



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

At 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Bennett, Brown and Godwin, and Councilwoman Natali. Councilman Wendell was not in attendance. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Town Planner Larry DiRe and Town Clerk Libby Hume. There were five members of the public in attendance including Harbor Development Certificate applicant Mr. Patrick Hand.

**PUBLIC COMMENTS**

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

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

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

*B. Harbor Development Certificate – Strawberry Street Station*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

Mayor Proto

---

Town Clerk