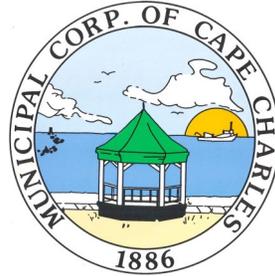




# TOWN COUNCIL Regular Meeting

February 16, 2017  
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. Cape Charles Business Association – Certificate of Appreciation
  - B. Community Enhancement Program/Main Street Initiative Update – Tammy Holloway
4. Public Comments (3 minutes per speaker)
5. Consent Agenda
  - A. Approval of Agenda Format
  - B. Approval of Minutes
  - C. Approval of January 31, 2017 Financial Report
6. Old Business
  - A. Cape Charles Community Trail-Phase 2 Project Update
7. New Business
  - \*A. Cape Charles Brewery Request
  - \*B. 2017 Harbor Rates
  - \*C. Zoning Ordinance Text Amendments – Schedule Public Hearing
  - \*D. Virginia Port Authority Aid to Local Ports Grant Request
  - \*E. 2017/2018 Virginia Commission for the Arts Local Government Challenge Grant
8. Town Manager Comments
9. Mayor & Council Comments (5 minutes per speaker)
10. Announcements
  - February 20, 2017 – Town offices closed for Presidents’ Day
  - February 25, 2017 – February Freeze
  - February 28, 2017 – Mayor’s Office Hours, 6:00 PM – 7:00 PM
  - March 1, 2017 – The “MAIN” Event, 7:00 PM at the Palace Theater
  - March 2, 2017 – Town Council Work Session, 6:00 PM
  - March 14, 2017 – Mayor’s Office Hours, 2:00 PM – 3:00 PM
  - March 16, 2017 – Town Council Regular Meeting, 6:00 PM
  - March 28, 2017 – Mayor’s Office Hours, 6:00 PM – 7:00 PM
11. Adjourn at 7:00 P.M.



# Certificate of Appreciation

*This certificate is awarded to*

**Cape Charles Business Association**

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*in recognition of their efforts in organizing the very successful  
Festive Fridays which were held from November 25 through December 23, 2016.*

\_\_\_\_\_  
*Mayor*

\_\_\_\_\_  
*Date*



**DRAFT**  
**TOWN COUNCIL**  
**Executive Session**  
**Civic Center**  
January 16, 2017  
6:00 p.m.

At approximately 6:00 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 Buchholz, and Councilwoman Natali. Councilwoman Sullivan was not in attendance. Also in attendance was Town Manager Brent Manuel.

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

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

**Specifically:** Potential New Business

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

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

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

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

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



**DRAFT**  
**TOWN COUNCIL**  
**Regular Meeting**  
**Civic Center**  
**January 19, 2017**  
**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 and Councilmen Brown and Buchholz, and Councilwomen Natali and Sullivan. Councilman Bennett was not in attendance. Also in attendance were Town Manager Brent Manuel, Planner Larry DiRe, Treasurer Deborah Pocock, Town Clerk Libby Hume and Police Sergeant Tom Potts. There were 14 members of the public in attendance.

Mayor Proto called for a moment of silence followed by the recitation of the Pledge of Allegiance.

**PUBLIC COMMENTS:**

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

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

**Motion made by Vice Mayor Bannon, seconded by Councilman Buchholz, 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 December 10, 2016 Strategic Planning Session, the December 15, 2016 Regular Meeting, the December 15, 2016, Executive Session, the January 3, 2017 Joint Public Hearing with the Planning Commission and the January 5, 2017 Work Session.

**Motion made by Councilwoman Sullivan, seconded by Councilman Brown, to approve the minutes from the December 10, 2016 Strategic Planning Session, the December 15, 2016 Regular Meeting, the December 15, 2016, Executive Session, the January 3, 2017 Joint Public Hearing with the Planning Commission and the January 5, 2017 Work Session as presented. The motion was approved by unanimous vote.**

**CONSENT AGENDA – APPROVAL OF DECEMBER 31, 2016 FINANCIAL REPORT:**

**Motion made by Councilwoman Sullivan, seconded by Councilman Brown, to approve the Treasurer’s Report as submitted. The motion was approved by unanimous vote.**

**NEW BUSINESS**

**A. *Virginia Investment Pool***

Treasurer Deborah Pocock introduced Mr. Robert Lauterberg, Managing Director of VML/VACo Finance, who gave a presentation regarding the Virginia Investment Pool Trust Fund (VIP). The primary benefits of participation in the VIP included professional management of trust assets, diversification, shared costs, and competitive rates of return. (Please see attached.)

**Motion made by Councilman Brown, seconded by Vice Mayor Bannon, to approve Ordinance 20170119-To Authorize Participation by the Town of Cape Charles in the VACo/VML Virginia Investment Pool Trust Fund for the Purpose of Investing in Accordance with Section 2.2-4501 of the Virginia Code. The motion was approved by majority vote. Roll call vote: Bannon, yes; Brown, yes; Buchholz, yes; Natali, yes; Sullivan, no.**

**B. *Reappointment of Historic District Review Board member***

Town Manager Brent Manuel stated that the Historic District Review Board (HDRB) oversaw the Town’s historic district and consisted of four members each serving five-year terms and a

representative from the Planning Commission. Board member Terry Strub's term expired on January 8, 2017 and she had expressed her interest in continuing her service on the HDRB for another term.

**Motion made by Councilwoman Sullivan, seconded by Councilwoman Natali, to reappoint Ms. Terry Strub to the Historic District Review Board for another term. The motion was approved by unanimous vote.**

Mayor Proto thanked Ms. Strub for her service.

C. *Historic District Review Board Appeal – 204 Washington Avenue*

Town Planner Larry DiRe stated that on November 15, 2016, the HDRB reviewed the application for construction of a new single-family home at 204 Washington Avenue and directed the applicant to use brick or brick veneer for the chimney cladding vs. the proposed vinyl siding. In late November, the applicant emailed several pictures of similar chimney shaft construction on non-contributing structures in the historic district. At their December 13, 2016 meeting, the HDRB reviewed their decision and, after further discussion, affirmed their decision regarding the proposed chimney shaft cladding. A letter dated December 25, 2016 was received requesting an appeal of the HDRB's decision to the Town Council.

It was noted that there were already two houses in the historic district with similar chimneys which set a precedent. Chimneys constructed in present day contained double-walled stainless steel piping in the center of the chimney regardless of the cladding material and posed no danger.

Mr. Spen Custis, the applicant, addressed the Mayor and Town Council requesting that he be permitted to construct the vinyl-clad chimney like several others in town. His foundation would be different so the brick façade would stand out. Mr. Custis added that he had been doing construction for 15 years with no issues.

Mr. Joe Fehrer, chairman of the HDRB, addressed the Mayor and Town Council stating that he had served on the HDRB for five years, the last four as chairman. This was the first appeal for the present board. The HDRB discussed the chimney stack at length and determined that Washington Avenue was a transitional street in town, with a number of vacant lots which were likely to have new homes constructed on them in the future, and was concerned of setting a precedent for the future homes on the street. The board felt that Hardi Plank siding was more durable and more appropriate for houses in the district. It was not the board's intent to discourage construction in the district but they were cognizant of their duty to protect the integrity of the historic district. This was a unanimous decision made after much discussion.

Mayor Proto stated that he and the Town Council appreciated the HDRB's work regardless of the outcome of this appeal.

There was much discussion regarding the appeal.

**Motion made by Councilman Brown, seconded by Councilman Buchholz, to grant the appeal for a vinyl-clad chimney for the new home at 204 Washington Avenue as requested. The motion was approved by majority vote with Councilwoman Sullivan opposed.**

**OLD BUSINESS:**

A. *Conditional Use Permit Application – 1 Fig Street*

Larry DiRe stated that a conditional use permit application (CUP) was received for a residential dwelling unit above the commercial space at 1 Fig Street, which was also known as the Kellogg Building. A joint public hearing with the Planning Commission was held on January 3, 2017 where two comments were heard, both in favor of Council approval of the CUP. The Planning Commission reviewed the application at their regular meeting, which immediately followed the joint public hearing, and recommended Council approval of the CUP.

**Motion made by Councilwoman Sullivan, seconded by Councilman Brown, to approve the conditional use permit for 1 Fig Street as submitted. The motion was approved by unanimous vote.**

- B. *Follow-Up Items from December meeting*  
There were no follow-up items for review.

Council requested additional updates on the following: i) Status of skateboard park repairs; ii) Response to the letter from Citizens for Central Park regarding trees; iii) Status of the Cape Charles Community Trail project; and iv) VDOT items: Mr. Fox's parking exclusion area, removal of the handicap space on Randolph since the individual passed away, and agreement permitting the town to remove signage in VDOT's right-of-way.

**MAYOR AND COUNCIL COMMENTS**

Councilwoman Sullivan stated that she witnessed a car being stopped the other night in front of her house for rolling through a stop sign. Officer Jette, with Officer Leuer, were the officers handling the traffic stop. She was very impressed with how they spoke to the individual, who was a military serviceman. In previous years, the gentleman would have received a ticket, but the officer thanked the gentleman for his service to the country and asked him to obey the signs in the future. Councilwoman Sullivan added that she would report on the Harbor Focus Group at the February meeting.

Vice Mayor Bannon, Councilwoman Natali, and Councilmen Brown and Buchholz had no further comments.

Mayor Proto asked Council to send him any suggestions regarding items to discuss with the town's legislative representatives at next week's VML Day at the Capitol.

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

The meeting adjourned at approximately 6:58 p.m.

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Mayor Proto

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Town Clerk



**DRAFT**  
**TOWN COUNCIL**  
**Work Session**  
Cape Charles Civic Center  
January 31, 2017  
6:00 p.m.

At approximately 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett and Buchholz, and Councilwomen Natali and Sullivan. Councilman Brown was not in attendance. Also present were Town Manager Brent Manuel, Harbor Master Charlie Farlow, Assistant Harbor Master Spencer Travis, Town Planner Larry DiRe and Town Clerk Libby Hume. There were two members of the public in attendance.

*Presentation by Harbor Management Firm:*

Mayor Proto welcomed Messrs. Brian Arnold and Marco Le Gette from Oasis Marinas, a marina management firm based in Annapolis, MD.

Mr. Arnold began by stating that he had been coming to Cape Charles for a long time, by boat and by land, and that he had extended family who lived here. He had over 20 years of hospitality management experience and Oasis Marinas strived to bring a level of hospitality to marina life, stressing the importance of customer service. Oasis Marinas had been in business for approximately two years and currently managed five marinas: i) Harbor East Marina in Baltimore – Oasis began managing this marina in September 2015. The owners of the marina had deferred maintenance to the facilities for over 25 years. The work on the numerous repairs were being completed over a two year period and the 2018 season would start with completely new marina facilities; ii) Horn Point Harbor Marina in Annapolis since summer 2016; iii) The Yards Marina in DC; iv) Piney Narrows Yacht Haven in Kent Island since January 27, 2017; and iv) Tolchester Beach Marina in Chestertown, MD would come on in March 2017. Mr. Arnold went on to give an overview of the services provided. (Please see attached.)

There was much discussion regarding the following: i) Maintaining eligibility for the Virginia Port Authority Aid to Local Ports and the Virginia Department of Health Boating Infrastructure grants; ii) Maintaining the existing harbor staff and providing comparable salaries and benefits; iii) Existing and future debt service for harbor improvements; iv) Maintaining the Virginia Clean Marina designation; v) Maintaining the working harbor and accommodating the watermen; vi) The remoteness of Cape Charles vs. Baltimore and Annapolis – Mr. Arnold stated that the Cape Charles Harbor had relatively new docks which were adequate except for the wave attenuation dock, nice bathroom facilities which were centrally located, and deep water, and access to shops, restaurants, a beach, golf courses, and a playground. Mr. Le Gette added that he was impressed with the beam of the slips which would accommodate the wider boats and adequate power was provided; vii) Oasis offered various fee structures – management fees, revenue share, and master leases.

Mayor Proto thanked Messrs. Arnold and Le Gette for coming adding that the Town Council needed to discuss the issue further.

Councilman Bennett added that if Council decided to move forward with a management company, a request for proposal would have to be issued.

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

The meeting adjourned at 7:22p.m.

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Mayor Proto

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Town Clerk

DRAFT



**DRAFT**  
**TOWN COUNCIL**  
**Work Session**  
Cape Charles Civic Center  
February 2, 2017  
6:00 p.m.

At approximately 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown and Buchholz, and Councilwomen Natali and Sullivan. Also present were Town Manager Brent Manuel, Town Planner Larry DiRe and Town Clerk Libby Hume. There were no members of the public in attendance.

A. *Historic Town Entrance Overlay Corridor Update:*

Larry DiRe stated that the Historic Town Entrance (HTE) was a topic of consideration by the Town Council and the Northampton County Board of Supervisors (BOS) at their joint meeting on October 25, 2016. The BOS requested the Town to generate proposed design criteria to present to the County for review. The parcels constituting the HTE were under the County's planning, zoning and building regulatory jurisdiction. The Town Council directed staff to bring the design criteria matter to the Planning Commission for review and comment. The Planning Commission reviewed the matter at their January 3, 2017 meeting and commented as follows: i) Any design criteria should recognize the change of place from roadside development along Route 13 into the more developed town area with its own architectural history and building material requirements; ii) Maintain the Town's Dark Skies lighting standard and bury all utilities for new construction projects; iii) The Town should not require adherence to the defined construction materials requirements of the Commercial-1 and Commercial-3 Districts as found in the Town Zoning Ordinance Article III, Section 3.6.F.1.e; iv) Maintain screening and landscaping requirements for outside storage and accessory buildings; v) Parking standards and signage requirements should remain the purview of Northampton County, with the requirement that all ground-mounted signs meet the Mason Avenue commercial sign height maximum of six feet; and vi) Consider a joint request to VDOT for a speed limit study along the HTE corridor.

There was much discussion regarding the Planning Commission's comments and their reasoning behind the suggestions, the current zoning of the area and permitted uses, the possibility of different Town Edge zoning for each incorporated town, and the history of past discussions and requests made to the County regarding this area.

Mayor Proto asked that the Commission revisit the language in bullet #3.

B. *Sign Ordinance Update:*

Larry DiRe stated that, as requested, the Planning Commission discussed the potential agreement with VDOT allowing the Town to remove signs placed in the VDOT rights-of-way. The Planning Commission commented as follows: i) The sign ordinance's inconsistencies of designated Town agent between the Town Manager and Zoning Administrator. The Commissioners voted unanimously that the Town agent should be the Zoning Administrator and the Board of Zoning Appeals (BZA) the appellate body; ii) The sign ordinance language in Section 4.1.H.2.d failed to meet the content-neutral standard needed to be removed. It was also conflict with other ordinance sections; iii) The Town should consider banners on the Mason Avenue lamp posts to direct pedestrian traffic to the Strawberry Street businesses; iv) While a complete review was necessary to bring the Town's sign ordinance into compliance with the United States Supreme Court's ruling in the 2015 Reid v Town of Gilbert case, some immediate changes were required; v) The sign area definition should be simple geometric area of the sign's material substrate and not be calculated only by the text and graphic areas of the

sign board; vi) The Town should determine its liability arising from signage in the VDOT right-of-way resulting from the language of Ordinance 20141009; and vii) The intent of Ordinance 20141009 was short-term and not intended for the current duration approaching two and one half years. Wayfinding maps/signs should be installed at a town-owned facility or site in the central business district prior to April 1, 2017 and notification should be given to the business owners that the provisions of Ordinance 20141009 had been met. Larry DiRe also suggested language to amend Section 4.1.D.2 regarding signage not impairing the safety and convenience of the use of public rights-of-way, or obstructing traffic visibility.

There was much discussion regarding the following: i) Council was in agreement that the Town agent would be the Zoning Administrator with appeals to the BZA; ii) Did the Town want to negotiate with VDOT for authority to enforce signage in the VDOT right-of-way? Would VDOT be open to this? Did the Town want the responsibility? Who in the Town would enforce the regulation – police officers, Code Enforcement or Public Works? What impact would there be to staff with this added responsibility? If left with VDOT, it could take longer for signs to be removed. It could possibly expose the Town to a law suit if a sign was inadvertently removed from private property. Council advised the citizens during a previous meeting that the Town would request an agreement with VDOT to regulate signage in the public right-of-way; and iii) There were safety issues with the Strawberry Street business owners placing sandwich boards in the VDOT right-of-way on Mason and Randolph Avenues. What liability would the Town have if someone was injured by tripping over the sign?

Mayor Proto asked Larry DiRe to provide Council with recommendations to address these issues. Larry DiRe stated that the Planning Commission would be reviewing the sign ordinance at their February 7, 2017 meeting. Larry DiRe reminded the Council that the Town could not regulate the content of the signs, only the size, placement, and safety issues.

C. *Follow-Up Items from January 19, 2017 Town Council Regular Meeting:*

Mayor

i. *Central Park Issues from Citizens for Central Park*

Brent Manuel stated that he had forwarded the response received from Mr. Ben Lewis, the contractor for park maintenance, to Mr. Bill Prickett and Council. (Please see attached.)

There was discussion as follows: i) Mayor Proto stated that he reviewed Mr. Lewis' response and would prefer Mr. Lewis to provide suggestions regarding the appropriate trees, etc.; ii) The Citizens for Central Park were no longer replacing the trees, but moving the memorial plaques to other trees; iii) Vice Mayor Bannon had spoken with Mr. Jeff Klinge of Appleseed Nursery, who informed him that willow oaks had a fungus that would kill them. Mr. Lewis' report stated that the trees would be treated in February; and iv) More input was needed from Mr. Lewis to ensure that the proper trees were planted and proper treatment was performed on the existing trees.

ii. *Skateboard Park Repair Status*

Brent Manuel stated that he had spoken with the Public Works Foreman who informed him that the damage piece of equipment would be removed. The equipment in the skateboard park was exposed to the weather and would continue to deteriorate. It was necessary to rebuild the park in its entirety. Concrete could be a better solution for maintenance issues. Both the concrete and the proper type of plywood to repair the equipment would be costly.

There was discussion as follows: i) The equipment would have to be removed in order to repair. The cost would be substantial; ii) The park was about eight years old and has had a number of repairs since it was built; iii) The equipment could be replaced with

concrete forms which could be phased in; and iv) Although not heavily used, a number of kids were seen using the park.

Mayor Proto stated that this topic could be discussed further in March during the budget meetings.

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

The meeting adjourned at 7:04 p.m.

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Mayor Proto

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Town Clerk

DRAFT

## February 2, 2017 Town Council Work Session

### *Item 2.C.i. attachment:*

#### **Landscaping Maintenance**

The planting beds around the gazebo, the fountain and other areas have become too dense, need weeding and generally have an unkempt appearance. This should be addressed with the town's landscaping contractor. See attached photos.

This is completely subject to personal interpretation. Most of the massing shrubs around the gazebo are pittosporum and the ground cover is liriopoe. Both plants (especially liriopoe) are intended to have a massing effect. Pittosporum, when massed, cannot be transplanted due to the fact many sides of each plant will have holes when separated from the other plants.

A very important element of the Park is the many trees that have been planted over time, particularly the Willow Oaks around the perimeter of the trail. Most of these trees were purchased by a sponsor as a memorial to a loved one. The trees have not been cared for properly. Many have died and have been replaced by Citizens for Central Park at a cost of almost \$2,000.

Only two willow oaks have been replaced since the park opened. One on the southwestern quad and one on the northeastern quad near the playground. The southwestern tree was replaced shortly after the park was built. The trees are subject to waterlogged soils most of the year due to poor drainage (of which we have no control) and root compaction due to foot traffic, their close proximity to the sidewalk and the Bermuda grass. They were transplanted at a horrible time of year (July) and were under stress for quite some time. \$2000 for two 8' willow oaks cannot be an accurate number. Perhaps this is in reference to the poorly placed evergreen in the far northeastern corner of the park that has been dutifully replaced at least three times, even though it literally sits in water ¾ of the year.

Many (trees) are showing signs of stress. The Town's landscape maintenance contractor is contributing to the problem. Some smaller trees have been improperly mulched with deep mulch smothering the trunk. Old mulch is removed each year and new mulch is placed. We have switched to pine straw now and this will allow a more natural cycle of water flow and nutrients. We will check all tree rings and if any are found to have excessive mulch against the trunk, it will be pulled back.

Others (trees) have scant mulch. Many of the tree trunks display strikes from mowers and string trimmers. Any and all damage to tree trunks is from visitors to the park. Additionally, grass does not grow at the base of any tree, negating the chance a trimmer or mower would be used against them. We have personally witnessed multiple cases of soccer players, children riding bikes, festival goers and even golf carts bang into the trees. This is an unfortunate and unavoidable issue when dealing with an open and public park. Visitor damage is also evident in the placards at the base of each tree. We have staff that have personally seen bikes and soccer balls smash these signs on multiple occasions.

This careless treatment is contributing to the unusual mortality rate. The Town needs to provide better oversight of the contractor's operations or find a more competent contractor. A recent inspection of the Willow Oaks revealed that they are infected with scale.

We noted the scale in late fall 2016 and will be dormant spraying all affected trees in late February 2017. We will be following up during the growing months to insure the spray worked and apply follow up measures if necessary.

These fairly mature trees are still struggling to establish themselves after being transplanted as part of the Park construction in 2010.

These trees are nowhere near mature. Willow Oaks generally top out at 75 feet + and have a lifespan of well over 100 years. They have just begun to grow.

Three (trees) have already died and been replaced by Citizens for Central Park. More are sure to die if this is not rectified in the near future. The Town needs to contract with a qualified horticultural firm to properly treat the scale on the Willow Oaks. Additionally, deep root fertilization in the spring would be very beneficial until they are established and thriving.

Each and every plant, including trees, is/are fertilized each spring using a highly regarded (Osmocote) commercial grade product. Additional fertilizer is applied to the roses along Plum Street during the summer. All plants in the park have shown steady and firm growth over the past 6 years, including the beautiful additions of roses on Plum St and the landscaping around the new bathroom.



**DRAFT**  
**TOWN COUNCIL**  
**Work Session**  
Cape Charles Civic Center  
February 9, 2017  
6:00 p.m.

At approximately 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown and Buchholz, and Councilwomen Natali and Sullivan. Also present were Town Manager Brent Manuel, Harbor Master Charlie Farlow, Town Clerk Libby Hume and Tammy Holloway, a member of the Main Street Ad Hoc Committee. There were two members of the public in attendance.

A. *Community Enhancement Program Update (Virginia Main Street Initiative):*

Tammy Holloway presented a summary of the Ad Hoc Committee's activities over the past year. A group of eager and enthusiastic citizens came together to investigate and initiate the Main Street Program for the town and became the Ad Hoc Committee. The committee members were Tammy Holloway, Nan Bennett, Kathleen Coalter, Andrew Follmer, Brent Manuel and Libby Hume. Their purpose was to get the ball rolling, obtain funding and develop a plan of action. After achieving a number of successes and overcoming some challenges, the committee regrouped in December 2016 to strategize and create a realistic launch timeline. The program was named "Community Enhancement Program" (CEP) since the terminology "Main Street" could not be used until the town became a fully designated Main Street community. Tammy Holloway and Councilman Andy Buchholz attended a recent Cape Charles Business Association meeting and explained the current status and next steps. A roll-out event – The MAIN Event – has been scheduled for Wednesday, March 1, 2017, from 7:00 p.m. – 8:30 p.m. at the Palace Theatre. The event had three goals: i) To create excitement and verify the town's commitment to starting as an affiliate and working toward Main Street designation; ii) To clarify the benefits of being a designated Main Street community; and iii) To share how all citizens of Cape Charles could be involved – as a member of the CEP Board, a committee member or a volunteer for various events. The town contracted with Jon Schallert, an internationally-recognized speaker and business expert specializing in teaching business and communities how to turn themselves into Consumer Destinations. The event would begin with a "Main Street" speaker to explain the program and the Main Street Four-Point Approach, followed by a keynote address by Jon Schallert. Ms. Holloway invited all members of the Town Council to attend the event. Jon Schallert would also be presenting a free workshop to businesses, and any other individuals with interest, on Thursday, March 2, from 9:00 a.m. – 1:00 p.m. Tammy Holloway yielded the floor to Town Manager Brent Manuel to discuss the CEP Board and selection committee.

Brent Manuel stated that the National Main Street Program was born from the National Historic Preservation Society. The CEP Board would consist of nine members with varying expertise. The recommended backgrounds of the individuals was provided in the presentation given by Ms. Felicia Hart last fall. It was important to have representation from the Historic District Review Board and Planning Commission to help guide the Board through some of the processes in the historic district and zoning regulations. The selection committee would consist of five members with representation from the Ad Hoc Committee, Historic District Review Board, Planning Commission and Town Council.

Tammy Holloway stated that it was imperative to keep the momentum going and moving forward to meet deadlines.

Mayor Proto asked Ms. Holloway to give a presentation at the February 16 Town Council Regular Meeting and that a timeline be developed and presented to the Town Council at the meeting. There was some discussion regarding the timeline: i) March 1 – The MAIN Event at the Palace Theatre; ii) March 2 – Jon Schallert’s workshop at the Civic Center. If the number of registrants exceeded the Civic Center’s capacity, the workshop could possibly be moved to the Oyster Farm; iii) CEP Board Applications would be distributed at The Main Event with a submittal deadline of March 31. The selection committee could be formed now in preparation of the March 31 application deadline; iv) The CEP Board selection process would begin in April and a date for the CEP Board to be named would be discussed at the next Ad Hoc Committee meeting which was scheduled for February 14. This date would be added to the timeline for Council review. The Ad Hoc Committee would have a final wrap-up meeting after the March 2 workshop before disbanding.

B. *Harbor Management - Follow-Up from January 31, 2017 Presentation:*

Brent Manuel requested input from the Council regarding their thoughts after the January 31 presentation from Oasis Marinas.

Council commented as follows: i) Councilwoman Sullivan was the Council representative on the Harbor Focus Group, which had met four times. She had kept the Council apprised of the discussions at the meetings. She stated that if she had not attended the Focus Group meetings, she would have been in favor of hiring a management company for the harbor, but with what she had learned from the Focus Group, she recommended that Council wait a year to allow Harbor Master Charlie Farlow an opportunity to bring his plans to fruition; ii) Vice Mayor Bannon stated that Oasis Marinas painted a beautiful picture of what they could do, but they had only been in business for two years. He recommended waiting a year to allow the Harbor a chance to turn things around; iii) Councilwoman Natali expressed her agreement with Councilwoman Sullivan and Vice Mayor Bannon; iv) Councilman Bennett stated that the Harbor had been in a downward spiral for some time, prior to Charlie Farlow becoming the Harbor Master. He expressed his opinion that it would be interesting to bring in a management company to see how they would work. A management company had more resources than the town to bring in boats to increase revenue. A Request for Proposal would have to be issued but he felt it would be a positive step toward continuing growth; v) Councilman Brown stated that he was not ready to hire a management company at this time. The Harbor Master should be given a year or more to see if he could turn things around; vi) Councilman Buchholz expressed his agreement with Councilman Bennett and noted the record of Bluewater Marine who had managed the Bay Creek Marina. They would bring in boaters from the other marinas that they managed. The town could wait another year, but he did not think things would change. This was not intended to be a reflection on Charlie Farlow. The Harbor was hemorrhaging under the previous harbor master as well.

Mayor Proto thanked Council for their opinions but added that he sided with Vice Mayor Bannon, Councilman Brown and Councilwomen Natali and Sullivan in allowing the Harbor a year. He liked the presentation from Oasis Marinas but they did not have a proven track record with being in business for only two years. He expressed his concern that Oasis could be over-extending themselves. Mayor Proto asked Charlie Farlow if he had any comments.

Charlie Farlow stated that the most important thing was networking. Cape Charles was different from Annapolis and Baltimore. Cape Charles was an inlet off the ocean with different seas, in the middle of nowhere. The Harbor pulled yacht clubs from Hampton Roads and individual boaters from all areas, including northern areas from Annapolis down. A lot of transients get their information from navigation aids and the Cape Charles Harbor was now being included in the navigation aids. It took time to build out a network for people traveling the coast and the Chesapeake Bay. The Harbor recently joined the association but added funding was necessary to obtain certification as a marina operator or advanced operator. The Harbor was building toward the things brought up by Oasis Marinas. He was working on hospitality and the issues with the Bath House had been resolved. The next issue would be the

rough water in the harbor. The Harbor Focus Group was working on a report with their recommendations to present to the Town Council.

Councilwoman Natali suggested that quantifiable statistics be compiled comparing the numbers from last year to this coming year so the improvement could be measured.

There was some discussion regarding the following: i) The town not wanting to compete with the private marinas – Cape Charles Yacht Center and Kings Creek Marina; ii) It was also noted that the floating slips were installed using grant funding and a grant requirement was that a percentage of the Harbor’s slips had to be reserved for transient boaters; iii) Current rates. A rate review was an agenda item for the February 16 Council meeting; iv) A report would be provided at the March 16 Town Council Regular Meeting.

There was much discussion regarding the new 19’, V-hull pump-out boat that the town received from the Virginia Department of Health (VDH) at no cost. The boat was on loan to the town for a year. After the year, the town would own the boat at no cost. 75% of the cost of any maintenance performed on the boat would be reimbursed by the VDH.

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

The meeting adjourned at 7:04 p.m.

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

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



**DRAFT  
TOWN COUNCIL**

**Executive Session**

**Civic Center**

February 9, 2017

Immediately Following Work Session

At 7:07 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 Buchholz, and Councilwomen Natali and Sullivan. Town Manager Brent Manuel was also in attendance for a portion of the meeting.

**Motion made by Councilwoman Sullivan, 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:** Potential Sale of Town-Owned Property

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

**Specifically:** Interim Review of Town Manager's Performance

**Motion made by Councilman Brown, seconded by Councilwoman Natali, to return to Open Session. The motion was unanimously approved.**

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

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

The meeting adjourned at 9:39 p.m.

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Mayor Proto

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Town Clerk

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Cape Charles Community Trail		<b>AGENDA DATE:</b> February 16, 2017
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Status report.		<b>ITEM NUMBER:</b> 6A
	<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 Master Trail Plan on September 11, 2007. This multi-use trail is being constructed in phases. Eighty percent of the cost is funded by Federal grants under the Transportation Alternatives Program (TAP), administered by the Virginia Department of Transportation (VDOT) and twenty percent by the Town. To date, \$3.4M of grant funding has been awarded. About \$1M was utilized for the Master Plan and for design, engineering and construction of Phase 1 in Central Park. About \$1.6M is being utilized for Phase 2 – north Peach St. and Washington Ave. About \$0.8M is reserved for Phase 3 - south Peach St., and any funding shortfall to complete Phase 2.

**DISCUSSION:**

Phase 2 is now under construction by Kevcor Contracting Corporation. The start of construction was delayed somewhat due to an extended review of the Storm Water Management plan by the Department of Environmental Quality (DEQ).

The contractor has accomplished the following: installed the rip rap over the storm water outfall at Bay and Washington Aves.; excavated about three quarters of the trail route on Washington Ave.; completed all demolition work; installed most of the storm water system; installed most of the electrical conduits for lighting; installed most of the curbing, trail, driveways and lead walks on Peach St.; installed the Filtera system; installed some of the concrete for the Washington Ave. trail.

Two change orders have been issued to the \$1.63M construction contract totaling \$85.7K, much of which was for the Filtera system required by DEQ. We are currently negotiating a contract time extension because of the DEQ permit delay.

The project estimate is about \$2.0M, including utility relocation (\$35K), construction engineering and inspection (12%), VDOT oversight (1.15%) and a contingency reserve (5%). We anticipate that Phase 2 construction will be completed in early spring.

**RECOMMENDATION:**

Provided for information only.





**Town Harbor & Marina**  
**2016 Docking Rate Schedule**  
**April 1, 2016 to March 31, 2017**

<b>Term</b>	<b>Regular</b>	<b>Resident</b>	<b>Commercial</b>	<b>Effective Date</b>
<b>Annual Slip 1, 2, 4 or 12 Mon Pmt. Plan</b>	\$5.25 per ft. (\$5.50 to \$5.75 w/pmt plan)			4/1/2017 Apr thru Mar
<b>Seasonal May thru Nov</b>	\$6.25 per ft.	-5%	N/A	3/1/2017
<b>Winter Dec thru Mar</b>	\$7.00 per ft.	-5%	N/A	3/1/2017
<b>Quarterly Off Season</b>	\$8.33 per ft.	-5%	N/A	3/1/2017
<b>Quarterly In Season</b>	\$9.33 per ft.	-5%	N/A	3/1/2017
<b>Monthly Off Season</b>	\$8.50 per ft.	-5%	N/A	3/1/2017
<b>Monthly In Season</b>	\$9.50 per ft.	-5%	N/A	3/1/2017
<b>Weekly Off Season</b>	\$6.00 per ft.	-5%	N/A	3/1/2017
<b>Weekly In Season</b>	\$7.00 per ft.	-5%	N/A	3/1/2017
<b>Nightly Off Season</b>	\$1.50 per ft.	N/A	N/A	3/1/2017
<b>Nightly Clubs 10 Boats +</b>	\$1.50 per ft.	N/A	N/A	3/1/2017
<b>Nightly In Season</b>	\$1.75 per ft.	N/A	N/A	3/1/2017
<b>Hourly 1<sup>st</sup> 2 Hrs. or (Restaurant Recpt)</b>	\$10.00 per ft.	N/A	N/A	3/1/2017
<b>Hour over 2</b>	\$7.00 hr.	N/A	N/A	3/1/2017
<b>Waiting List</b>	\$50.00	\$50.00	\$50.00	N/A

**DOCKING DEFINITIONS:** All slip rental rates are based on per/ft, per/month and all are **minimum slip length** except for transient rentals which are per/length of vessel only.

Terms to be as follows:

**Annual:** Annual Slip Docking agreements begin April 1, and Ends March 31, annually. Agreements can be renewed on a year to year basis at Harbor Master Discretion. Docking will be rated at the **minimum slip length**.

*Billing of single payment due immediately; 2 payments half due immediately second payment due in Nov.; 4 payments 1<sup>st</sup> payment due immediately additional payments July-September-December of agreement year.; Monthly payments due beginning of each Month. (Fees vary per payment agreement).*

**Seasonal:** Seasonal Docking agreements begin May 1, and ends November 30, Agreements can be renewed on a year to year basis after April 15<sup>th</sup> of the Annual Slip Docking Agreements. Annual slip agreements are priority to all other agreements. Docking will be rated at the **minimum slip length**.

**Quarterly:** Quarterly Docking Agreements are for a minimum of 3 consecutive months at any portion of a calendar year. Docking will be rated at the **minimum slip length**.

**Monthly:** In = (In Season, May 1, - September 30) Off = (Off Season, October 1 – March 31). Maximum 2 months. Docking will be rated at the **minimum slip length**.

**Weekly:** In = (In Season, May 1, - September 30) Off = (Off Season, October 1 – March 31). Docking will be rated at the **vessel length**.

**Nightly:** In = (In Season, May 1, - September 30) Off = (Off Season, October 1 – March 31).  
*Cruising and Sailing clubs with 10 or more vessels receives 10% discount towards Dockage.*

**Hourly:** Is for vessels docking for a short period time, less than a day and this rate is not to exceed the nightly rate in season or off season.

*(Hourly Dockage Fees comped if current dated local Cape Charles Restaurant Receipt is displayed)*

**Waiting List:** Annual/Seasonal slip rentals, this deposit is non-refundable and will be deducted from the first month's rent.

**Tall Ships /Military Vessels Buy Boats:** Short Term Docking Agreements at No Charge at the Discretion of the Harbor Master, with a 48 hour notice before arrival. Shall open the vessel up for public tours for at least 4 hours daily while in port between the hours of 11:00am and 8:00pm. **Adopted August 9, 2005.**

**Cancellation Policy:** A minimum of 48 hours by phone is required at all times. Cancellation within the 48 hours is a one-night charge at the rate for your vessel. **“No Shows”** will be charged the full rate of the reservation.

**Minimum Slip Length-** Is defined as the size of slip relative to size of vessel. Example: 40ft slip is billed to 40ft or greater to length of vessel unless no other slips are available at time of check-in.



## Town Harbor & Marina 2017 Docking Rate Schedule (Proposed) April 1, 2017 to March 31, 2018

Term	Regular	Resident	Commercial	Effective Date
<b>Annual Slip</b> 2 or 4-12 Mon Pmt. Plan	<b>\$5.25 per ft.</b> (\$5.42 x 2 to \$5.58 x 4 Or 12w/pmt plan) \$0.05 discount on fuel, free sewage pump-outs 10% in marina shop			4/1/2017 Apr thru Mar
<b>Seasonal</b> May thru Nov	\$6.25 per ft. x 7	-5%	N/A	3/1/2017
<b>Quarterly</b> Off Season	\$5.25 per ft. x 3	-5%	N/A	3/1/2017
<b>Quarterly</b> In Season	\$8.00 per ft. x 3	-5%	N/A	3/1/2017
<b>Monthly</b> Off Season	\$5.25 per ft.	-5%	N/A	3/1/2017
<b>Monthly</b> In Season	\$9.50 per ft.	-5%	N/A	3/1/2017
<b>Weekly</b> Off Season	\$5.25 per ft.	-5%	N/A	3/1/2017
<b>Weekly</b> In Season	\$7.00 per ft.	-5%	N/A	3/1/2017
<b>Nightly</b> Off Season	\$1.50 per ft.	N/A	N/A	3/1/2017
<b>Nightly</b> Clubs 10 Boats +	\$1.50 per ft.	N/A	N/A	3/1/2017
<b>Nightly</b> In Season	\$1.75 per ft.	N/A	N/A	3/1/2017
<b>Hourly</b> 1 <sup>st</sup> Hour or (Restaurant Recpt)	\$10.00 per hr.	N/A	N/A	3/1/2017
<b>Waiting List</b>	\$50.00	\$50.00	\$50.00	N/A

1. Annual Slip Holders receive \$0.05 discount on fuel, free sewage pump-outs and 10% in marina shop.
2. Annual Slip Holders are guaranteed same slip or choice of slip (if not occupied by other Annual Slip Holder) for following year.
3. Qualified Charter Boats (Quarterly & Seasonal Slip Holders both Sail & Power) receive \$0.05 discount on fuel and 10% in marina shop.

**DOCKING DEFINITIONS:** All slip rental rates are based on per/ft, per/month and all are **minimum slip length** except for **off-season** & transient rentals which are per/length of vessel only.

Terms to be as follows:

**Annual:** Annual Slip Docking agreements begin April 1, and Ends March 31, annually. Agreements can be renewed on a year to year basis at Harbor Master Discretion. Docking will be rated at the **minimum slip length**.

*Billing of single payment due April 1st; 2 payments half due April 1<sup>st</sup> and second payment due Nov. 1st; 4 payments 1<sup>st</sup> payment due April 1st additional payments due July 1st-September 1st-December 1st of agreement year.; Monthly payments due 1<sup>st</sup> of each Month. (Fees vary per payment agreement).*

**Seasonal:** Seasonal Docking agreements begin May 1, and ends November 30, Agreements can be renewed on a year to year basis after April 15<sup>th</sup> of the Annual Slip Docking Agreements. Annual slip agreements are priority to all other agreements. Docking will be rated at the **minimum slip length**.

**Quarterly:** Quarterly Docking Agreements are for a minimum of 3 consecutive months at any portion of a calendar year. Docking will be rated at the **minimum slip length in-season**.

**Monthly:** In = (In Season, May 1, - September 30) Off = (Off Season, October 1 – March 31). Maximum 2 months. Docking will be rated at the **minimum slip length in-season**.

**Weekly:** In = (In Season, May 1, - September 30) Off = (Off Season, October 1 – March 31). Docking will be rated at the **vessel length**.

**Nightly:** In = (In Season, May 1, - September 30) Off = (Off Season, October 1 – March 31).  
*Cruising and Sailing clubs with 10 or more vessels receives 10% discount towards Dockage.*

**Hourly:** Is for vessels docking for a short period time, less than a day and this rate is not to exceed the nightly rate in season or off season.

*(1<sup>st</sup> and 2<sup>nd</sup> Hour Dockage Fees comped if current dated local Cape Charles Restaurant Receipt is displayed)*

**Waiting List:** Annual/Seasonal slip rentals, this deposit is non-refundable and will be deducted from the first month's rent.

**Tall Ships /Military Vessels Buy Boats:** Short Term Docking Agreements at No Charge at the Discretion of the Harbor Master, with a 48-hour notice before arrival. Shall open the vessel up for public tours for at least 4 hours daily while in port between the hours of 11:00am and 8:00pm. **Adopted August 9, 2005.**

**Cancellation Policy:** A minimum of 48 hours by phone is required at all times. Cancellation within the 48 hours is a one-night charge at the rate for your vessel. **"No Shows"** will be charged the full rate of the reservation.

**Minimum Slip Length-** Is defined as the size of slip relative to size of vessel. Example: **35ft** slip is billed to **35ft** or greater to length of vessel. **This applies to in-season Monthly, Quarterly, Seasonal and Annual Slip Holders.**

2017 Rate Comparison

	CCTH Current Rates	Oyster Farm Kings Creek	Cobbs Marina	Salt Ponds	Somers Cove Marina	Scotts Creek Marina	Recommended Rates
<b>Wet Slips</b>							
Annual 12 months	\$5.25	\$7.00	\$8.00	\$7.50	\$4.50	\$5.85	\$5.25
Wet Slip/Storage 7/5 12 months	NA	NA	\$8.00 + HF	NA	NA	NA	\$7.00
Summer Season May-Nov	\$6.25	\$8.00	NA	\$7.50	\$6.00	\$6.85	\$6.25
Winter Season Dec - April	\$5.75	NA	NA	\$7.50	\$6.00	\$6.85	\$5.25
Quarterly Summer	\$8.00	\$9.00	NA	NA	NA	NA	\$8.00
Quarterly Winter	\$7.00	NA	NA	NA	NA	NA	\$5.25
Monthly Summer	\$9.50	\$11.00	\$11.00	\$7.75	\$15.00	\$7.50	\$9.50
Monthly Winter	\$8.50	\$8.00	\$11.00	\$7.75	\$15.00	\$7.50	\$8.50
Weekly Summer	\$7.00	NA	\$5.00	NA	\$6.00	\$8.75	\$7.00
Weekly Winter	\$6.00	NA	\$4.00	NA	\$6.00	\$8.75	\$5.25
Daily Summer	\$1.75	\$2.00	\$2.00	\$1.50	\$1.50	\$1.50	\$1.75
Daily Clubs 10 boats or more	\$1.50	\$2.00	\$1.50	\$1.25	\$1.50	\$1.25	\$1.50
Daily Winter	\$1.50	\$2.00	\$2.00	\$1.50	\$1.50	\$1.50	\$1.50
<b>Dry Storage</b>							
Annual Storage	\$300.00	NA	NA	NA	\$250.00	NA	\$350.00
Seasonal Storage	\$210.00	NA	NA	NA	NA	NA	\$250.00
Quarterly	\$105.00	NA	NA	NA	NA	NA	\$150.00
Monthly	\$60.00	NA	\$8.00 per/ft	NA	NA	NA	\$75.00
Weekly	\$30.00	NA	NA	NA	NA	NA	\$30.00
Nightly	\$5.00	NA	\$0.75 per/ft	NA	NA	NA	\$5.00
Davits	\$150.00	NA	NA	NA	NA	NA	\$175.00
<b>Rentals</b>							
West Parking Lot	\$100.00	NA	NA	NA	NA	NA	\$150.00
Gazebo	\$50.00	NA	NA	NA	NA	NA	\$75.00

pre foot pre month  
Harbor is based on 7 months

**Other** Credit Card Fee proposal 3% Currently we have been charging for credit card fees, Some other localities do others do not, there are some negative feed back on some marinas social media sites and blogs. Recommend we remove fee. Recommendation from Focus Group

**NOTES: Comparisons**

- Cape Charles Town Harbor: 95 Slips, 44 floating, 51 fixed- Mixed use Commercial, recreational, Rates = Slip Length from 45' to 35'
- Kings Creek Marina: Around 165 slips all floating and recreational. Resort - Rates = Boat Length
- Cobbs Marina: 95 slips, fixed/floating, Mixed use but mostly recreational, Haul Out. - Rates = Boat Length
- Salt Ponds: 254 Floating slips all recreational, Resort - Rates = Boat Length
- Somers Cove Marina: 500 + Slips Mixed Floating/Fixed, State Owned, Similar to us except two pools. Rates=slip length
- Scotts Creek Marina 135 slips all floating, Recreational. Rates = Slip Length

 <p><b>TOWN OF CAPE CHARLES</b></p>	<b>AGENDA TITLE:</b> Zoning Ordinance Text Amendments – Schedule Public Hearing		<b>AGENDA DATE:</b> February 16, 2017
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Set Tuesday, April 4, 2017 as date for joint public hearing on proposed zoning ordinance text amendments		<b>ITEM NUMBER:</b> 7C
	<b>ATTACHMENTS:</b> February 7, 2017 Planning Commission meeting text amendments public hearing staff report		<b>FOR COUNCIL:</b> Action      ( x ) Information (   )
	<b>STAFF CONTACT (s):</b> Larry DiRe	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

Staff brought numerous proposed zoning ordinance text amendments forward to the Planning Commission for review. Staff believes that the proposed text amendments are necessary for clarity and consistency across legislation. The Planning Commission reviewed the proposed text amendments, and voted at their February 7, 2017 meeting to hold a public hearing on Tuesday April 4, 2017.

**ITEM SPECIFICS:**

The process to amend the zoning ordinance text is described in *Article II, Section 2.7 et seq.* Before any section is amended a public hearing before both the Planning Commission, and Town Council is required. The February 7, 2017 Planning Commission meeting staff report with proposed text amendment language is attached for context.

**RECOMMENDATION:**

Staff recommends Town Council set Tuesday, April 4, 2017, as the date for a joint public hearing with the Planning Commission on the proposed zoning ordinance text amendments.

# Planning Commission Staff Report

**From:** Larry DiRe   
**Date:** February 7, 2017  
**Item:** 5b- Sign ordinance proposed text amendments; subdivision ordinance section proposed text amendment – set April public hearing date  
**Attachments:** None

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## Item Specifics

The following sign and subdivision zoning ordinance sections are presented for review and discussion prior to proposed text amendment. One of the requirements for the text amendment process is a public hearing before the planning Commission and the Town Council. The entire sections' current text is presented in italics, with proposed text amendments in bold italics.

*Article II, Section 2.9 (definitions) Sign area means the entire face of a sign, including the advertising surface and any framing, trim, or moulding but not including the support structures.*

*Article IV, Section 4.1.B (definitions) Sign area. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign. **Staff recommends removing this definition and replacing with the definition in Article II, Section 2.9. Staff further recommends removing all sign area computations figures and notes in Article IV, Section 4.1.C.1. Alternatively, staff recommends removing the current language in both sections and replacing with "Sign area means the simple geometric measure of the sign material substrate."***

*Article IV, Section 4.1.B (definitions) Window sign. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. A business is permitted to have a sign in a window relating to something within their establishment. A business is not permitted to have a sign in their window advertising another business. **Staff recommends removing both sentences beginning with "A business is..." because they regulate content making the section as written content-based rather than content—neutral.***

*Article IV, Section 4.1.D.2 Signs in the rights-of-way No sign other than an official traffic sign or similar sign shall be erected within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the Town Manager and the Virginia Department of Transportation (VDOT). **Staff recommends removing "Town Manager" and replacing with "Zoning Administrator." Alternatively, staff recommends striking all current language beginning with "unless" and continuing to the end.***

*Article IV, Section 4.1.E.7 Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 4 square feet (0.56 m<sup>2</sup>) in area. **Such language is content-based rather than content-neutral. Staff recommends text read "Street address signs and combination nameplate and street address signs which do not exceed 4 square feet in area."***

Article IV, Section 4.1.F.2 Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole (with the exception of the utility pole located at the Post Office on Randolph Avenue), light standard, street tree or any other public facility located within the public right-of-way. **For continuity within the ordinance staff recommends text read “All signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole (with the exception of the utility pole located at the Post Office on Randolph Avenue), light standard, street tree or any other public facility located within the public right-of-way.”**

Article IV, Section 4.1.H.2.d Special event signs in public ways Signs advertising a special community event shall be allowed in or over public rights-of-way, subject to approval by the zoning administrator and the Virginia Department of Transportation as to the size, location and method of erection. The zoning administrator may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility. **Staff recommends removing this entire section because it is content-based rather than content-neutral. Staff does find merit with “The zoning administrator may not approve any signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility” as a general overview of the sign ordinance.**

Article IV, Section 4.1.H.3.c.3 Projecting signs Such signs shall not extend over a public sidewalk without approval of the Town Manager. **Staff recommends removing “Town Manager” and replacing with “Zoning Administrator” for continuity within the ordinance.**

(Subdivision ordinance) Appendix A, Section 4.6 Fees There shall be a charge for the examination and approval or disapproval of every plat reviewed by the agent. At the time of filing the preliminary plat, the sub-divider shall deposit with the agent checks payable to the Town Treasurer in the amount of twentyfive dollars (\$25 per plat) and one dollar (\$1) for each lot if the subdivision contains five or more lots; if the subdivision contains less than five lots, the charge shall be ten dollars (\$10) per plat and one dollar (\$1) for each lot. **Staff recommends removing this language and replacing with “All fees shall be governed as set forth by the Town Council of the Town of Cape Charles.” Staff recommends this amendment for clarity, consistency and to remove conflict across legislation.**

## **Discussion**

The zoning ordinance sections above are recommended for text amendment and/or removal from the ordinance. Staff recommendations are based on either lack of clarity, failure to meet the content-neutral standard, or to reconcile conflict with other sections. The Commission may recommend revisions as needed, and direct staff accordingly.

## **Recommendation**

Following review and discussion staff recommends setting Tuesday April 4, 2017 as the date for a public hearing on proposed text amendments to the Town zoning ordinance.

  <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> Virginia Port Authority (VPA) Aid to Local Ports Grant Request		<b>AGENDA DATE:</b> February 16, 2017
	<b>SUBJECT/PROPOSAL/REQUEST:</b> Authorize the Mayor to sign letter to VPA.		<b>ITEM NUMBER:</b> 7D
	<b>ATTACHMENTS:</b> None		<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:**

The Town has made good use of the Virginia Port Authority (VPA) Aid to Local Ports (ALP) program to improve our Harbor as part of the Harbor Redevelopment Plan. ALP grants pay for 75% of capital improvement projects. The VPA requires a letter signed by the Mayor by March 1<sup>st</sup> to request a new grant or carry-over an existing grant. The VPA Board typically considers these requests in May, with approved funding becoming available July 1.

Last year, we requested carryover of \$194.2K and a new grant of \$500K to construct Off-Shore Breakwater #4 and design the rehabilitation of the North Jetty. Breakwater #4 would offer protection from southwest waves and swells; an improved North Jetty would contribute to protection from northwest waves and swells. The VPA approved the carryover request, but a new grant of only \$50K. Consequently, Council decided to proceed with the North Jetty Rehabilitation to maximize the leverage of the ALP grant funding.

**DISCUSSION:**

The existing jetty was constructed on the north side of the Harbor entrance around 1900. The jetty has deteriorated and sunk over the years to the extent that significant portions are over-topped at high water, contributing to excessive wave action in the Harbor. Rehabilitation of the North Jetty, primarily by raising the height to 7 feet above mean lower low water, would better block waves and swells from the north and northwest prevalent during the winter.

We have surveyed the jetty and completed the design. Unfortunately, cost estimates prepared by our design and engineering firm in coordination with three independent construction sources put the project cost at about \$1 million. This is much greater than expected due to the poor condition of the structure revealed by the survey. We would essentially need to reconstruct the jetty instead of simply raising the height. The expected improvement of harbor conditions would not be great enough to justify this investment. Consequently, we recommend suspending further work on this project and re-focusing instead on construction of the 4th Off-Shore Breakwater, to improve conditions during the busy summer months.

Three of five planned off-shore breakwaters have been built on the shoal to the west of the harbor entrance. The design of all five breakwaters has been done and they have been permitted by the Virginia Marine Resources Commission and the Army Corps of Engineers. Construction plans and specifications can be completed in September 2017, with construction bidding and contract award in October 2017. The project is estimated to cost \$875,000. A carryover of \$233,000 and a new grant of \$423,250 is required for this project. The Town share would be \$218,750. Some federal Boating Infrastructure Grant funding may be available to offset a portion of this.

**RECOMMENDATION:**

Authorize the Mayor to request that VPA approve carryover of \$233,000 of the existing grant and \$423,250 of new grant funds, for Off-Shore Breakwater #4.

  <b>TOWN OF CAPE CHARLES</b>	<b>AGENDA TITLE:</b> 2017/2018 Virginia Commission for Arts Local Government Challenge Grant		<b>AGENDA DATE:</b> February 16, 2017
	<b>SUBJECT/PROPOSAL/REQUEST:</b> 2017-2018 Local Government Challenge Grant Application		<b>ITEM NUMBER:</b> 7E
	<b>ATTACHMENTS:</b> None		<b>FOR COUNCIL:</b> Action        ( X ) Information (   )
	<b>STAFF CONTACT(s):</b> Brent Manuel	<b>REVIEWED BY:</b> Brent Manuel, Town Manager	

**BACKGROUND:**

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

In Fiscal Year (FY) 2016/2017, the Town allocated \$5,000 as the local match.

**DISCUSSION:**

The grant application deadline is April 3, 2017. The grant application has been drafted for the Arts Enter and is ready for submittal upon Council approval. The Town must confirm in writing to the Commission the Council’s decision to appropriate the matching funds by July 1, 2017. The local match in the amount of \$5K will be included in the draft FY 2017/2018 budget and the amount will be reviewed by Council at a future budget work session.

Submission of the application for \$5K does not bind the Town to that amount. Council may opt to reduce the amount to \$2,500 during the budget discussion.

**RECOMMENDATION:**

Staff requests approval to submit the Local Government Challenge Grant application by the April 3, 2017 deadline as discussed.