



# TOWN COUNCIL

## Regular Meeting

December 17, 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. Presentation of Certificates of Appreciation
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. None
8. New Business
  - \*A. Playground Equipment Contract Award
  - \*B. Town Code Modification to Article X-Offenses Regarding Animals
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
  - December 18, 2015 – Town Offices Closed from Noon – 2:00 PM for Employee Christmas Luncheon
  - December 24 – 25, 2015 – Town Offices Closed for Christmas Holiday
  - December 31, 2015 – 2<sup>nd</sup> Annual Dropping of the Crab Pot, 10:00 PM
  - January 1, 2016 – Town Offices Closed for New Year's Day
  - January 7, 2016 – Town Council Work Session, 6:00 PM
  - January 12, 2016 – Mayor's Office Hours, 2:00 PM – 3:00 PM
  - January 15, 2016 – Town Offices Closed for Lee-Jackson Day
  - January 18, 2016 – Town Offices Closed for Martin Luther King Jr.'s Birthday
  - January 21, 2016 – Town Council Regular Meeting, 6:00 PM
  - January 26, 2016 – Mayor's Office Hours, 6:00 PM – 7:00 PM
11. Adjournment



**DRAFT**  
**TOWN COUNCIL**  
**Regular Meeting**  
**Civic Center**  
**October 15, 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 Bennett, Brown, Godwin, and Wendell. Councilwoman Natali was not in attendance. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Treasurer Deborah Pocock, Planner Larry DiRe and Town Clerk Libby Hume. The Department Heads were in attendance as well as approximately 25 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**

**A. Cape Charles Business Association Presentation – Lessons of the 2015 Tourist Season**

Mr. Andrew Follmer addressed the Council summarizing the 2015 season adding that he heard that the lodging and meals tax revenues increased and that he had almost doubled his sales this year. A clear indicator regarding business in town was the demand for storefronts. There were currently no vacant usable space on Mason Avenue. He encouraged the owners of the unusable storefronts to get them renovated and ready to be rented. (Please see attached.)

**B. National Friends of Libraries Week Proclamation**

Mayor Proto read Proclamation 20151015 Recognizing the Friends of the Cape Charles Memorial Library during National Friends of Libraries Week, October 18-25, 2015.

**Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to adopt Proclamation 20151015. The motion was approved by unanimous vote.**

**PUBLIC COMMENTS:**

*Nioaka Marshall, 224 Monroe Avenue*

Ms. Marshall addressed the Council expressing her concerns regarding the following: i) The recent Cape Charles Mirror article regarding the assistant town manager and the necessity of the citizens' trust in the town's leaders; ii) The handicap ramps at the street corners and the issue of some not being connected to sidewalks; and iii) She thanked the Cape Charles Police Department for their hard work to protect the citizens of the town.

*Smitty Dize, 118 Peach Street*

Mr. Dize addressed the Council in response to allegations that he heard regarding his tenure as the harbor master. In conclusion, he stated that he had worked hard for the town and did not like hearing the negativity and added that the town had good staff in most areas.

*Emily Cullen, 129 Churchill Downs, President of the Friends of the Cape Charles Memorial Library*

Ms. Cullen began by thanking the Council for the National Friends of Libraries Week Proclamation and continued by informing the attendees of upcoming Friends' programs as part of the Friends of Libraries Week as follows: i) The final Author Series was scheduled for next Monday, October 19<sup>th</sup> at 7:00 p.m. at the Civic Center; ii) A smartphone help session was scheduled for Tuesday, October 20<sup>th</sup>, from 2:00 p.m. – 4:00 p.m. at the Library; iii) A Medicare specialist was scheduled for Wednesday, from 2:00 p.m. – 4:00 p.m. at the Civic Center; and iv) An Introduction to Windows computer class on Thursday, October 22<sup>nd</sup>, from 4:00 p.m. – 6:00 p.m. at the Civic Center. All the programs are free and open to the public. The Friends would be offering Afternoon Teas at 3:00

p.m. at the Civic Center on November 9<sup>th</sup>, December 14<sup>th</sup>, and January 11<sup>th</sup>. Tickets were \$15 per person. Ms. Cullen distributed cards to the Council detailing the Afternoon Tea schedule and topics.

*Tammy Holloway, 403 Tazewell Avenue*

Ms. Holloway addressed the Council expressing her concern regarding the alleged assault and some issues with communication. (Please see attached.)

*Roberta Kellam, 7514 Wellington Neck Road*

Ms. Kellam spoke regarding the 23<sup>rd</sup> Annual Birding and Wildlife Festival which was held in Cape Charles last weekend. This was her first year running the festival and she thanked Council for the financial and infrastructure support from the town. There were 310 paid registrations – 43% from out-of-state. About 65 people came from across the bay and most of the attendees were overnight visitors.

*Bill Prickett, 210 Tazewell Avenue*

Mr. Prickett stated that he had an electrical problem on a Saturday night several weeks ago. He called 911 and was still on the phone with the dispatcher when the Cape Charles Volunteer Fire Company showed up at his house. They checked everything out and assured him that there was no fire present. He wanted to take this opportunity to publicly thank the Cape Charles Volunteer Fire Company and encouraged the town to continue its support to the company.

*Suzanne Golibart, Owner of Periwinkles, 12 Strawberry Street*

Ms. Golibart stated that she wanted to reiterate some of Andrew Follmer's points and continued as follows: i) Please consider having a dedicated, experienced staff person to handle marketing; ii) Please encourage incentives for owners of buildings on Mason Avenue to renovate their unusable space to make it usable; and iii) Visitors to the town had expressed their frustration regarding hours that businesses were open. Some businesses did not abide by their own posted hours. The Cape Charles Business Association had developed suggested hours for businesses in town. Ms. Golibart requested the Council to consider some type of incentive to businesses that abided by the hours suggested by the Cape Charles Business Association.

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

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

Mayor Proto stated that an item was being added as New Business Item 8G – Law Enforcement Mutual Aid Agreement.

Councilman Bennett asked whether the Department Reports could be dispensed with due to the number of public comments received. Councilman Wendell stated that he wanted to hear the reports. After some discussion regarding the issue, it was agreed that the Department Reports would be heard.

**Motion made by Vice Mayor Bannon, seconded by Councilman Brown, to approve the agenda format as amended with the addition of New Business Item 8G – Law Enforcement Mutual Aid Agreement. The motion was approved by unanimous vote.**

**CONSENT AGENDA – APPROVAL OF MINUTES:**

The Town Council reviewed the minutes of the September 17, 2015 Regular Meeting, the October 1, 2015 Executive Session, and the October 1, 2015 Work Session.

**Motion made by Councilman Brown, seconded by Councilman Wendell, to approve the minutes from the September 17, 2015 Regular Meeting, the October 1, 2015 Executive Session, and the October 1, 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 September 30, 2015 which showed the Total Cash on Hand of \$1,159,108, the Total Cash Held in Reserve was \$1,464,977 and the Total Cash - All Accounts was \$2,624,085. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the FY 2016 Capital Improvement Project Tracking Report and the Three Year Revenue Comparison.

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

B. *Planning Commission and Boards:*

Town Planner Larry DiRe stated that he did not have anything to add to his written report.

Councilman Wendell asked about the new parking at the beach and what it entailed. Larry DiRe responded that currently there were no lines for parking spaces at the beach front which caused an inefficient use of space. A 1999 survey report showed that the west side of Bay Avenue should have 66 parallel spaces. He used the study number of 66 vehicles when doing the parking count over the summer and the number exceeded 66 about 25% of the time. During those times, vehicles were parking on the east side of Bay Avenue and along the side streets in the residential neighborhood. Reverse-angle parking would provide 120+ spaces.

There was much discussion regarding reverse-angle parking on Mason Avenue, the possibility of VDOT approving pull-in angled parking on Bay Avenue, the expectation for people not to park on the east side of Bay Avenue in front of the houses, the consistent annual increase in the number of tourists and beachgoers and the impact of parking in the neighborhoods, etc.

Mayor Proto stated that a work session was needed and asked Larry DiRe to work up several proposals for further review.

Larry DiRe stated that the Planning Commission would be reviewing the results of the parking study and would make a recommendation to the Council.

C. *Other Departments:*

*Code Enforcement:*

Code Official Jeb Brady stated that he did not have anything to add to his written report. There were no questions from Council.

*Town Harbor:*

Acting Harbor Master Barbara Michaux stated that she did not have anything to add to her written report.

Councilman Wendell commented as follows: i) He asked about the changes or initiatives that could be initiated by the Council to reduce the deficit and how revenues could be increased and expenses limited. He noted that a lot of additional personnel were hired. If the harbor were leased to a third party management firm, they would look at the absolute minimum amount of labor and asked the town manager for a recommendation for a common sense proposal regarding this issue; ii) He questioned the policy of discounts for town residents for items; and iii) He wanted a resolution to lessen the burden to the taxpayers regarding having to pay the overages from the General Fund. He asked what steps would be taken to bring the harbor back to a profitable position.

Mayor Proto asked the treasurer and harbor staff to review the numbers and analyze the finances for the harbor. He asked about the projected timeframe for the harbor analysis results. He asked Brent Manuel to think about the issue and send an email to the Council next Monday.

Councilman Bennett suggested that, as part of the study, consideration needed to be made regarding looking at management companies to see what they could offer.

There was much discussion regarding the debt service for the breakwaters which was currently included in the Harbor Fund budget.

*Cape Charles Memorial Library:*

Librarian Ann Rutledge thanked the Friends of the Cape Charles Memorial Library for all that they had done for the library. Without their support, the town would not have the wonderful library and all the great programs offered there.

*Police Department:*

Police Chief Jim Pruitt stated that he wanted to personally thank Sergeant Chelsea Pfeiffer and Officer Tom Potts for all their work and sacrifice of their time at home to catch the predator. He added that he was agreeable to alerting the citizens of the town but we had a small police department and their priority was to catch the individual and he did not have the personnel to go door to door to notify all residents. A notice was placed on Facebook because they didn't have the manpower to do anything else.

Mayor Proto thanked Chief Pruitt and the officers for all their hard work.

There was much discussion regarding the policing of Central Park. Councilman Wendell stated that it was a dangerous area by the public restrooms and suggested installation of a security camera with a view covering the front of the restroom facility. It was also noted that the restrooms locked from the inside which was a safety issue.

Mayor Proto asked about the hit and run incident reported on the monthly report. Chief Pruitt stated that the incident involved someone hitting a parked boat and trailer at the harbor.

*Public Utilities/Public Works Departments:*

Public Utilities/Public Works Director Dave Fauber stated that he did not have anything to add to his written report. There were no questions from Council.

*Recreation Department:*

Recreation/Community Events Coordinator Jen Lewis was not in attendance.

**OLD BUSINESS**

A. *Acquisition of Mason Avenue Property:*

Assistant Town Manager Bob Panek stated that this item was on the agenda as a confirmation of the decision made by Council in February. Due to the delay in approval of development and the recent subdivision of the property, legal counsel recommended adoption of a resolution. Funding was included in the FY 2016 budget.

**Motion made by Councilman Brown, seconded by Councilman Wendell, to adopt Resolution 20151015 Acquisition of Mason Avenue Property. The motion was approved by majority vote with Councilmen Bennett and Godwin opposed. Roll call vote: Bannon, yes; Bennett, no; Brown, yes; Godwin, no; Wendell, yes.**

**NEW BUSINESS:**

A. *USDA RD Loan Resolution:*

Deborah Pocock stated that the town applied for a 35% grant/65% loan through the USDA Rural Development for four capital projects for FY 2016. Unfortunately, the grant funding for our region was denied, but the town was offered 100% financing. Three of the projects – Public Works tractor, Financial Management Software and the Police Department vehicle would be discussed separately. Staff requested approval of a loan resolution for the Code Enforcement vehicle which was purchased in August after approval by the town's USDA RD administrator.

The FY 2016 budget included a loan for \$16,445. The increased amount to cover the loss of the grant funding was \$8,855. The loan was a five-year loan at 3.25% interest with annual payments beginning with FY 2017. The previous Code Enforcement truck was transferred to the harbor to enable staff to pick up supplies and make daily bank deposits without having to use their personal vehicles.

**Motion made by Councilman Bennett, seconded by Councilman Godwin, to adopt Resolution 20151015A of Governing Body of Cape Charles for USDA Rural Development Loan. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Wendell, yes.**

B. *Davis Disposal Contract Extension:*

Dave Fauber stated that on October 31, 2013, the town awarded a contract effective November 1, 2013 to Davis Disposal for all waste collection and disposal services. The contract was for one year with the option to renew for three additional years. This was the second of three extensions covering the timeframe from November 1, 2015 through October 31, 2016. As stated in the original contract, the cost for residential service would be \$13.50 for year three.

**Motion made by Councilman Godwin, seconded by Vice Mayor Bannon, to approve the second extension of the Waste Collection and Disposal Services contract with Davis Disposal from November 1, 2015 through October 31, 2016. The motion was approved by unanimous vote.**

C. *Appointment to Library Board:*

Brent Manuel stated that the Library Board met monthly and consisted of seven members each serving four-year terms. There were currently two vacancies on the board with the resignations of Mss. Linda Schulz and Valerie Travis at the end of their terms which expired August 8, 2015. On October 1, 2015, the Council interviewed Ms. Debra Crockett to fill one of the vacant positions.

**Motion made by Councilman Brown, seconded by Councilman Bennett, to appoint Ms. Debra Crockett to the Library Board for a four-year term expiring on August 8, 2019. The motion was approved by unanimous vote.**

D. *Harbor Breakwater Contract Award:*

Bob Panek stated that \$860K was included in the FY 2016 budget, \$215K would be covered by Town bond proceeds with the balance coming from the Virginia Port Authority Aid to Localities grant. The town was also offered \$80K from the Boating Infrastructure Grant and were 99% certain to receive this additional funding. Three bids were received. The bids were low enough that the town would be able to award the third breakwater construction to a height of 7' and to add 2' to the two existing sections. By adding the 2' additional in height, it would also add mass which would reduce the swells. The low bidder was Coastal Design & Construction, Inc. for a total of \$819,769 which was within the amount budgeted.

There was much discussion regarding the debt service, remaining grant funding, the possibility of using the proceeds from the sale of the leased property to South Port Investors to construct the remaining two sections while the contractor was in the area, and possible consideration to expand the jetty to help with beach erosion. Councilman Bennett encouraged staff to continue to apply for grant funding from the Virginia Port Authority to continue the improvements at the harbor.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to award the contract to Coastal Design & Construction, Inc. in the amount of \$819,769. The motion was approved by majority vote with Councilman Wendell opposed.**

E. *Resolution of Appreciation to Law Enforcement Officers:*

Brent Manuel stated that law enforcement officers were a vital part of a community and provided numerous services to its citizens. Not only were law enforcement officers public servants who protected the citizens on a daily basis, they were also our friends, neighbors and family members and it was important to support law enforcement officers who serve the Town of Cape Charles, Northampton County and the Commonwealth of Virginia.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to adopt Resolution 20151015B of Appreciation to Law Enforcement Officers. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Wendell, yes.**

F. *Property Addition to Enterprise Zone:*

Larry DiRe stated that the town received an Enterprise Zone amendment letter and map from Northampton County which were presented to the Planning Commission for review at their October 6<sup>th</sup> meeting. The Commissioners recommended the addition of the property located at 1 Mason Avenue (tax parcels 83A-2-2-84, 83A-2-2-87, and 83A-2-2-88) to the Enterprise Zone since it was a Harbor District zoned parcel. The current Enterprise Zone included properties zoned Commercial, Industrial and Harbor with the exception of this property.

**Motion made by Councilman Wendell, seconded by Councilman Bennett, to approve the inclusion of 1 Mason Avenue in the Enterprise Zone as recommended by the Planning Commission. The motion was approved by unanimous vote.**

G. *Law Enforcement Mutual Aid Agreement:*

Brent Manuel stated that, on occasion, the Town of Cape Charles Police Department and the Northampton County Sheriff's Department assisted each other on various calls for service. In 2012, the Northampton County Sheriff requested all the incorporated towns with police departments to execute mutual aid agreements. On April 24, 2012, a Law Enforcement Mutual Aid Agreement was signed by Town Manager Heather Arcos under Police Chief Charles Brown. A subsequent agreement was required in 2014 with Chief Brown's retirement and the appointment of Chief Jim Pruitt. With the appointment of Town Manager Brent Manuel, Sheriff David Doughty requested a new agreement be signed and notarized. Commonwealth Attorney Bruce Jones advised that a resolution be adopted as well.

**Motion made by Councilman Brown, seconded by Councilman Wendell, to adopt Resolution 20151015C Law Enforcement Mutual Aid Agreement. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Wendell, yes.**

**MAYOR AND COUNCIL COMMENTS**

Councilman Godwin commented as follows: i) He applauded Councilman Wendell in his diligence and his concern for the finances of the town. He also applauded the police department for their hard work and stated that there was no need for them to take the time to explain what they were doing in regards to an ongoing investigation. They did the right thing by doing their duty and finding the suspect. This was an isolated incident. Cape Charles was a great place to be. Residents walk the streets at night and felt comfortable; and ii) In regards to the Cape Charles Business Association's suggested hours of operation for local businesses, he felt it was something that could be addressed. Several years ago, he took a tour of another locality where the merchants worked together and complimented each other. They helped cover for each other when one business owner was out.

Mayor Proto stated that Andrew Follmer had asked him to express the thanks from the Cape Charles Business Association to the town for helping to repair the LOVE sign. They were very appreciative of the work.

Councilman Bennett commented as follows: i) He stated that he was encouraged by Andrew Follmer's report and asked for a copy of the report and that the issue be placed on the next work session agenda to review the suggestions; ii) He encouraged the town manager to continue to look at opportunities for outside businesses to make presentations to the Council regarding harbor management and what they could offer the town; and iii) He also encouraged the town manager to rejoin the Chamber of Commerce.

Councilman Brown did not have any additional comments.

Councilman Wendell commented as follows: i) He expressed his agreement with Councilman Bennett in that the town needed to rejoin the Chamber of Commerce; ii) He stated that he made a few notes during Andrew Follmer's presentation and added that it was the town manager or mayor's responsibility to make themselves available to the press; iii) It was great that the town had a busy summer and he hoped it would continue; iv) When the third phase of the Cape Charles Community Trail reached Randolph and Mason Avenues, approximately 25 parking spaces on Peach Street would be lost. The town acquired a lot behind the Library two blocks west and it was estimated that it would take about \$120K to create the same number of spaces that were being lost on Peach Street. He suggested that the Trail design be modified to keep the 25 parking spots on Peach Street; and v) The town needed a welcome package and magnets with contact information. It was a problem and a lot of education needed to be done in that area.

Vice Mayor Bannon stated that he felt that the boulevard needed to be installed on Peach Street across from the gym and asked how many spaces were in the new lot along Mason Avenue. Larry DiRe responded that there were about 60 spaces in the lot.

#### **ANNOUNCEMENTS**

- October 27, 2015 – Mayor's Office Hours, 6:00 PM – 7:00 PM.
- November 5, 2015 – Town Council Work Session, 6:00 PM.
- November 10, 2015 – Mayor's Office Hours, 2:00 PM – 3:00 PM.
- November 11, 2015 – Town Offices closed for Veterans' Day.
- November 12, 2015 – Town Council Work Session, 6:00 PM.
- November 19, 2015 – Town Council Regular Meeting, 6:00 PM.

**Motion made by Councilman Brown, seconded by Vice Mayor Bannon, 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

# Lessons of the 2015 Tourist Season

Perspectives from Cape Charles Business Association

## Indicators of a Successful Season

- Most Businesses Sales Up Sharply
- Shoulder Season – incredible growth
- Lodging & Meals Tax
- Demand for Storefronts

## Elements of Success

- “New” Beach
- Good Travel Press (ad hoc)
- Visitors’ Center: Great Bang for the Buck!
- Additional Parking – despite challenges, huge benefit to have so many additional space with more on the way at beach.
- Marketing by Individual Businesses

## Tourist Feedback on Business Community & What We’re Doing About It

- Complaints About Store Hours
  - CCBA Retail Alliance
- Plea for More Restaurant Choices
  - Tourism Zone &...?
- Inadequate Information Resources: Social Media and Websites
  - Tourism Summit Follow Up
  - Virginia Main Street

Lessons & Challenges

Opportunities!

## In a Nutshell...

- Low Hanging Fruit
- Communication! Communication!  
Communication!
- Culture of Accountability

## Tourism & Communications. #1 Issue

- Tourism is #1 but no town staff dedicated to Tourism/Marketing
- Not just a business issue! It's the engine for our town.
- Lack of Distinguishable Brand/Message
- Nothing to counter/refute rumors
- Losing out on "Wins"

## Adrift with the Press and Media

- No staff with skills and qualifications to handle the press, shows in lack of planning or preparedness
- Travel press:
  - Ad hoc = we don't control message or targeting.
  - No Brand = Less Effective!
- Many missed opportunities.
  - Town out of loop on Eastern Shore Week on Hampton Roads show
  - No staff as a resource for the press

## Town has Critical and Unique Role in Tourism Marketing

- Cross Marketing with Bay Creek: Banner year for Bay Creek, 2016 will be bigger
  - 160 Discovery Tours this year: 2 Nights min.
  - How is town marketing to these people?
  - Those with Good experience tell others

## Town has Critical and Unique Role in Tourism Marketing

### Northampton County Chamber of Commerce

- Town did not renew membership = Bad Business
- Lost Weekly Marketing Opportunities

## Change Management

- Case Study: Reverse Angle Parking
  - Much anger and friction
  - No Accountability: Fingerprinting and Defensiveness instead of Solutions
  - Bad idea vs. Badly implemented idea
- Next Up?
  - Beach parking?
  - Tourism Zone?

## Boring Backline Functions: Need for Increased Accountability

- Financial Management
- Procurement

## Cape Charles by the Bay

- Fingerpointing instead of solutions
- No accountability = zero progress toward solution
- Fact: seriously flawed process
  - No authority to undertake bid
  - Lack of necessary technical expertise
- Result: Undermined confidence in Town by Key Stakeholders

## Tourism Map

- Long awaited, welcomed resource
- Questions about awarding of ads = no reprinting
- Preferential Treatment of hand-picked advertisers = misuse of public funds
- Result: No maps

## Jewel in our Tourism Crown: Town Harbor

- Minimal Marketing because belongs to Town (which doesn't do tourism marketing)
- Great Progress over Past 10 years
- Time to take it up a notch?
- We deserve a well-informed decision

## Recommendations

- Prioritize Tourism/Marketing/Media Function:
  - Professional, qualified capacity – not an “add on”
  - Town Facebook Page = great start, immediate impact
  - Bay Creek: Presentation next month
  - Join the Chamber
- Change management: involve all key stakeholders upstream and have implementation plan
- Procurement & Financial Management: Accountability & Oversight
- Harbor: Make an Educated Decision!

## Conclusion

- 2015 Season a definite success
- Learning moments are opportunities!
- Much Low-hanging (and high impact) fruit
- On track for much greater success in 2016

**October 15, 2015 Town Council Regular Meeting**  
**Public Comments Provided in Writing**

*Tammy Holloway, 403 Tazewell Avenue*

Tonight I wanted to address the mayor and council regarding a few items.

I want to express my concerns in regard to the alleged assault that took place in Central Park on October 1<sup>st</sup>. I commend the swift work of our Cape Charles police staff in apprehending the suspect. However, I am deeply concerned that residents of the town or at least the surrounding area were not notified that the incident occurred and that an arrest had not been made for 48 hours. Our home backs up to the park and it was very alarming when I learned of these events 72 hours after they happened via a Google Alert. I take responsibility for staying informed of town events and happenings, yet I never knew there was a Cape Charles Police Facebook page where this news was indeed posted after the event. I think it is wonderful we have the FB page, however I am concerned that is not the ONLY way in which we need to communicate such events to our residents, especially in situations where our safety is concerned. Many residents are not using technology or even on FB pages and if they do, are they even aware there is such a page?

We live in a safe and quiet town, yet sometimes bad things will happen. This is out of our control. However, what IS in our control is how we respond to such events. We have a responsive police force which is most important. We desperately lack a means of communicating to our residents. As a person who is not one to complain unless I can offer ways to resolve, I would like to ask the mayor, council and town staff to look into a few potential solutions:

- Adding a reverse 911 or emergency text notification system. This could be used in the recent events, during severe weather threats, etc. There are many such systems in place for municipalities like Cape Charles or might we partner with Northampton County on this?
- Look into getting some sort of item that would have emergency numbers and information. Many new residents are not aware who to call during a non-emergency event. For the first two years we lived here, we called the Cape Charles police number and wondered why we didn't get an answer! (I recently saw a magnet that had such information on it.) Which leads to the final request...
- As a town, we need to develop a welcome packet for residents and rental homes. To include such items like the "who to contact in an emergency," policies like golf carts, pets, beach use, etc.

As always, we appreciate the hard work of the town staff and the dedication and gift of time the Town Council provides.



**DRAFT**  
**PLANNING COMMISSION/TOWN COUNCIL**

**Joint Work Session**  
Cape Charles Civic Center  
November 5, 2015  
6:30 p.m.

At 6:30 p.m., Mayor George Proto, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown, Godwin and Wendell and Councilwoman Natali. Also in attendance were Town Manager Brent Manuel, Treasurer Deborah Pocock, Planner Larry DiRe and Town Clerk Libby Hume. There were two members of the public in attendance.

Chairman Dennis McCoy, having established a quorum, called to order the Planning Commission Work Session. In addition to Chairman McCoy, present were Commissioners Dan Burke, Joan Natali, Sandra Salopek and Bill Stramm. Commissioners Andy Buchholz and Michael Strub were not in attendance.

Mayor Proto stated that the order of business for the evening would be to review: A) Accessory Dwelling Units; B) Tourism Zone; and C) Zoning Text and Map Amendments.

*A. Accessory Dwelling Units*

Planner Larry DiRe stated that there was a conflict between the Zoning Ordinance and Comprehensive Plan over the status of accessory dwelling units. The Planning Commission had discussed the issue and was recommending text amendments as follows: i) Accessory dwelling units, as part of an accessory building, would be permitted as a conditional use; ii) The units must have a separate water and sewer connection from the main building; iii) The units must have a separate entrance from the accessory building's entrance; iv) They must have a minimum square footage based on the number of occupants; and v) They must meet all building, fire and residential code requirements. On the Eastern Shore, accessory dwelling units were permitted in the Town of Cheriton and Northampton County. The towns of Exmore, Wachapreague, Parksley and Onancock did not allow accessory dwelling units. The town of Onley had definitions of both "Accessory Living Unit" and "Dwelling Unit" but did not clearly state whether they were permitted or prohibited in the residential district.

There was much discussion regarding this issue and the need for affordable housing in the town. A number of examples of properties with unauthorized accessory dwelling units were discussed as well as one property which went through the proper channels to build a mother-in-law suite which did not currently have a kitchen or separate water and sewer connections. Issues of enforcement, the need for regular inspections, parking and the prohibition of use for vacation rentals were also discussed. Larry DiRe explained that accessory dwelling units, if permitted by Council, would be approved by conditional use. The applications would be reviewed on a case by case basis and a public hearing would be held to allow the neighbors to voice their concerns to the Planning Commission and Town Council prior to a decision being made.

Mayor Proto asked Council for their thoughts which were mixed. Vice Mayor Bannon and Councilman Godwin were opposed; Councilman Brown and Councilwoman Natali were in favor. Councilman Wendell stated that he needed more information. Councilman Bennett stated that he was generally in favor but more work needed to be done. Mayor Proto agreed that accessory dwelling units were generally a good idea, but more work was needed on the language and asked Council to send any further comments to Larry DiRe to provide to the Planning Commission. The topic would be revisited in a couple of months. Councilman Brown suggested that language be added regarding the grandfathering of current living units which were built according to the town's current regulations.

B. *Tourism Zone*

Larry DiRe began by reviewing Code of Virginia § 58.1-3851 regarding the creation of tourism zones. The Planning Commission had spent a number of months reviewing the tourism zone, possible incentives, etc. and the draft Tourism Zone Ordinance addressed the following: i) Creation of a Tourism Zone footprint to include the entire town; ii) Creation of an administrative process to implement the ordinance; iii) Definition of qualified businesses and establishment of eligibility criteria for participation; iv) There was no distinction between seasonal or year-round businesses; and v) The economic stimulus credits available to qualified businesses. Participation in the program would be voluntary.

Council reviewed the proposed draft ordinance and there was much discussion regarding § XX-6 – Economic stimulus credits and enforcement and who would decide the percentage of the credit. Several of the Council members expressed their opposition to providing a 100% credit. There was also some discussion about a possible effective date and Council was in agreement that ideally, the ordinance would be effective by January 2016. If the ordinance could not be approved by January, the effective date could be retroactive to January 1, 2016.

Mayor Proto asked about § XX-6(e)(2) regarding the credits being subject to the appropriation requirements of the Commonwealth of Virginia and the town. Larry DiRe explained that if the town experienced an economic downturn and was not raising enough in taxes, the program could be suspended.

Council was in agreement that it would be a good program, but that there were still some issues in the details especially regarding the definition of the incentives and asked the Planning Commission to revisit the language in § XX-6 (a) and (b) making it a priority in order to have the ordinance in place before the start of the 2016 tourism season. Mayor Proto also asked Larry DiRe to provide them with the list of localities whose tourism zone ordinances were reviewed. Once the Commissioners had finalized the language, the document would be forwarded for legal review prior to presentation to the Council for a public hearing and vote.

C. *Zoning Text and Map Amendments*

Larry DiRe stated that the Planning Commission had been reviewing proposed zoning ordinance text and map amendments which required factual, consistency or typographical corrections. Larry DiRe reviewed the following sections: In Article II, sections 2.3.7, 2.5.1.A.6, and 2.9; in Article III, sections 3.2.C.6.c, 3.2.1, 3.5.B.21, 3.6.B.36, 3.7.B.3, and 3.8.B.2; and Article IV Section 4.5.B. The zoning map amendment included four Peach Street parcels 83A3-1-599c, 83A3-1-600c, 83A3-1-601b, and 83A3-1-601c, more commonly known as 8, 10 and 12 Peach Street, were depicted on the February 2014 zoning map as Residential-1. This was deemed to be a typographical error since previous maps showed the parcels as Commercial-1 and the historical use of the parcels were commercial.

Council was in agreement with the proposed corrections as discussed.

All were in agreement that it was a very productive meeting.

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

**Motion made by Joan Natali, seconded by Dan Burke, to adjourn the Planning Commission Work Session. The motion was approved by unanimous vote.**

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Mayor Proto

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Town Clerk



**DRAFT**  
**TOWN COUNCIL**  
**Work Session**  
Cape Charles Civic Center  
November 5, 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, Godwin and Wendell and Councilwoman Natali. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Town Treasurer Deborah Pocock and Town Clerk Libby Hume. There were two members of the public in attendance.

Mayor Proto stated that the order of business for the evening would be to review the Cape Charles Multi-Use Trail contract award options.

A. *Cape Charles Multi-Use Trail, Phase 2 Contract Award Options*

Assistant Town Manager Bob Panek gave an overview of the trail plan to date as well as the proposed Phases 2 and 3. Phase 2 consisted of North Peach Street, west on Washington Avenue to Bay Avenue, and east on Washington Avenue to Fig Street. It would connect the trail from Central Park to the boardwalk and to the sidewalk constructed by Bay Creek to the Marina Villages and Kings Creek. Also part of this phase, was the revetment for the north end of the beach which sustained significant sand erosion from Hurricane Sandy. If this issue was not addressed, the boardwalk would be undermined. Storm drains would be installed along North Peach Street to help with the issue of standing stormwater. The town applied for another grant for Phase 3 and indicated that any portion(s) of Phase 2 that might have to be deferred would be included in Phase 3 for completion. Last year, Phase 2 was put out for bids but all bids came in very high. The project was reworked and was re-bid with very favorable bids.

Bob Panek walked Council through the presentation which detailed the available funding, low bid and bid alternates and summary of other costs. VDOT notified the town that additional funding had become available which, if accepted, would cover the costs of the entire Phase 2 project including alternates 1, 2 and 3. The additional town match required for this increased amount was approximately \$80K which was within the amount currently available from bond proceeds. Bob Panek also noted that about \$80K was soon to be awarded to the town under the Boating Infrastructure Grant for the breakwater project. \$80K of the bond proceeds budgeted for the breakwater project could be re-allocated for the trail project. (Please see attached.)

Mayor Proto asked Council for their thoughts regarding inclusion of the bid alternates as discussed. Council was in agreement that since additional funding had become available and bond proceeds were available to cover the town match, Phase 2 should include the three bid alternates.

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

\_\_\_\_\_  
Mayor Proto

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

## Council Work Session November 5, 2015

### Cape Charles Community Trail, Phase 2 Contract Award Options

### Funding Available

- TAP grant - \$1,362.4K
  - Covers 80%
  - Therefore maximum project value of \$1,703K.
- FY 2016 Budget - \$1,570K
  - Grant - \$1,256K
  - Town match - \$314K
- Town match derived from bond proceeds.

## Low Bid

Base Bid	\$1,256.9
North Peach, Washington to Bay, w/conduit.	
Alt. 1	118.8
Lighting for base bid.	
Alt. 2	191.3
Washington to Fig, w/conduit.	
Alt. 3	59.8
Lighting for Alt. 2.	
Total	\$1,626.8

## Other Costs

• Utility relocation by ANEC	\$35K
• Construction engineering & inspection	12%
• VDOT oversight	1.15%
• Contingency	5%

## Maximizing Use of Available Grant

• Project Estimate		
Construction – <b>Base Bid + Alt. 1</b>		\$1,375.7
CE&I (12%)		165.1
Utility Relocation		35.0
VDOT (1.15%)		18.1
Contingency (5%)		<u>79.7</u>
Total		\$1,673.6
• Grant Share (80%)		\$1,338.9
• Grant Available		\$1,362.4
• <b>This is the most we can do within available grant funding.</b>		

## Versus Budget

	<u>TAP Grant</u>	<u>Town Match</u>
FY 2016 Budget	\$1,256.0	\$314.0
Estimate (Base & Alt.1)	<u>1,338.9</u>	<u>334.7</u>
Difference	<b>\$ 82.9</b>	<b>\$ 20.7</b>

- **Can be covered with available grant funds and bond proceeds.**
- Budget amendment can be done now, or later as CE&I and contingency amounts firm up (\$244.8).

## Alternatives 2 & 3 Washington Ave., Peach to Fig

- |   |            |                |
|---|------------|----------------|
| • Alt. 2  |            | \$191.3        |
|   | Soft costs | <u>x 1.185</u> |
|   | Total      | \$226.0        |
|   |            |                |
| • Alt. 3  |            | \$ 59.8        |
|   | Soft costs | <u>x 1.185</u> |
|   | Total      | \$ 70.7        |
| • VDOT has found additional TAP funds to allow award now. |            |                |
| • Phase 3 TAP application includes deferred portion.      |            |                |

## Funding Alternatives 2 & 3

- |   |                             |              |
|---|-----------------------------|--------------|
| • Estimated cost –  |                             |              |
|   | Alt. 2                      | \$226.0      |
|   | Alt. 3                      | <u>70.7</u>  |
|   |                             | \$296.7      |
| • TAP share (80%)   |                             | \$237.3      |
| • Town share (20%)  |                             | \$ 59.4      |
| • Total Town share (Base & Alts. 1-3)   |                             | \$394.1      |
|   | Town share budgeted         | <u>314.0</u> |
|   | Additional funding required | \$ 80.1      |
| • <b>VDOT has found additional TAP funds, bond proceeds can cover Town share.</b> |                             |              |



**DRAFT**  
**TOWN COUNCIL**  
**Special Meeting**  
**Civic Center**  
**December 3, 2015**  
**6:00 p.m.**

At approximately 6:00 p.m. Mayor George Proto, having established a quorum, called to order the Special Meeting of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown, Godwin and Wendell, and Councilwoman Natali. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Treasurer Deborah Pocock, Planner Larry DiRe and Town Clerk Libby Hume. There were two members of the public in attendance.

**PUBLIC COMMENTS:**

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

**BUSINESS:**

A. A. *Cape Charles Community Trail, Phase 2:*

Assistant Town Manager Bob Panek stated that a Town Council Work Session was held on November 5<sup>th</sup> and Council expressed their desire to award a contract for the full scope of work. VDOT has identified some unexecuted Transportation Alternatives Program (TAP) funding which could possibly be reallocated for this project. Based on Council's direction at the work session, staff submitted a request to VDOT for approval to award the full scope of the construction contract. If the town received VDOT approval, the match for this project would increase by approximately \$80K. \$80K of the funding originally allocated for the Harbor Breakwater project could be reallocated for this project since the town was awarded an additional \$80K for that project under the Virginia Department of Health Boating Infrastructure Grant.

**Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, subject to VDOT approval and allocation of the additional TAP funding, to authorize the Town Manager to award the construction contract to Kevcor Contracting Corporation in the amount of \$1,626,828.35 and any future contract change orders within the 5% contingency reserve. The motion was approved by unanimous vote.**

B. *Fuel Services Contract Extension:*

Town Manager Brent Manuel stated that the Town awarded a contract effective December 1, 2014 to Pep-Up, Inc. for all fuel services for the Town. The contract was for one year with the option to renew for three additional years. This would be the first renewal. The current contract expires at midnight on November 30, 2015 and staff wishes to exercise the right to renew at current fuel prices with no increase for another year.

**Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to authorize the Mayor to execute a one-year contract extension with Pep-Up, Inc. to provide fuel service to the Town. The motion was approved by unanimous vote.**

C. *Credit Card Service Fees:*

Treasurer Deborah Pocock stated that in April 2015, the Town Council approved, effective July 1, 2015, a 3% fee to customers paying via credit card in order to recover the average fee charged by the Town's merchant services provider. The Finance Department contracted with a new provider in October and the fees were reduced by at least 50%. The new processor also

allowed for use of a debit card to be used with a PIN for a flat rate of \$0.25 at this time. Staff recommended a change in verbiage for the credit card convenience fee calculation, effective immediately, from a flat 3% to be “rounded down to the next whole percentage point below the average fee charged by the credit card service provider and shall be equal to the cost of the fee charged to the Town for debit card transactions.”

There was much discussion regarding this issue and Mayor Proto asked for signage to be placed accordingly so the citizens wouldn't be confused.

**Motion made by Councilman Godwin, seconded by Councilman Bennett, to approve the change in verbiage for the credit card convenience fee calculation as recommended by staff effective immediately. The motion was approved by unanimous vote.**

*D. Personal and Business Property Tax Write-Off:*

Deborah Pocock stated that pursuant to Code of Virginia § 58.1-3940, “collection of local taxes shall only be enforceable for five years following December 31 of the year for which such taxes were assessed.” This pertained to personal and business property taxes, license taxes, etc., not real estate. If a resident came in to pay an old balance, staff could accept payment but could not do active collections on balances over five years old. Staff would be more aggressive and use every means available, including DMV stops, to collect delinquent taxes before the expiration of the collection period. Going forward, staff would annually perform the write-off process of uncollectable accounts and Council would be informed of the amount of such write-off.

There was much discussion. Mayor Proto asked Ms. Pocock to check with DMV regarding whether the town could put a lien on a vehicle for unpaid taxes and whether a DMV stop would stay with the individual owning the vehicle or the vehicle.

*E. Northampton County Funding Request:*

Deborah Pocock stated that the Town received notification from Northampton County to submit any funding assistance requests for FY 2016/2017 by December 4, 2015. Last year, the Town requested funding assistance totaling \$123K for operations of the Cape Charles Memorial Library and Computer Training Lab, 4<sup>th</sup> of July fireworks display, public beach safety operations and the offshore breakwater project. The Town received \$20K towards the operations of the Cape Charles Memorial Library.

Staff proposed the FY2016/2017 funding assistance request as follows: i) \$30K for the Cape Charles Memorial Library and Computer Training Lab operations; ii) \$8K for the July 4<sup>th</sup> fireworks display; iii) \$5K for public beach safety operations; and iv) \$75K for the offshore breakwater project.

There was much discussion regarding the annual requests and the actual funding received. Council was in agreement to request the same level of funding as in FY 2015/2016.

**Motion made by Vice Mayor Bannon, seconded by Councilman Wendell, to authorize the Town Manager to submit the FY 2016-2017 funding assistance request to Northampton County as discussed for a total request of \$123K. The motion was approved by unanimous vote.**

*F. Reappointment of Planning Commissioner:*

Brent Manuel stated that the Planning Commission served as an advisory board to the Town Council for planning related matters. The Commission met at least once a month and consisted of six members each serving four-year terms. Commissioner Michael Strub's term expired on October 31, 2015 and Mr. Strub expressed his interest in continuing his service on the Commission for another term.

**Motion made by Councilman Bennett, seconded by Councilman Brown, to reappoint Mr. Michael Strub to the Planning Commission for another four-year term. The motion was approved by unanimous vote.**

G. *Reappointment to the Wetlands and Coastal Dune Board:*

Brent Manuel stated that the Wetlands and Coastal Dune Board reviewed applications for certain activities in wetlands and dune areas. The Board consisted of five members each serving five-year terms. Board member Russ Dunton's term expired on November 12, 2015 and Mr. Dunton expressed his interest in continuing his service on the Wetlands and Coastal Dune Board for another term.

**Motion made by Councilman Bennett, seconded by Councilwoman Natali, to reappoint Mr. Russ Dunton to the Wetlands and Coastal Dune Board for another five-year term. The motion was approved by unanimous vote.**

H. *Schedule Public Hearing for Conditional Use Permit Application – 207 Mason Avenue:*

Larry DiRe stated that a conditional use permit (CUP) application was received to build residential units above the commercial unit at 207 Mason Avenue. This property received such CUPs in the past and no construction had ever been completed. The most recent CUP was granted on December 9, 2010 and building plans were submitted and approved and several building related permits were issued. That CUP and all related permits had expired in 2013. The Planning Commission reviewed the new application and held a public hearing on November 3, 2015 and recommended Council approval of the CUP as requested. Council needed to hold a public hearing prior to a decision being made per Article IV § 4.3.C.3. of the Town Zoning Ordinance.

There was much discussion regarding this issue and the previously issued CUPs. Council asked why a joint public hearing had not been scheduled since the Planning Commission reviewed the application and recommended approval at their November 3<sup>rd</sup> meeting, also suggested that in the future, in an effort to streamline the CUP process, joint public hearings should be scheduled with the Planning Commission.

**Motion made by Councilman Bennett, seconded by Councilman Brown, to schedule a public hearing on Thursday, January 7, 2016, prior to the Town Council Regular Meeting. The motion was approved by unanimous vote.**

**Motion made by Councilman Brown, seconded by Councilwoman Natali, 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



**DRAFT**  
**TOWN COUNCIL**  
**Work Session**

Cape Charles Civic Center  
December 3, 2015

Immediately Following the Special Meeting

At approximately 6:45 p.m., Mayor George Proto, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown, Godwin and Wendell and Councilwoman Natali. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Planner Larry DiRe and Town Clerk Libby Hume. There were no members of the public in attendance.

Mayor Proto stated that the order of business for the evening would be to review i) Town Code Modifications regarding the Animal Ordinance; ii) Wayfinding Sign Locations; and iii) Tourism Zone Update.

A. *Town Code Modifications – Animal Ordinance:*

Town Manager Brent Manuel reviewed the proposed modifications to §§ 50-191(a)(2) and 50-191(b)(4) which were being made to clean up the language and § 50-194 which was being added to appoint the Northampton County animal control officers as the agent to enforce the provisions of the animal control ordinance and to adopt and incorporate the applicable state statutes and county ordinances.

There was much discussion regarding this item in regards to enforcement. It was suggested that an update needed to be made to the memorandum of agreement with the Northampton County Sheriff's office to include animal control.

This item would be on the December regular meeting agenda for a vote.

B. *Wayfinding Sign Locations:*

Town Planner Larry DiRe reviewed the proposed locations around the town for installation of wayfinding signs. Town Ordinance 20141009 was adopted by Council to allow businesses located on side streets to place portable signs to attract foot traffic until a wayfinding sign(s) could be installed. The Planning Commission reviewed the proposed locations and suggested additional signs on the town-owned property at Fig Street, at the base of the hump long Mason Avenue, and by the Harbor Master's office.

There was much discussion regarding this item. Larry DiRe would provide updates to Council as part of his monthly Planning Report.

C. *Tourism Zone Update:*

Larry DiRe stated that at the November 5<sup>th</sup> joint work session with the Planning Commission, staff was directed to revisit the language in § xx-6(a) and (b) and to provide information on the localities whose tourism zone ordinance were reviewed when drafting the town's ordinance language. Larry DiRe went on to review the language with three options. Option A set award tiers based on identified economic development criteria. Option B provided language to create flat economic stimulus credit award percentages. Option C provided language to create a mix of flat tax and tiered fee economic stimulus credit award percentages.

There was much discussion regarding the language and whether the building owner and/or tenant could take advantage of the program. A general consensus was reached to move

forward with Option C and Council felt that in certain circumstances, both the building owner and tenant could participate in the program.

**Motion made by Councilman Bennett, 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

DRAFT



**DRAFT  
TOWN COUNCIL  
Executive Session  
Civic Center**

December 3, 2015

Immediately Following Work Session

At 8:26 p.m. Mayor George Proto, having established a quorum, called to order the Executive Session of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown, Godwin and Wendell, and Councilwoman Natali. Town Manager Brent Manuel was also in attendance.

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

**Paragraph 3:** Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**Specifically:** Review offers to purchase Town-owned properties

**Motion made by Councilman Bennett, seconded by Councilman Godwin, to return to Open Session. The motion was unanimously approved.**

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

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

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Mayor Proto

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Town Clerk

# Planning Department Report for Town Council

From: Larry DiRe   
To: Town Council  
Date: December 3, 2015  
Subject: Report for Planning Department  
Attachment: None

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## Permits:

No Applications for Zoning Clearance were received this month.

## Planning Commission:

1. The Planning Commission met in a regular monthly meeting on Tuesday December 1<sup>st</sup>. The Commissioners discussed two agenda items: revisions to the draft Tourism Zone Ordinance generated from the November 5<sup>th</sup> joint work session with Town Council; and proposed locations for the Town's wayfinding signs. The Commissioners reached consensus on revisions to Section xx-6 of the Tourism Zone Ordinance text. That revised text was presented to Town Council at their December 3<sup>rd</sup> work session. Following discussion, the Planning Commission recommended approval of the proposed wayfinding sign locations with the addition of other locations at the intersection of Old Cape Road and Mason Avenue (aka "The Hump"), Town Hall area, and the east Randolph Avenue entrance corridor. That recommendation was also presented to Town Council at their December 3<sup>rd</sup> work session.
2. Also on December 1<sup>st</sup> the Planning Commission received a draft of the 2015 annual report for review. A revised draft will be on the Commission's regular meeting agenda on January 5<sup>th</sup> for any further revision before being presented to Town Council, as required by Section 15.2-221 of the Code of Virginia.

## Historic District Review Board:

1. The Historic District Review Board met on Wednesday November 18<sup>th</sup> and considered two applications for Certificate of Appropriateness. One application was for new construction of a single-family home, the other for an addition to the rear of the building and façade improvements to a commercial property. Both applications were approved. The Board reviewed the Cornices; Masonry; and Wood sections of the Historic District Guidelines and recommended minor revision.
2. Staff received one Certificate of Appropriateness application for a residential rear porch as an action item for the Board's December 15<sup>th</sup> meeting agenda.

## Harbor Area Review Board:

1. There is one pending application for Harbor Development Certificate.

## Board of Zoning Appeals:

1. The BZA had no business and did not meet.

## Code Enforcement

Month of November FY16

### Building Permits Issued/Permit Fees Collected:

Permits this month: 19	
Permits this year: 104	Total permits last year: 364
Total construction this month: \$916,700	
Total construction this year: \$6,068,198	Total construction last fiscal year: \$6,699,479
Permit fees this month: \$32,602.49	
Total permit fees this fiscal year: \$98,153.06	Total permit fees last fiscal year: \$186,198.10
Bay Creek Water/Sewer Tap fees: \$0	
The Colony/Sewer Water Tap fees: \$0	
Marina Village/Marina Village East Sewer/Water Tap fees: \$0	
Bayside Village Sewer/Water Tap fees: \$12,350	
Old-Town Water/Sewer Tap fees: \$12,350	
Total Tap fees this year: \$61,750	Total Tap fees last fiscal year: \$111,150
Fire Dept. levy this month: \$562.73	
Total Fire Dept. levies this year: \$2,813.83	Total Fire Dept. levies last fiscal year: \$5,612.52
State levy this month: \$112.55	
Total state levies this year: \$516.58	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: 3	
Grass cutting: 3	
Enforcement fees charged this month: \$450	
Enforcement fees charged this year: \$1,400	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 November FY16

**Other items of note:**

1. Completed **46** inspections
2. Conducted 0 zoning clearances
3. Completed 5 courtesy residential inspections
4. Conducted 6 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 2 residential plan reviews
8. Completed 1 commercial plan review
9. Issued 0 Public Utilities Shallow Well permits
10. Staff has received 14 applications for Permit Technician position and will begin looking at applications soon.
11. Staff attended a regional Building Official's meeting in Hampton on Wednesday November 18.
12. Staff performed the commercial plan review for Strawberry Street Station project. Permits could be issued as early as next week for the project to begin construction.

12/08/15

<b>Permit/Construction Fee Report</b>
---------------------------------------

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PB150078	Building	11/10/2015	313 Captain Orris Bro	New S/F Res	\$15,837.39	\$599,000
083A3-0100-53	PB150091	Building	11/02/2015	645 Mason Avenue	12x24 Prefab Accessory Building	\$66.06	\$4,295
	PB150092	Building	11/02/2015	602 Jefferson Avenue	Finish off room 2nd floor	\$56.00	\$1,500
	PB150093	Building	11/12/2015	618 Monroe Avenue	Tear off/reroof	\$56.00	\$2,500
	PB150094	Building	11/23/2015	628 Washington Aven	New S/F Res	\$14,922.27	\$150,000
	PB150096	Building	11/20/2015	237 Randolph Avenue	Finish Renovation	\$252.00	\$30,000
	PB150097	Building	11/25/2015	514 Monroe Avenue	Porch Framing & Decking Replacement	\$56.00	\$1,000
	PE150041	Electrical	11/02/2015	647 Madison Avenue	100 Amp temp pole	\$56.00	\$400
	PE150042	Electrical	11/10/2015	638 Tazewell Avenue	Electrical per application	\$95.20	\$9,500
	PE150043	Electrical	11/10/2015	608 Carousel Place	100 Amp Temp Pole	\$56.00	\$100
	PE150044	Electrical	11/10/2015	608 Carousel Place	New Electrical for S/F Res	\$92.40	\$9,000
	PE150045	Electrical	11/23/2015	628 Washington Aven	New Electrical for S/F Res	\$64.40	\$4,000
	PE150046	Electrical	11/19/2015	313 Captain Orris Bro	100 Amp Temp Pole	\$56.00	\$200
	PE150047	Electrical	11/30/2015	204 Madison Avenue	Electrical Alteration per Application	\$89.60	\$8,500
	PG150016	Gas	11/18/2015	605 Carousel Place	New Gas piping for 2 Water Heaters	\$56.00	\$425
	PM150073	Mechanical	11/23/2015	628 Washington Aven	New Mechanical for S/F Res	\$168.00	\$15,000
	PM150074	Mechanical	11/20/2015	237 Randolph Avenue	New Mechanical for Renovation	\$96.77	\$9,780
	PP150039	Plumbing	11/16/2015	602 Carousel Place	New Plumbing for S/F Res	\$464.80	\$68,000
	PP150040	Plumbing	11/23/2015	628 Washington Aven	New Plumbing for S/F Res	\$61.60	\$3,500

**Total Permits: 19**

**\$32,602.49**

**\$916,700**

PerDateIssued Range from 11/01/2015 to  
11/30/2015

**Town Harbor  
Town Council Report  
November 2015**

**Maintenance/Repairs:**

1. Harbor Master boat almost done.
2. Repairing and replacing board walk behind the Shanty. On Hold
3. Replaced three ladders on public ramps.
4. Will put Christmas lights and crab pot tree up shortly.

**Other Items of Interest:**

1. We have had 0 yacht clubs visit the harbor this month.
2. Facebook page has now has 345 followers.
3. Two good reports on Active Captain. Clean bathhouse and nice marina and staff.
4. No more charging for boater parking visitors.
  
5. Have received partial payment from two delinquent boaters.
6. Will post for seasonal position because staff leaving to work at Oyster Farm.
7. Multiple Annuals and Seasonal boaters have left to go to the Oyster Farm.

**Capital Projects and Harbor improvements:**

1. Offshore Breakwaters – Will begin shortly.
2. Dredging is done for now.
3. Watermen’s Memorial – Nothing new to report
4. Virginia Port Authority – Nothing to report.
5. Virginia Department of Health –Bob Panek

**Business YTD:**

<b>Rentals</b>				
	<b>FY 2014/2015</b>		<b>FY 2015/2016</b>	
Monthly	3.38	\$204.00	165	\$5,065.88
Weekly	3	\$90.00	25	\$3,589.36
Nightly	2	\$10.00	1,503	\$63,687.87
Hourly	0	\$0.00	0	\$0.00

<b>Fuel (Gallons)</b>				
	<b>FY 2014/2015</b>		<b>FY 2015/2016</b>	
Diesel	43,664.882	\$148,586.84	40,968.468	\$92,918.28
Transport	4,000	\$9,259.98	4,328.9	\$12,366.85
Regular	18,094.6	\$60,980.67	16,592.457	\$40,328.66
Plus (Non Ethanol)	12,538.265	\$53,424.70	14,124.2112	\$50,588.05
Inter Dept. Accts				

<b>Wharf Fees (Lbs)</b>				
	<b>FY 2014/2015</b>		<b>FY 2015/2016</b>	
Conchs	43	\$21.50	0	\$0.00
Crabs	10,483	\$3,718.33	9,304	\$4,638.00
Fish	60,909	\$414.82	115.541	\$462.17
Horse Shoe Crabs	182.9	\$27.44	295.1	\$118.40
Oysters	0	\$0.00	0	\$0.00

Credit card fees this month: \$441.54  
Credit card fees YTD: \$6,818.65  
Finance charges YTD: \$328.74  
Finance charges collected YTD: \$273.17

**Waiting List:**

<b>Length</b>	<b>Annual</b>	<b>Seasonal</b>	<b>Total</b>
20'	1	3	4
24'	1	0	1
30'	8	1	9
36'	4	1	5
45'	9	1	10
50'	1	0	1
60'	1	0	1
<b>Totals</b>	<b>25</b>	<b>6</b>	<b>31</b>

Clubs reserved for the season: 12

**Cape Charles Memorial Library**  
**Monthly Report**  
**November 2015**

1. Below is the monthly attendance for **programs** held at the Library in November 2015.

**Children's Programs (weekly)**

Preschool Story time	14
Toddler Storytime	28
Chess Club	27

**Adult programs provided by the Friends**

Friends Afternoon Tea	42
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*TOTAL* 111

2. Staff attended the Eastern Shore Public Library Trustee meeting on Monday, November 2. Staff met with the Trustees again on November 16 to vote on the location of the new library in Accomack. Staff also attended the interview for the first applicant for the new Library Director position at ESPL.

3. The **Library Board** met on November 4 at the Library.

4. Staff met with the staff from the Eastern Shore Public Library on Tuesday, November 3 to discuss using the Overdrive System that is used for ebooks and to discuss the new book ordering online system using Ingram's ipage. The new ordering system will allow us to do all of our ordering online and will be much faster.

5. The **Friends of the Library** held an **Afternoon Tea** at the Civic Center on November 9. They had 42 people to attend. The topic was **Soul of a Culture: The Barrior Islands** Story and wonderful refreshments were provided.

6. The interview about the Library with K-LOVE radio aired on Sunday November 8.

7. Staff is working to complete our Policies and Procedures Manuel.

8. Staff met with a book representative from Children's Press, a children's publisher of prebound books.

9. Staff is making an inventory of the books donated to the library by the **Arlington Foundation**. These books will be catalogued and added to our reference collection.

10. On November 27 the Library participated in **Festive Fridays** by providing **Kids' Christmas Craft-acular** holiday crafts for children. We had 88 people to visit the Library for this event.

11. In December the **Friends of the Library** will present three classes: **iPhone Help, Intro to Windows, and Android Smartphone Help**.

**12. Andrew Barber, with the Barrior Islands Center**, will again be reading his Christmas book, *The Hog Island Sheep in a Twisted Christmas Tale* on December 8, at 11:00.

17. For additional information about library programs and library related information check out our **Facebook** page. **As of today we have over 500 likes on Facebook!**

CAPE CHARLES MEMORIAL LIBRARY 2015

	January	February	March	April	May	June	July	August	September	October	November	December	YTD
<b>INCOME:</b>													
Copier/Prt	\$57.80	\$48.00	\$63.60	\$67.50	\$56.15	\$78.60	\$87.10	\$81.50	\$69.70	\$61.50	\$71.30	\$5.50	\$748.25
Faxes	\$31.00	\$42.00	\$60.00	\$42.00	\$46.50	\$108.00	\$53.50	\$72.50	\$34.50	\$58.20	\$54.50	\$7.50	\$610.20
<b>TOTAL</b>	<b>\$88.80</b>	<b>\$90.00</b>	<b>\$123.60</b>	<b>\$109.50</b>	<b>\$102.65</b>	<b>\$186.60</b>	<b>\$140.60</b>	<b>\$154.00</b>	<b>\$104.20</b>	<b>\$119.70</b>	<b>\$125.80</b>	<b>\$13.00</b>	<b>\$1,358.45</b>
Deposit													
<b>BOOK CIRC-ADLT</b>													
Fiction	484	422	482	501	500	603	660	567	509	438	418	0	5584
Non-fiction	135	117	103	139	154	153	144	162	79	135	85	0	1406
DVDs	145	169	117	100	88	223	238	233	194	138	163	0	1808
<b>TOTAL 2015</b>	<b>764</b>	<b>708</b>	<b>702</b>	<b>740</b>	<b>742</b>	<b>979</b>	<b>1042</b>	<b>962</b>	<b>782</b>	<b>711</b>	<b>666</b>	<b>0</b>	<b>8798</b>
Books Circ. 2014	697	700	709	713	728	828	1068	954	821	829	691	838	9576
<b>BOOKS CIRC-JUV</b>													
Fiction	357	327	446	427	415	1058	971	546	338	475	235	0	5595
Non-Fiction	85	70	115	120	96	121	146	80	98	114	68	0	1113
DVDs	46	46	39	63	78	179	162	147	71	118	70	0	1019
<b>TOTAL 2015</b>	<b>488</b>	<b>443</b>	<b>600</b>	<b>610</b>	<b>589</b>	<b>1358</b>	<b>1279</b>	<b>773</b>	<b>507</b>	<b>707</b>	<b>373</b>	<b>0</b>	<b>7727</b>
Books Circ 2014	443	518	538	474	426	867	1286	1117	791	748	546	502	8256
<b>TOTAL 2015</b>	<b>1252</b>	<b>1151</b>	<b>1302</b>	<b>1350</b>	<b>1331</b>	<b>2337</b>	<b>2321</b>	<b>1735</b>	<b>1289</b>	<b>1418</b>	<b>1039</b>	<b>0</b>	<b>16525</b>
Total Circ. 2014	1140	1218	1247	1187	1154	1695	2354	2071	1612	1577	1237	1340	17832
<b>ATTENDANCE 2015</b>	<b>901</b>	<b>707</b>	<b>1047</b>	<b>1372</b>	<b>1124</b>	<b>1754</b>	<b>2449</b>	<b>1765</b>	<b>1079</b>	<b>1171</b>	<b>886</b>	<b>230</b>	<b>14485</b>
Attendance 2014	819	912	1019	951	1062	1323	2005	2234	1154	1355	951	1012	14797
<b>PROGRAMS 2015</b>	<b>9</b>	<b>6</b>	<b>50</b>	<b>13</b>	<b>14</b>	<b>19</b>	<b>28</b>	<b>18</b>	<b>9</b>	<b>18</b>	<b>10</b>	<b>7</b>	<b>201</b>
Programs 2014	9	13	17	16	20	15	26	20	9	15	10	12	182
<b>PROG. ATTEND 2015</b>	<b>82</b>	<b>48</b>	<b>159</b>	<b>115</b>	<b>169</b>	<b>211</b>	<b>650</b>	<b>372</b>	<b>109</b>	<b>172</b>	<b>200</b>	<b>160</b>	<b>2447</b>
Prog. Attend 2014	83	156	143	195	189	152	525	500	66	168	91	131	2399
Computer Classes	0	0	0	0	0	0	0	0	0	0	0	0	0
Class Attendance	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>INTERNET USE 2015</b>	<b>222</b>	<b>160</b>	<b>196</b>	<b>229</b>	<b>184</b>	<b>279</b>	<b>377</b>	<b>365</b>	<b>308</b>	<b>284</b>	<b>211</b>	<b>35</b>	<b>2850</b>
Internet use 2014	237	217	214	283	280	256	293	411	239	273	286	190	3179
<b>LIBRARY CARDS 2015</b>	<b>11</b>	<b>5</b>	<b>16</b>	<b>25</b>	<b>10</b>	<b>32</b>	<b>22</b>	<b>16</b>	<b>21</b>	<b>23</b>	<b>10</b>	<b>1</b>	<b>192</b>
Library cards 2014	19	14	9	9	13	14	27	25	25	13	11	12	191
<b>Volunteer Hours 2015</b>	<b>32.80</b>	<b>73.50</b>	<b>180.80</b>	<b>164.00</b>	<b>147.00</b>	<b>165.25</b>	<b>36.50</b>	<b>38.50</b>	<b>120.50</b>	<b>262.25</b>	<b>128.75</b>	<b>2.00</b>	<b>1351.85</b>

# CAPE CHARLES POLICE DEPARTMENT

## MONTHLY STATISTICS

November 2015

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

- Calls for service in Cape Charles: 58
- Calls for service outside of Cape Charles: 22
- Felony arrests: 6
- Misdemeanor Arrests: 2
- D.U.I. Arrests: 0
- Traffic Summons: 1 ( see page 2.)
- Traffic Warnings: 8(written& verbal):
- Parking tickets: 1
- Building Checks: 17
- Assisted Northampton County Sheriff's Office: 20
- Assisted Virginia State Police: 2
- Assisted Federal Agencies: 0
- Assisted Fire& Rescue: 14
- Foot Patrol Hours: 64.5
- Bay creek patrol hours: 42.5

The following took place in November:

- Active shooter training took place at Hospital (all officers attended)
- Police dept. assisted in a "wounded warrior" hunt.
- Department of Criminal Justice Services stopped in and checked a few items as part of annual visit.

Traffic Summons:

1. Speeding 42/25 zone

Arrests:

1. Petit larceny (M)
2. Use of a firearm while committing sodomy (F)
3. Use of firearm while in commission of Abduction (F)
4. Assault & battery (M)
5. Aggravated sexual battery (F)
6. Indecent liberties fondling (F)
7. Custodial sexual battery (F)
8. Animated object sexual penetration (F)

# Public Utilities Monthly Report November 2015



## Production Summary

- Miss Utility Tickets: 5
- Emergency Call Outs After Hours and Weekends:  
Number of times called out: 3  
Total Man Hours: 5
- Fire Calls: Man Hours:
- Sludge: Tons
- \*Water: Total Production : 3,402,044 Gallons  
High: 160,700 gallons on October 10  
Low: 71,500 gallons on October 2

Average	Raw Water	Finished Water
Hardness	504	117
Iron	9.5	.025
Manganese	.560	.017

All Data in PPM

- \*Waste Water: Average Flow 105,600 gpd  
Maximum 278,700gpd  
Total for Month 3,273,600 Gallons  
Nutrients:  
Phosphorus Average 1.42 Limit .3 mg/l annual average  
Nitrogen Average 4.56 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

- Repaired water leak on Tazewell Ave

## 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.
- Leak repair at community center in Bay Creek.

## Public Utilities

### Upcoming Projects

- Replace missing and broken meter boxes in Baycreek.
- Collecting info for Auto Read Meters for budgeting sessions.

### 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
  - Task Order #5 Pump Station Improvements:

### Progress this Reporting Period:

1. Continue development of schematic drawings for proposed facility upgrades.
2. Coordinate with pump manufacturers to obtain preliminary proposals for selected pump types.

### Planned Work for Next Period:

1. Confirm pump type selected for facility upgrades.
2. Obtain revised proposals from manufacturers of selected pump type.
3. Begin writing report for proposed pump station upgrades.

# **PUBLIC WORKS**

**November 2015**

## **Dump Fees    0**

- Recycled 11 truckloads of bags & leaves
- Recycled 10 truckloads of non-chip able brush

## **Staff Report**

- Pete Leontieff back (Monday 9-1) from knee replacement
- Chris Singletary – Let go on Monday 11-30 wasn't able to perform to standards

## **Completed Projects**

- Monthly meter reads & training of new areas in progress
- Removed old Playground equipment in Central Park in preparation of new apparatus
- Trimmed shrubbery on Monroe, Peach, Civic Center, Municipal building, Pump Stations & Mason Ave at hump
- Reinstalled reverse angle sign that was removed on Mason Ave. & Strawberry
- Moved LOVE to Mason & Strawberry sidewalk area
- Moved portable stage to Strawberry street sidewalk area
- Replaced 8 faulty GFI outlets in Central Park & Mason Ave
- Installed Central Park Holiday lights
- Removed Mason Ave banners & re-placed with Crab pot Holiday trees & wreaths
- LOF & tire rotation on 2 Police vehicles, 1 Public Utility truck, 2 Public Works trucks
- Bay Ave kiosk relocation completed
- Municipal building security window installed
- Municipal building ceiling light fixtures training for replacement procedures @ 2 locations held
- Fig street sign repaired for light & Holiday tree power
- Harbor/Shanty/Golf cart path – scraped shell road surface (3 times each)
- Mowed 10 Town properties 4 times & weed wacked 1 time

## **Events**

- Veterans Day (Thursday 12<sup>th</sup>)
- Paris/France ½ staff Flag Order (Thursday 14<sup>th</sup>)
- Thanksgiving (Thursday 26<sup>th</sup>) – ½ day Wednesday 25<sup>th</sup>
- Festive Fridays (Friday 27<sup>th</sup>) & December 4<sup>th</sup>, 11<sup>th</sup> & 18<sup>th</sup>
- Hurricane Season over!

## **In Progress**

- Installation of Beach/ Sand fence for Winter
- Municipal security door installation
- Street leave vacuum
- Vehicle & equipment wash
- Vehicle/equipment maintenance
- Alley maintenance
- Safety & on the job training ongoing

**Upcoming Projects**

- Alley tree & bush right of way trimming
- Equipment clean repaint
- Bay Ave Re-Paint no parking @ all Beach sidewalk stairs (awaiting striping plan for Bay Ave)
- Re-paint no parking curbs (yellow) Town wide & handicapped areas (blue) on Mason Ave
- Re-paint Municipal building 1<sup>st</sup> floor entrance & down stairs offices
- Bay ave Gazebo trim repair
- 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
43	18	17	58	19	15	50	14	45	69	8	12

## **Recreation Department December 2015**

1. Friday December 4 is the second week of Festive Fridays. The Town of Cape Charles is sponsoring the movie Elf at the Palace Theatre. The movie is free to the public but donations and welcome. Donations will go directly to the Palace Theatre. December 11 is Miracle on 34<sup>th</sup> Street and December 18 is Christmas Vacation.
2. The Santa Train will start its journey this Saturday in Cape Charles at 9 a.m. This stop is funded by the Town of Cape Charles.
3. The Historic Home Tour will take place in Cape Charles this Saturday from 1-5. This year's tour is different than years past. It is a self-guided tour and your meal is not included. This will hopefully encourage participants to try one of our great restaurants in Town with the discounts provided.
4. The Grand Illumination will take place this Saturday in Central Park. The event will begin at 5:30 with the ceremony taking place shortly before six to allow the lights to be turned on at 6:00 p.m. There is a golf cart parade to follow which has been headed up by two volunteer residents in Town.
5. The Town will again feed Heritage Acres on December 14. All Council members are encouraged to donate a food item and/or serve the residents. This is a great time to interact with residents and let them know who you are. Many staff have already committed to making dishes and will also help to serve.
6. There will be an Eventacular planning session on December 8.
7. The Cookie Trail has been cancelled this year.
8. December 11 and 12 is the Santa House at Cape Charles Christian School. Tool Mania is December 12. You can purchase your tickets from any Cape Charles Fireman.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Playground Equipment		<b>AGENDA DATE:</b> December 17, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Award contract for playground equipment.		<b>ITEM NUMBER:</b> 8A
	<b>ATTACHMENTS:</b> 1. Equipment rendering/layout. 2. Funding vs. cost summary.		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Bob Panek, Asst. Town Manager	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

Pursuant to the recommendation of the Town’s insurance carrier, Council included \$15K in the FY 2016 budget for the first phase of equipment to replace the existing wooden play structures in the park. The expectation was that this would be matched by community fundraising efforts and that a similar amount would be included in the next fiscal year budget. This two year project would replace the unsafe structures. The following equipment would remain: swing set, zip line, and tractor tire swing.

**DISCUSSION:**

Since it would be difficult to specify an exact suite of equipment, the procurement was conducted using the competitive negotiation process in Code of Virginia section 2.2-4302.2.A.1, 2 and 3. The three proposals submitted in response to the Request for Proposals were ranked based on the following evaluation factors: previous experience, ease of installation, durability and maintainability, user acceptance, price, any lawsuits. The evaluation panel eliminated one of the offerors and negotiations were conducted with the remaining two for specific equipment configurations within specified cost targets for the two phases. The panel has selected Site Concepts, LLC, distributors of Miracle playground equipment, as the best proposal and best value. Attachment 1 is a rendering/layout of the equipment suite to be provided at a cost of \$45.7K. Installation materials are estimated to cost \$5.0K, bringing the total project cost to \$50.7K for both phases. Installation will be performed by Public Works staff and community volunteers.

Fundraising efforts have been more robust than anticipated, totaling \$30.6K to date. The largest benefactors have been: Citizens for Central Park (CCP), Northampton County via CCP, Cape Charles Rotary Club, and Cape Charles School Association. Combined with the Town appropriation of \$15K, a total of \$45.6K is currently available for the project. This is just \$5.1K short of the amount needed to complete the total project now. A summary of the available funding and project cost is at attachment 2. The vendor will work with us to identify specific pieces of equipment that could be deferred to a second phase if full funding is not available at this time.

**RECOMMENDATION:**

Staff recommends that Council consider the above, and authorize the Town Manager to award the contract to Site Concepts, LLC for either:

1. The full suite of equipment at \$45.7K.
2. A reduced suite of equipment at \$40.6K

Option 1 would require finding an additional \$5.1K for the project during the mid-year review of the FY 2016 budget. Option 2 would defer completion of the project to the next fiscal year.





December 7, 2015

Central Park Playground Equipment

<u>Funding Availability</u>	<u>(\$000)</u>
Town Appropriation, FY 2016	15.0
CCP (incl. Epiphany and donations)	12.8
County Tourism Grant to CCP	7.5
Rotary Club	5.0
Cape Charles School Assoc.	4.0
Brown Dog Fundraiser	0.5
Blessing of the Fleet	0.5
Funding Factory	<u>0.3</u>
Total	45.6

Cost

Equipment from Site Concepts/Miracle

Phase 1	31.7	Ages 2-5 & 5-12 configurations, spinner
Phase 2	<u>14.0</u>	Teeter totter, balance beam, addl. 5-12 equip.
Subtotal	45.7	

Installation Materials

Engineered Wood Fiber	4.0
Concrete & miscellaneous	<u>1.0</u>
Subtotal	5.0
Total	50.7

Funding Shortfall 5.1

If additional funding cannot be provided at this time, the vendor will work with us to defer some equipment, e.g., teeter totter, spinner, etc.

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Proposed Modifications to Town Code Article X-Offenses Regarding Animals		<b>AGENDA DATE:</b> December 17, 2015
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Consider an ordinance revising Town Code Article X-Offenses Regarding Animals		<b>ITEM NUMBER:</b> 8B
	<b>ATTACHMENTS:</b> Ordinance 20151217		<b>FOR COUNCIL:</b> Action (X) Information ( )
	<b>STAFF CONTACT (s):</b> Libby Hume, Town Clerk	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

Council reviewed proposed modifications to Town Code Article X – Offenses Regarding Animals at the December 3<sup>rd</sup> Work Session. The proposed revisions would clean up the existing language and add provisions for enforcement.

**DISCUSSION:**

The modifications are as follows:

- § 50-191 – Animals on beach and other public places.
  - (a)(2):  
“It shall be unlawful for any person who owns or has control of any animal to permit such animal to run at large at any time. For purposes of this section, ~~a dog~~ **an animal** shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner or custodian and not under its owner’s or custodian’s immediate control.”
  - (b)(4):  
“For purposes of this section, the term “*animal*” shall be deemed to included, but not be limited to any mammal, bird, or reptile.”
- § 50-194 – Animal Control (New section).  
“Pursuant to § 3.2-6555 of the Code of Virginia, as amended, the County of Northampton has created the position of animal control officer. The Town of Cape Charles hereby appoints the county animal control officer(s) as its agent to enforce the provisions of the animal control ordinance within the corporate limits of the town. The duties of the animal control officer shall be those provided for in Code of Virginia, § 3.2-6555 et seq., and in the Codified Ordinances of Northampton County, Chapter 95, as amended, and such other duties as may be provided for herein. The town hereby adopts and incorporates, by reference, the applicable state statutes and the applicable county ordinances, as amended. Whenever a conflict arises between the provisions of this chapter and the state code and/or county animal control ordinance provisions, the state code and county ordinance provisions shall prevail.”

**RECOMMENDATION:**

Staff recommends Council adoption of Ordinance #20151217 to Adopt Modifications to Town Code Article X – Offenses Regarding Animals by roll call vote.

**ORDINANCE NO: 20151217**

**TO ADOPT MODIFICATIONS TO TOWN CODE  
ARTICLE X – OFFENSES REGARDING ANIMALS**

**WHEREAS**, Article X of the Town Code addressing offenses regarding animals was last updated in September 2004; and

**WHEREAS**, in an effort to clarify the current language and to include provisions for enforcement; now

**THEREFORE BE IT ORDAINED** by the Town Council of Cape Charles, this 17<sup>th</sup> day of December, 2015, that Article X of the Cape Charles Town Code be modified as follows:

§ 50-191. Animals on beach and other public places.

(a)(2):

It shall be unlawful for any person who owns or has control of any animal to permit such animal to run at large at any time. For purposes of this section, an animal shall be deemed to run at large while roaming, running, or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

(b)(4):

For purposes of this section, the term "*animal*" shall be deemed to include but not be limited to any mammal, bird, or reptile.

§ 50-194. Animal Control.

Pursuant to § 3.2-6555 of the Code of Virginia, as amended, the County of Northampton has created the position of animal control officer. The Town of Cape Charles hereby appoints the county animal control officer(s) as its agent to enforce the provisions of the animal control ordinance within the corporate limits of the town. The duties of the animal control officer shall be those provided for in Code of Virginia, § 3.2-6555 et seq., and in the Codified Ordinances of Northampton County, Chapter 95, as amended, and such other duties as may be provided for herein. The town hereby adopts and incorporates, by reference, the applicable state statutes and the applicable county ordinances, as amended. Whenever a conflict arises between the provisions of this chapter and the state code and/or county animal control ordinance provisions, the state code and county ordinance provisions shall prevail.

\*\*\*\*\*

Adopted by the Town Council of Cape Charles on December 17, 2015.

\_\_\_\_\_  
Mayor George Proto

ATTEST:

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