



**TOWN COUNCIL
Regular Meeting
Civic Center
May 19, 2016
6:00 p.m.**

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

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

RECOGNITION OF VISITORS / PRESENTATIONS

A. *National Safe Boating Week Proclamation*

Mayor Proto began by reading a letter received from Ron West of the U.S. Coast Guard Auxiliary thanking the Town for permitting them to use the Cape Charles Civic Center for a public boating safety course. (Please see attached.)

Mayor Proto read Proclamation 20160519 Proclaiming May 21–May 27, 2016 as National Safe Boating Week. (Please see attached.)

Motion made by Councilwoman Natali, seconded by Councilman Brown, to adopt Proclamation 20160519 Proclaiming May 21–May 27, 2016 as National Safe Boating Week. The motion was approved by unanimous vote.

Mayor Proto presented the proclamation to Senior Chief David Stone, Coast Guard Station Cape Charles, and Commander Jack Cranford, Coast Guard Auxiliary Flotilla 12-02.

PUBLIC COMMENTS:

There were no public 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 Bennett, 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 April 21, 2016 Regular Meeting, April 21, 2016 Executive Session, April 28, 2016 Work Session, May 9, 2016 Budget Work Session, May 9, 2016 Executive Session, and May 12, 2016 Budget Work Session.

Motion made by Councilwoman Natali, seconded by Councilman Bennett, to approve the minutes from the April 21, 2016 Regular Meeting, April 21, 2016 Executive Session, April 28, 2016 Work Session, May 9, 2016 Budget Work Session, May 9, 2016 Executive Session, and May 12, 2016 Budget Work Session as presented. The motion was approved by unanimous vote.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Treasurer Deborah Pocock reviewed the Treasurer's report dated April 30, 2016 which showed the Total Cash on Hand of \$1,696,031, the Total Cash Held in Reserve was \$1,467,416 and the Total Cash – All Accounts was \$3,163,447. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the FY 2016 Capital Improvement Project Tracking Report, the YTD 2016 Real Estate, Personal Property, Machinery and Tools Tax & 2016 License Tax Collections, the YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections and the Three Year Revenue Comparison.

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

B. *Planning Commission and Boards:*

Town Planner Larry DiRe reported the following: i) The Planning Commission directed staff to draft language for the Commercial-3 District for review in June; ii) The Wetlands and Coastal Dunes Board was scheduled to meet on June 1 at 4:00 p.m. to discuss dune management issues. A public information meeting was scheduled for June 15; iii) The U.S. Army Corps of Engineers (USACE) Dredge Project would begin the week of June 1 and should be completed by September 15. 100K cubic yards was planned to be placed on the beach and 102K cubic yards in the uplands site. There was much discussion this project which was initially supposed to start earlier in the spring and completed by June. There was much concern regarding the current timeframe's negative impact on the Town's summer season. Town Manager Brent Manuel stated that the Town was invited to attend the pre-construction meeting next week. After further discussion, Council agreed that a letter signed by Mayor Proto needed to be sent to the USACE expressing the Town's concerns with copies to the state delegates and congressmen prior to the pre-construction meeting.

C. *Other Departments:*

Code Enforcement:

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

Town Harbor:

Harbor Master Charlie Farlow reported the following: i) He spoke with a representative from the Lynx regarding Cape Charles Harbor becoming their home port. A letter was requested from the Town asking the Lynx to come to Cape Charles. Charlie Farlow would provide the information to include in the letter. There was much discussion regarding the request. During the season, the Lynx would be gone to other venues so bookings would not be negatively impacted. The Lynx would provide the Town with their schedule and would possibly offer tours and trips while in port. Brent Manuel added that the town of Crisfield, MD hosted a tall ship in their harbor and had a legal agreement drawn up, which would be done if the Lynx decided to make Cape Charles their home port. Charlie Farlow would follow-up with the Lynx to obtain their itinerary and copies of past agreements with other harbors for review; ii) Sealed bids were being accepted for the Adhara. A number of online sites were researched and this brand of sailboat cost approximately \$7K - \$30K; iii) The plants for the BMP work at the harbor should be arriving the first week in June. The beds would be weeded next week and the harbor area would be cleaned up for Memorial Day; and iv) The parking lot was graded twice and would be done again before the weekend. Councilman Bennett stated that the parking lot needed to be maintained since it could be a liability.

Cape Charles Memorial Library:

Librarian Ann Rutledge reported the following: i) The work on the second floor meeting room started today; ii) This year's Summer Reading Program would be counting the minutes that children were reading vs. the number of books read; and iii) The issue in the cellar had been resolved.

Police Department:

Chief Jim Pruitt reported the following: i) He suggested an ordinance instituting a 2:00 a.m. curfew at the beach and went on to detail an incident which occurred last weekend. The incident began at a restaurant on Lankford Highway. Officers responded and the crowd was disbursed. The group came to the Cape Charles beach but left for Cheriton after police officers arrived. There was lengthy discussion regarding this issue. Mayor Proto asked staff to research ordinances from other localities and provide a recommendation for Council review.

Public Utilities/Public Works Departments:

Public Works/Public Utilities Director Dave Fauber was not in attendance. Brent Manuel stated that the provided report was self-explanatory and noted the attached chart depicting the correlation between the spikes in wastewater flow vs. rainfall. There was much discussion regarding this issue.

Vice Mayor Bannon asked staff to contact VDOT regarding the possibility of reducing the depth of the dip in the street/curb since it held standing water after a rain and older residents had difficulty stepping over the dip. Staff noted that VDOT had a small milling machine that could be used in the area to help the situation.

Recreation Department:

Recreation Coordinator Jen Lewis reported the following: i) Due to the weather forecasts, the Crabby Blues Festival was moved to Sunday from 2:00 p.m. – 7:00 p.m.; ii) The Cape Charles Outdoor Market would be held on May 28; and iii) The circus would be in Cape Charles on July 17. She would be out of town but asked the Citizens for Central Park to sponsor the event as a fundraiser. There would be no animals other than ponies.

OLD BUSINESS

There was no Old Business to review.

NEW BUSINESS:

A. *Proposed FY 2016-2017 Budget – Schedule Public Hearing*

Deborah Pocock stated that the proposed FY 2016-2017 Budget showed a total budget of \$7,974,132 which included \$3,105,600 for Capital Projects. The total proposed General Fund budget was \$3,723,535 and included a \$90K contingency line. The Harbor Fund was projecting a shortfall of \$59K which would be absorbed by the General Fund. The minimum utility rates would not change from FY 2015-2016. The tax rate was changed to .3260 per \$100 of assessed value to equalize the overall tax revenue due to the decrease in property values on the recent Northampton County assessment. Deborah Pocock noted that land values decreased more than improvement values so some citizens could experience an increase in their tax bill.

Councilman Bennett thanked Deborah Pocock for all the hours worked and for doing a great job in putting everything together.

Motion made by Vice Mayor Brown, seconded by Councilman Bennett, to schedule a public hearing on June 9, 2016 to hear comments regarding the proposed FY 2016-2017 Budget. The motion was approved by unanimous vote.

B. *Northampton County Request Regarding Former Middle School:*

Town Clerk Libby Hume stated that Northampton County Economic Development Director Kris Tucker spoke at the April 21, 2016 Town Council meeting requesting the Town's support for the development of a small business incubator or community kitchen at the former middle school in Machipongo. The Virginia Department of Housing and Community Development provided grant funding for planning activities for regional collaborative efforts through the Building Collaborative Communities Program. The Accomack-Northampton Planning District Commission had committed to administering the grant contract and providing the required \$10K local match funding. Northampton County was asking all of its incorporated towns to

adopt resolutions supporting this effort. Council reviewed the request at the April 28, 2016 work session.

Motion made by Councilman Brown, seconded by Councilman Bennett, to adopt Resolution 20160519 to support the planning activities for the development of a small business incubator or community kitchen at the former middle school in Machipongo.

Mayor Proto moved for adoption of Resolution 20160519 as noticed and forwent reading of the resolution. The motion was unanimously approved. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Godwin, yes; Natali, yes.

VICE MAYOR AND COUNCIL COMMENTS

Councilman Brown stated that the sitting Town Council, as well as Deborah Pocock, did an excellent job on the proposed FY 2017 budget.

Brent Manuel identified Libby Hume for going above and beyond during the budget process as well. Some of the things she did were not noticed but were greatly appreciated.

Vice Mayor Bannon thanked and congratulated Bay Creek for their presentation of the new houses and the progressive dinner on Wednesday night. If everything took off as predicted with the Ideal Living magazine spread, there would be a housing boom in Cape Charles.

Councilman Godwin added that he thought Libby Hume always went above and beyond to help everyone.

There were no other comments.

Mayor Proto proceeded to read the Announcements.

ANNOUNCEMENTS:

- May 22, 2016 – Crabby Blues Festival, 2:00 p.m. – 7:00 p.m.
- May 24, 2016 Mayor’s Office Hours, 6:00 p.m. -7:00 p.m.
- May 28, 2016 – Cape Charles Outdoor Market, 9:00 a.m. – 12:00 p.m.
- May 30, 2016 – Town Offices closed for Memorial Day
- June 2, 2016 – Town Council Work Session, 6:00 p.m.
- June 9, 2016 – Town Council Public Hearing re: FY 2017 Budget, 6:00 p.m.
- June 14, 2016 – Mayor’s Office Hours, 2:00 p.m. – 3:00 p.m.
- June 16, 2016 Town Council Regular Meeting, 6:00 p.m.
- June 28, 2016 Mayor’s Office Hours, 6:00 p.m. -7:00 p.m.

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

Mayor Proto

Event Coordinator

DEPARTMENT OF
HOMELAND SECURITY
**United States
Coast Guard
Auxiliary**



*DSO-NS D5 SR
United States Coast Guard Auxiliary
Fifth Coast Guard District Southern Region*

*5078 Lucas Trail
Machipongo, VA 23405
757- 678-0124 (H)
e-mail: rwest@esva.net*

17 April 2016

From: DSO-NS 5SR

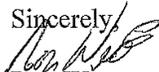
To: George Proto, Mayor
Cape Charles, Virginia 23310

Sub: Boating Safety Course

1. I would like to take this time to thank the leadership of the Town of Cape Charles for the opportunity to offer a public boating safety course at the Town Community Center on 09 April 2016. The course was co-sponsored by the Cape Charles Yacht Club and the United States Coast Guard Auxiliary, Flotilla 12-02, for the purpose of teaching safe boating practices to those who use the waters in and around the Eastern Shore. A total of 36 residents of the Eastern Shore, most of who were from Cape Charles, attended and successfully completed the course of instruction and the State of Virginia approved exam.

2. The State of Virginia currently requires all boaters fifty years of age and younger to have completed an approved boater safety course or its equivalent in order to legally operate a power vessel in Virginia. As of 01 July 2016, all boaters will need to meet this requirement or an acceptable variance accepted by the state. By allowing us to offer this course, it has provided more boaters who use the waters in Virginia with the knowledge needed to make them safer boaters.

3. If another boating education course is desired to be offered in Cape Charles, please feel free to contact me at the number provided above.

Sincerely,

Ron West

U.S. Coast Guard Auxiliary

PROCLAMATION 20160519

PROCLAIMING May 21 – May 27, 2016 as NATIONAL SAFE BOATING WEEK

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical “Rules of the Road,” drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today’s boating public and

WHEREAS, U.S. Coast Guard Auxiliary Flotilla 12-02 Painter, provides safe boating instruction for persons of all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

THEREFORE, BE IT RESOLVED, the Cape Charles Town Council hereby supports the goals of the North American Safe Boating Campaign and proclaim May 21 – 27, 2016, as National Safe Boating Week and the start of the year-round effort to promote safe boating. All boaters are encouraged to wear their life jackets, boat responsibly, and enroll in a safe boating class.

IN WITNESS THEREOF, all those who boat are urged to “Boat Smart. Boat Safe. Wear it.” and practice safe boating habits.

Adopted by the Town Council of Cape Charles on this 19th day of May, 2016.

Mayor George Proto

ATTEST: _____
Clerk of the Council