None

**FOR COUNCIL:**  
Action (X)  
Information ( )

**STAFF CONTACT (s):**  
Brent Manuel, Town Manager

**REVIEWED BY:**

Brent Manuel, Town Manager

**BACKGROUND:**

Each year, the Virginia Fire Programs Fund provides financial assistance to cities, counties and incorporated towns by offering a variety of grant opportunities. The Virginia Fire Programs Fund is derived from 1% of fire-related insurance coverage. Approximately 75% of the total fund goes directly to cities, counties and incorporated towns as Aid to Localities for training, construction of training centers, firefighting equipment and protective clothing. Allocations are based on population.

**DISCUSSION:**

In previous years, the Town has received \$10,000 as a pass-through to the Cape Charles Volunteer Fire Company (CCVFC) and this amount has regularly been included in the Town's annual budgets. Another \$10,000 has been included in the FY 2015-2016 budget.

The FY 2016 Fire Programs Fund Disbursement Agreement must be signed in order to receive the Aid to Locality funding.

**RECOMMENDATION:**

Staff requests Council approval authorizing the Town Manager to execute the FY 2016 Fire Programs Fund Disbursement Agreement.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> FY2016 Budget Re-Appropriation – Manhole Rehabilitation Project		<b>AGENDA DATE:</b> August 20, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Request to re-appropriate funding for the Sewer System Manhole Rehabilitation Project.		<b>ITEM NUMBER:</b> 8C
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Deborah Pocock, Treasurer	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

The Sewer System Manhole Rehabilitation Project contract of \$41,792 was awarded by Council to Eastern Shore Landscape Management in March 2015. Work did not begin until FY2016.

**DISCUSSION:**

Town Code requires that the funding for a project that overruns its projected fiscal year be re-appropriated in the following fiscal year. It is lawful for Council to re-appropriate or otherwise amend the budget by up to 1% without public notice. The amount requested falls within allowable boundaries.

**RECOMMENDATION:**

Staff recommends that Council vote to re-appropriate \$41,792 for fiscal year 2016 in order to fulfill the contract and complete the manhole system repairs.



TOWN OF  
CAPE CHARLES

**AGENDA TITLE:** Electronic Summons System Ordinance

**AGENDA DATE:**  
August 20, 2015

**SUBJECT/PROPOSAL/REQUEST:** Adopt Ordinance for the assessment of additional fee for the costs of an electronic summons system

**ITEM NUMBER:**  
8D

**ATTACHMENTS:** Ordinance #20150820, Code of Virginia §§ 17.2-275.5 and 17.1-279.1

**FOR COUNCIL:**  
Action (X)  
Information ( )

**STAFF CONTACT (s):**  
Jim Pruitt, Chief of Police

**REVIEWED BY:**  
Brent Manuel, Town Manager

**BACKGROUND:**

Code of Virginia sections 17.1-275.5 and 17.1-279.1 were revised by the General Assembly and approved by Governor McAuliffe effective July 1, 2015 allowing towns the ability to assess an additional sum not to exceed \$5 as part of costs in each criminal or traffic case in the Northampton County district or circuit courts for a violation of any statute or ordinance which arose within the Town for the purpose of funding software, hardware and associated equipment costs for the implementation and maintenance of an electronic summons system. The assessment shall be collected by the Clerk of the Court of Northampton County and remitted to the town treasurer. The funds will be held solely to fund the software, etc. as stated above.

**DISCUSSION:**

Town Council held a work session on August 13<sup>th</sup> to review and discuss this issue. An ordinance needs to be adopted in order to impose the additional assessment.

**RECOMMENDATION:**

Staff requests Council adoption of Ordinance #20150820 by roll call vote to establish the assessment of an additional fee in criminal and traffic cases for the costs associated with an electronic summons system.

**ORDINANCE 20150820**

**TO ESTABLISH THE ASSESSMENT OF ADDITIONAL FEE IN CRIMINAL AND TRAFFIC CASES FOR THE COSTS OF AN ELECTRONIC SUMMONS SYSTEM**

**WHEREAS**, Code of Virginia §§ 17.1-275.5 and 17.1-279.1 were revised by the General Assembly and approved by Governor McAuliffe, effective July 1, 2015, allowing towns the ability to assess an additional sum not to exceed \$5 as part of costs in each criminal or traffic case in the Northampton County district or circuit courts for a violation of any statute or ordinance, which violation in the case arose within the Town for the purpose of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system; and

**WHEREAS**, the assessment shall be collected by the Clerk of the Court of Northampton County and remitted to the town treasurer who shall hold such disbursements solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system; and

**WHEREAS**, the imposition of such assessment shall be by ordinance of the governing body; now

**THEREFORE, BE IT ORDAINED**, by the Town Council of Cape Charles, this 20<sup>th</sup> day of August 2015, that in order to have sufficient funds available when the Commonwealth of Virginia mandates use of an electronic summons system, an additional fee of \$5 shall be assessed as part of the costs in each criminal and traffic case within the Town of Cape Charles.

**BE IT FURTHER ORDAINED** that the Cape Charles Town Code be revised as follows and shall take effect immediately upon its adoption or passage:

Section 42.2.1 Additional assessment for electronic summons

For each criminal or traffic violation within the Town, an additional fee of \$5 shall be assessed as part of the costs and collected by the Clerk of the Court of Northampton County and remitted to the town treasurer who shall hold such disbursements solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

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Adopted by the Town Council of Cape Charles on August 20, 2015

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

**§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.**

A. The clerk shall assess, in addition to the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, the following costs:

1. Any amount paid by the Commonwealth for legal representation of the defendant;
2. Any amount paid for trial transcripts;
3. Extradition costs;
4. Costs of psychiatric evaluation;
5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme Court;
6. Any fee for a returned check or disallowed credit card charge assessed pursuant to subdivision A 28 of § 17.1-275;
7. Any jury costs;
8. Any assessment made pursuant to subdivision A 10 of § 17.1-275;
9. Any fees prescribed in §§ 18.2-268.8 and 46.2-341.26:8;
10. Any court costs related to an ignition interlock device;
11. Any fee for testing for HIV;
12. Any fee for processing an individual admitted to jail as prescribed in § 15.2-1613.1;
13. Any fee for courthouse security personnel as prescribed in § 53.1-120;
14. Any fee for a DNA sample as prescribed in § 19.2-310.2;
15. Reimbursement to the Commonwealth of medical fees as prescribed in § 19.2-165.1;
16. Any fee for a local criminal justice training academy as prescribed in § 9.1-106;
17. Any fee prescribed by §§ 16.1-69.48:1.01 and 17.1-275.11;
18. Any expenses charged pursuant to subsection B or F of § 19.2-187.1; and
19. Any fee for an electronic summons system as prescribed in § 17.1-279.1.

B. The total amount of assessments described in subsection A, including (i) the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12 and (ii) all other fines and costs, shall be docketed by the clerk as a judgment against the defendant in favor of the Commonwealth in accordance with § 8.01-446.

1999, c. 9; 2002, c. 831; 2003, cc. 1001, 1022, 1039; 2010, c. 555; 2012, c. 714; 2013, c. 263; 2014, c. 325; 2015, c. 641.

**§ 17.1-279.1. Additional assessment for electronic summons system.**

Any county, city, or town, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county, city, or town, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The imposition of a town assessment shall replace any county fee that would otherwise apply.

2014, c. 325; 2015, cc. 546, 643.