



TOWN COUNCIL
Regular Meeting
Civic Center
August 20, 2015
6:00 p.m.

At approximately 6:00 p.m. Mayor George Proto, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Brown, Godwin, and Councilwoman Natali. Councilman Bennett arrived at 6:10 p.m. Councilman Wendell was not in attendance. Also in attendance were Town Manager Brent Manuel, Assistant Town Manager Bob Panek, Treasurer Deborah Pocock and Town Clerk Libby Hume. The Department Heads were in attendance as well as three members of the public.

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

PUBLIC COMMENTS:

Karen Gay, 506 Monroe Avenue

Ms. Gay addressed the Council regarding the Cape Charles by the Bay website and marketing program. (Please see attached.)

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

CONSENT AGENDA – APPROVAL OF AGENDA FORMAT:

Councilwoman Natali asked that an update regarding the Cape Charles by the Bay Stakeholder Meeting be added to the agenda under Old Business.

Motion made by Councilwoman Natali, seconded by Councilman Brown, to add the Cape Charles by the Bay Stakeholder Meeting update to Old Business. The motion was approved by unanimous vote.

Mayor Proto stated that the Cape Charles by the Bay Stakeholder Meeting update would be heard prior to the Department Reports.

CONSENT AGENDA – APPROVAL OF MINUTES:

The Town Council reviewed the minutes of the July 16, 2015 Regular Meeting, the July 16, 2015 Executive Session, the July 30, 2015 Special Meeting, and the August 13, 2015 Work Session.

Motion made by Vice Mayor Bannon, seconded by Councilman Brown, to approve the minutes from the July 16, 2015 Regular Meeting, the July 16, 2015 Executive Session, the July 30, 2015 Special Meeting, and the August 13, 2015 Work Session as presented. The motion was approved by unanimous vote.

Councilwoman Natali stated that the stakeholders of the Cape Charles by the Bay website met on August 18th. All stakeholders were represented with the exception of the Cape Charles Yacht Center as Mr. Eyre Baldwin had a last minute conflict and was unable to attend. There was open discussion regarding the issue and possible options. All in attendance agreed that time was of the essence since the website and social media sites were getting stale. A memorandum of agreement was being developed for review by the stakeholders.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Treasurer Deborah Pocock reviewed the Treasurer's report dated July 31, 2015 which showed the Total Cash on Hand of \$1,193,610, the Total Cash Held in Reserve was \$1,464,637 and the Total Cash – All Accounts was \$2,658,248. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the Capital Improvement Project Tracking Report, and the Three Year Revenue Comparison.

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

B. *Planning Commission and Boards:*

Town Planner Larry DiRe reported the following regarding the harbor dredging: i) The timeline would be early September through December; and ii) A 20" pipeline would block the pedestrian and golf cart path between Mason Avenue and the Harbor. A change order, which would increase the project cost, would be required to bury the pipe or construction of a ramp over the pipe. The area would most likely be closed within the next two to four weeks.

Mayor Proto commented about a growing concern regarding pedestrians having to cross Bay Avenue with their chairs, coolers, etc. in order to go to the beach and asked that the Planning Commission research the issue to ensure the safety of the beachgoers. Larry DiRe stated that the town could possibly request VDOT to mark crosswalks at the street intersections.

There was some discussion regarding additional signage on Mason Avenue requiring vehicles to yield to pedestrians. Mayor Proto requested this issue be reviewed by the Planning Commission as well.

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 or comments from Council.

Town Harbor:

Acting Harbor Master Barbara Michaux introduced herself and reported the following: i) Three yacht clubs were booked for the harbor; and ii) Bob Panek was taking the lead regarding the breakwater project.

Mayor Proto noted that the Harbor Report showed that every hotel room and camp site in Northampton County had sold out for the Clam Slam weekend and stated that he would like to know what the normal bookings were for a typical weekend.

Cape Charles Memorial Library:

Librarian Ann Rutledge reported the following: i) This was the last week for the summer programs; ii) 1,078 people attended the various programs from June through August; iii) Overall attendance this summer was 5,141. It was the best summer ever; iv) Electrical outlets were installed on the second floor; and v) The water fountain was being installed and should be completed this evening.

Vice Mayor Bannon asked about the computers. Ann Rutledge stated that the computers were working better and no complaints had been received from the users.

Police Department:

Police Chief Jim Pruitt reported that Sergeant Chelsea Pfeiffer was accepted into the Virginia FBI Academy in Richmond and would be attending training in October.

Mayor Proto stated that the police and fire departments had been honored at a ceremony for responding to the Cherrystone tornado last year and added that our police department was the first on the scene. Chief Pruitt stated that he took the certificate to Gallery 209 for framing and would like to display it in the Civic Center.

Public Utilities/Public Works Departments:

Public Utilities/Public Works Director Dave Fauber stated that he did not have anything to add to his written reports.

Vice Mayor Bannon stated that a member of the Public Works crew was leaving.

Mayor Proto stated that bicycle racks were being installed at the beach and stop signs were being installed at the end of the alleys.

There were no further questions or comments from Council.

Recreation Department:

Recreation/Community Events Coordinator Jen Lewis stated that she did not have anything to add to her written report. There were no questions or comments from Council.

OLD BUSINESS

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

Assistant Town Manager Bob Panek stated that no response had yet been received from VDOT regarding the new bid package. Advertising the invitation for bids was anticipated for September in the Virginian Pilot, Eastern Shore News, on the website, and some other specialty publications. The consultants would also provide the bid package to companies specializing in this type of work. VDOT would have to review the bids received so contract award would probably be in November. An application for additional grant funding for Phase 3 would be presented to Council in October for approval to submit to VDOT by the November 1, 2015 deadline.

Vice Mayor Bannon asked how long the trail project had been going on. Bob Panek stated that the plan was finalized in 2007 and it took about two years to approve.

NEW BUSINESS:

A. *Harbor Breakwater Project Update:*

Bob Panek stated Langley & McDonald planned to complete the bid package and provide it to the town for review next week. The invitation for bids would be advertised in September and the contract should be awarded in October. Concrete shapes were being donated by Bayshore Concrete Products from the Skanska yard in Chesapeake which was recently closed. There was some urgency in the timeframe as

their lease was expiring in December. There was some discussion regarding the shapes and issues with some of the shapes used for the previous breakwater section. Bob Panek stated that these were cubes and should not be a problem. Bob Panek went on to state that the bid package would include two bid alternates, one of which would be to add about two feet of height to the other two breakwaters. The town was notified of a possibility of an additional \$80K in funding from the boating infrastructure grant but this had not been finalized as yet.

B. FY 2016 Virginia Aid to Localities – Fire Programs:

Brent Manuel stated that each year, the Virginia Fire Programs Fund provided funding passed through the town to the Cape Charles Volunteer Fire Company (CCVFC). \$10K was provided over the past several years and another \$10K was included in this year's budget as a pass-through to the CCVFC. The FY 2016 Fire Programs Fund Disbursement Agreement must be signed in order to receive the Aid to Locality Funding.

Motion made by Councilman Bennett, seconded by Councilman Brown, to authorize the Town Manager to execute the FY 2016 Fire Programs Fund Disbursement Agreement. The motion was approved by unanimous vote.

C. FY 2016 Budget Re-Appropriation – Manhole Rehabilitation Project:

Deborah Pocock stated that the sewer system manhole rehabilitation project contract of \$41,792 was awarded by Council to Eastern Shore Landscape Management in March 2015 but work did not begin until FY 2016. Town Code required that the funding for a project that overran its projected fiscal year be re-appropriated in the following fiscal year.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to re-appropriate \$41,792 for FY 2016 in order to fulfill the contract and complete the manhole system repairs. The motion was approved by unanimous vote.

D. Electronic Summons System Ordinance:

Brent Manuel stated that this issue was discussed at the August 13th work session. Code of Virginia §§ 17.1-275.5 and 17.1-279.1 were revised by the General Assembly and approved by Governor McAuliffe effective July 1, 2015 allowing towns the ability to assess an additional sum not to exceed \$5 as part of costs in each criminal or traffic case in the Northampton County district or circuit courts for a violation of any statute or ordinance which arose within the town for the purpose of funding software, hardware and associated equipment costs for the implementation and maintenance of an electronic summons system. No date had been set mandating use of an electronic summons system but the law permitted localities to collect funds to be held solely to fund the system. An ordinance needed to be adopted in order to impose the additional assessment.

There was much discussion regarding the procedure to collect the funds from the Northampton County Court system and how the town could ensure receipt of the correct amount. Deborah Pocock stated that she would ask for a report to be provided along with the check.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to approve adoption of Ordinance #20150820 to establish the assessment of an additional fee in

criminal and traffic cases for the costs associated with an electronic summons system. Mayor Proto moved for adoption of Ordinance #20150820 as noticed and forewent reading of the ordinance. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Natali, yes.

MAYOR AND COUNCIL COMMENTS

Councilman Brown and Vice Mayor Bannon did not have any additional comments.

Councilman Bennett stated that Councilman Wendell had not attended many of the meetings recently and asked if he was okay. Mayor Proto responded that Councilman Wendell couldn't attend tonight due to having to take his daughter back to school.

Councilwoman Natali stated that the last Concert in Central Park sponsored by the Citizens for Central Park (CCP) was scheduled for August 30th from 6:00 – 8:00 p.m. The Kasey Rae Band would be playing. This band was also in town on July 4th this year. The CCP had raised about \$800 in donations for the playground by passing a basket through the concert attendees. This was the last opportunity to raise money for the playground.

Councilman Godwin stated that he was excited about using the iPad for meetings and added that he had learned a lot and he was enjoying it.

Mayor Proto stated that he did not have any additional comments and proceeded to read the announcements.

ANNOUNCEMENTS

- August 25, 2015 – Mayor's Office Hours, 6:00 PM – 7:00 PM.
- September 3, 2015 – Town Council Work Session, 6:00 PM.
- September 7, 2015 – Town Offices closed for Labor Day.
- September 8, 2015 – Mayor's Office Hours, 2:00 PM – 3:00 PM.
- September 10, 2015 – Town Council Work Session, 6:00 PM.
- September 17, 2015 – Town Council Regular Meeting, 6:00 PM.

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

Mayor Proto

Town Clerk

August 20, 2015 Town Council Regular Meeting
Public Comments Provided in Writing

Karen Gay, 506 Monroe Avenue

Thanks so much for providing an opportunity for citizens to speak their minds in a public forum. I know all of you must look forward each month to hearing the various opinions of those whom you serve.

I've attended the last several Town Council meetings primarily to hear what will happen to the Cape Charles by the Bay website. In June, I was encouraged to hear that the Town awarded the contract for the website to Cape Charles Wave LLC. In a fair contest they submitted a bid for \$5,300 in contrast to the next closest bid of \$9,790 – a difference of over \$4,000. Naively, I thought that the Town had been able to set aside hard feelings created when the Cape Charles Wave online newspaper voiced opposition to the sale of the former school for \$10. What some people saw as hard-hitting reporting others saw as inflammatory and inaccurate.

After members of the Cape Charles Business Association voice opposition to the contract award, a stop work order was issued. I support and defend the right of members of the Business Association to speak their minds regarding the contract. I appreciate that in this case the Town was responsive to citizen complaints.

As I sat in the Town Council meetings I heard various alternatives on how to maintain the website and respond to social media. To my mind each of these approaches looked as if they would cost more than \$5,300, the cost of the original contract award. The Council agreed that a stakeholder meeting would be necessary to work through the options. As a taxpayer stakeholder I'd like to know the cost of each of the options. If all the alternatives cost more than the original contract bid, who will pay the additional amount? The carries a lot of debt and to say that the Town will pay the overage is like saying that my neighbors and I are paying extra when there was already a perfectly good solution. I suggest that any additional cost over \$5,300 should be absorbed by the members of the Cape Charles Business Association as they object to the originally selected vendor. If this is the case, then I lend my wholehearted support to this effort.

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

CASH POSITION

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

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

DEBT SERVICE

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

REVENUE VS. EXPENDITURES

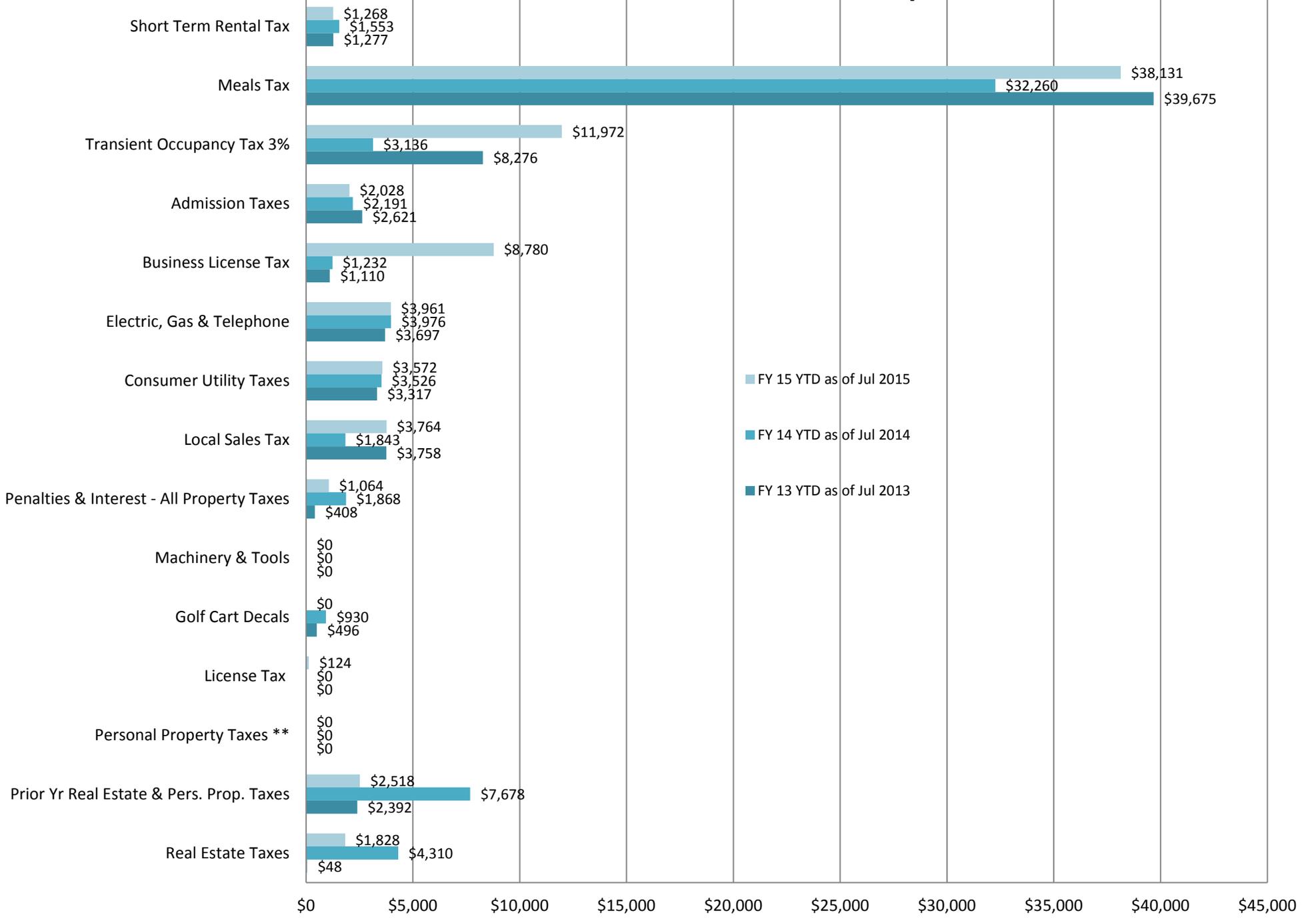
<u>FUND</u>	<u>CURRENT MONTH</u>	<u>PRIOR YEAR-TO-DATE</u>	<u>CURRENT YEAR-TO-DATE</u>	<u>INCREASE/ (DECREASE) YTD</u>	<u>ANNUAL BUDGET</u>	<u>% REALIZED/ EXPENDED FY15</u>
GENERAL						
REVENUES	96,788	77,832	96,788	18,956	4,158,455	2.33%
EXPENDED	333,517	222,310	333,517	111,207	4,050,514	8.23%
NET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

FY 2016 Capital Improvement Project Tracking Report

As of:
7/31/2015

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

Three Year Revenue Comparison





*Municipal Corp. of
Cape Charles*

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on August 20, 2015 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20150820 (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Ordinance as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
George Proto, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
Charles Brown	X		X		
Tom Godwin	X		X		
Joan Natali	X		X		
Frank Wendell		X			

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 21st day of August 2015.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)

ORDINANCE 20150820

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

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

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

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

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

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

Section 42.2.1 Additional assessment for electronic summons

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

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

By: _____
Mayor

ATTEST:

Town Clerk