



TOWN COUNCIL
Work Session
Cape Charles Civic Center
September 3, 2015
6:00 p.m.

At 6:00 p.m., Mayor George Proto, having established a quorum, called to order the Town Council Work Session. In addition to Mayor Proto, present were Vice Mayor Bannon, Councilmen Brown and Godwin and Councilwoman Natali. Councilman Bennett arrived at 6:05 p.m. 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 two members of the public in attendance.

Mayor Proto stated that the order of business for the evening would be to review proposed updates to the Town Code.

A. *Town Code Updates:*

i. *§ 66-57 – Transient Occupancy Tax*

Town Manager Brent Manuel stated that this section of the Town Code was being updated to show the current levy amount of three and seven-tenths percent in the first paragraph and delete the second paragraph which showed the effective date of January 1, 2015. There were no questions or concerns expressed regarding this change.

ii. *§ 42-43 – License Tax on Unlicensed Motor Vehicles*

Brent Manuel stated that the purpose of this change was to correct the license amount listed in the section for consistency with § 42-21 Local Vehicle License Tax Levied. The amount of the license tax was revised in 2010 but this section had not been updated.

There was much discussion regarding the following: i) How the town would know about the vehicles if they were not registered with Department of Motor Vehicles (DMV) and how the ordinance could be enforced; ii) The vehicle license tax was now included with the annual personal property tax bills and decals were no longer issued, except for golf carts, making it more difficult to enforce; and iii) whether this ordinance was necessary to keep on the books.

iii. *§§ 26-36 and 26-39 – Open Burning*

Brent Manuel informed Council that from time to time, staff received requests from residents and visitors to have bonfires on the beach. The Town had always advised requesters that open fires were not permitted on the beach or other Town property but there was nothing in the Town Code to prohibit such fires. Council reviewed the proposed language addressing this issue. There were no questions or concerns expressed regarding the changes.

iv. *§§ 42-100, 42-108 through 42-116 – Bicycles*

Assistant Town Manager Bob Panek stated that he started reviewing the Town Code in preparation of the next phase of the Cape Charles Community Trail project which would connect Central Park, north Peach Street, the western section of Washington Avenue and the boardwalk along Bay Avenue. The Community Trail was intended for use by both pedestrians and non-motorized vehicles, which included bicycles, roller blades, skate boards, etc., but several sections of the Town Code prohibited bicycles on pedestrian paths and the boardwalk.

There was much discussion regarding the requirement to register bicycles. Bob Panek stated that he had spoken to Chief Jim Pruitt who informed him that registrations were not being required. Councilman Brown stated that while he was on the police force, a database of approximately 200 bicycles was maintained and was useful in identifying lost or found bicycles. The general consensus was to remove the appropriate sections from the Town Code requiring registration of bicycles and making it a voluntary program.

v. *§§ 42-200 through 42-202 – Mopeds*

Bob Panek stated that mopeds were now required by the state to be registered with the DMV, therefore could be deleted from the Town Code. There was much discussion as follows: i) Although registration was required by the state, a valid driver's license was not required to operate a moped; and ii) If mopeds were required to be registered with DMV, a vehicle license tax and personal property tax should also be assessed.

There was also discussion regarding golf carts being driven on the boardwalk by individuals stating they were handicapped. Council asked staff to check to determine whether a golf cart could qualify under the Americans with Disability Act (ADA) as a mobility device.

vi. *§§ 14-2 through 14-19 – In General*

Bob Panek stated that §§ 14-2 and 14-3 pertained to a Harbor Committee consisting of the entire Council plus the Mayor or Town Manager to enforce the rules and regulations of the town harbor. This ordinance was most likely adopted prior to the hiring of a harbor master and was proposed for deletion since the cited duties fell under the purview of the harbor master. Council was in agreement with this deletion.

§ 14-7 established a curfew on the boardwalk and beach from 11:00 p.m. to 5:00 a.m. and was inconsistent with the continued evolution as a resort community and was proposed for deletion. There was much discussion regarding the need for a curfew and the beach or harbor and fines for violation. Bob Panek stated that the ordinance established violation as a class 4 misdemeanor. Council was in agreement with this deletion.

There was much discussion regarding § 14-8 and Council requested that personal watercraft be added to the section.

Council was in agreement with the changes proposed for §§ 14-9 and 14-12 which dealt with the operation of motor vehicles on the beach and boardwalk.

There was some discussion regarding § 14-13 and whether a Segway could be classified as a mobility device under ADA.

§ 14-15 prohibited storing equipment such as nets, crab pots, barrels, etc. at the town harbor which was currently allowed under a fee structure. The section was modified to allow the storage of equipment upon approval of the harbor master.

In § 14-17, the reference to city manager was corrected to town manager.

In § 14-18, Council agreed that the Town Council should have the authority to designate and mark areas for public swimming areas.

In § 14-19, Council agreed that the town manager could prohibit swimming in areas or places which could be determined as unsafe.

B. *Mason Avenue Parking Update*

Town Planner Larry DiRe presented draft language for public informational materials and graphics depicting the additional signage which was ordered for installation along Mason Avenue. There was much discussion regarding the following: i) placement of the signage. Larry DiRe informed Council that if the new signage was installed on existing poles, a new permit application would not have to be submitted to VDOT. Councilman Brown suggested placing a sign on a pedestal in the center of Mason Avenue and asked staff to contact VDOT whether this would be permitted; ii) Council asked staff to contact VDOT regarding painting double yellow lines along Mason Avenue; iii) the issue of the tree canopies hindering the visibility of the signage; iv) methods for public notification included: notices in the water bills, article in the Gazette, posting on the Town's website, letters to owners of property along Mason Avenue, a brochure, a refrigerator magnet for rental properties, a banner at the intersection of Fig Street and Randolph Avenue, and the telephone pole by the post office; and v) timeline to begin enforcement. Councilman Brown suggested that the town manager meet with the police chief to discuss a timeline to begin enforcement.

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

Mayor Proto

Town Clerk