



**TOWN COUNCIL
Regular Meeting
Civic Center
December 15, 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 and Councilmen Brown and Buchholz, and Councilwomen Natali and Sullivan. Councilman Bennett arrived at 6:02 p.m. Also in attendance were Town Manager Brent Manuel, Planner Larry DiRe and Town Clerk Libby Hume. The majority of the Department Heads were in attendance as well as five 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:

Mayor Proto read a letter from the Eastern Shore Community Services Board thanking the town for its support in the Eastern Shore Out of Darkness Walk. (Please see attached.)

PUBLIC COMMENTS:

John Burdiss, 117 Mason Avenue

Mr. Burdiss addressed the Council as the IDA representative and appointee of the Regent Film School to provide some information about movies. Regent Film School sponsored the showing of *Inlawfully Yours*, which was partially filmed in Cape Charles, at the Palace Theater. Corbin Bernsen, one of the stars in the movie, came to Cape Charles for the event and wanted to do more films in Cape Charles in early 2017. Regent would like to schedule a possible work session with Town Council to discuss a relationship with the town for longer term arrangements. There may be a request for financial assistance at some point. This would be beneficial to the town for economic development. There was no downside and he felt the town should embrace this opportunity. In 1947, another film, *Clamdigger's Daughter*, was filmed in town and more recently, two shows for HGTV were filmed here. His apartment was featured in one of the shows. Things would only get better and better for Cape Charles with a possible economic boon. Mr. Burdiss distributed copies of *Inlawfully Yours*, which were provided by Regent, to the Mayor, Town Council and Town Manager.

There were no other 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 November 10, 2016 Executive Session, the November 17, 2016 Regular Meeting, the November 17, Executive Session, the December 1, 2016 Work Session and the December 6, 2016 Joint Public Hearing with the Planning Commission.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to approve the minutes from the November 10, 2016 Executive Session, the November 17, 2016 Regular Meeting, the November 17, Executive Session, the December 1, 2016 Work Session and the December 6, 2016 Joint Public Hearing with the Planning Commission as presented. The motion was approved by unanimous vote.

DEPARTMENT REPORTS:

A. *Treasurer's Report:*

Treasurer Deborah Pocock reviewed the Treasurer's report dated November 30, 2016 which showed the Total Cash on Hand of \$2,145,057, the Total Cash Held in Reserve was \$1,359,751 and the Total Cash – All Accounts was \$3,504,808. Deborah Pocock went on to review the Debt Service, Revenue vs. Expenditures, the FY 2017 Capital Improvement Project Tracking Report, and the Three Year Revenue Comparison.

Deborah Pocock stated that, as requested by Councilwoman Natali in November, she would include a line item showing the current debt incurred by the town beginning in January.

Motion made by Councilwoman Sullivan, 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 that the Planning Commission would be reviewing the draft Capital Improvement Plan, and the draft Historic Town Edge Overlay District guidelines at their January meeting.

C. *Other Departments:*

Code Enforcement:

Code Official Jeb Brady reported on the November follow-up item regarding property in the former STIP Park being used as a rubbish dump. He drove back to the property and found piles of brush, which could be taken care of by a controlled burn, and a small pile of cinder blocks which he assumed was from the Harvey building's foundation. He would bring the matter to the property owner's attention requesting that the area be cleaned up as much as possible.

Harbor:

Brent Manuel stated that Harbor Master Charlie Farlow was unable to attend the meeting due to family matters and added that Councilman Buchholz's concerns had been noticed. Deborah Pocock would be going to the Harbor to look into the financial issues.

Councilman Buchholz commented that the report only showed comparisons for the first quarters of FY 2016 and FY 2017.

Mayor Proto stated that the Harbor Focus Group was being formed and a Town Council representative would be chosen to serve on the group. One of the first items of business would be to go through the finances with the treasurer and harbor master to determine what may have changed at the Harbor. Council was also looking at the possibility of bringing in a management company.

Cape Charles Memorial Library:

Librarian Ann Rutledge stated that a November follow-up item was a request from Council for the number of library card holders with addresses from Eastville to the south. Currently, the total number of library card holders in the Eastern Shore Public Library system was 16,618. 2,048 of the card holders showed the Cape Charles Memorial Library as their home library and represented 12.3% of all library patrons. She added that there were many library users from the Machipongo area as well. There was much discussion regarding the figures.

Vice Mayor Bannon thanked Ms. Rutledge for obtaining the information.

Police Department:

Chief Jim Pruitt reported the following: i) Andrew Spencer was hired as the new police officer; ii) He was trying to install two cameras into vehicles; and iii) He went to pick up the Dodge Charger, which had been at the dealership for repairs since October 25th, and noticed some

damage done to the vehicle while at the dealership. The dealership would be making the necessary repairs and would notify him when the repairs were completed.

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. There were no questions from Council.

Recreation Department:

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

OLD BUSINESS

A. *Harbor Development Certificate – Lot 19*

Larry DiRe stated that the Harbor Area Review Board (HARB) met on November 29, 2016 to review the application for the construction of decks and handicap-accessible ramp at the Harvey building and at the proposed new bath house. The construction of the proposed bath house was previously awarded a Harbor Development Certificate at a different location on the lot 19 parcel. However, the Harbor Development Certificate process outlined in Article III, § 3.9.1 of the zoning ordinance did not allow for a modification to an approved certificate so the change must be treated as a new application. The HARB voted to recommend Town Council approval of the application as submitted. Council reviewed the application and HARB summary report at the December 1, 2016 work session.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to approve a Harbor Development Certificate for Lot 19 as requested. The motion was approved by unanimous vote.

B. *Adoption of Comprehensive Plan*

Larry DiRe stated that the Planning Commission completed an extensive review of the 2009 Comprehensive Plan as required by Code of Virginia § 15.2-2230. The proposed amendments to the Plan were the subject of numerous public meetings and public input sessions and throughout the process, drafts of the Plan were posted on the town's website. As required by Code of Virginia § 15.2-2225, a Planning Commission/Town Council joint public hearing was held on December 6, 2016. The Commissioners discussed the proposed amendments at their regular meeting and adopted a resolution approving the amendments and certifying the Comprehensive Plan.

Motion made by Councilman Bennett, seconded by Councilman Buchholz, to adopt Resolution 20161215-Adoption of the Comprehensive Plan Update. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Brown, yes; Buchholz, yes; Natali, yes; Sullivan, yes.

C. *Municipal Building Internet Connectivity*

Brent Manuel stated that, as discussed at the December 1st work session, the town hall had been experiencing serious internet issues for some time. The poor internet service also affected the town's phone system and ability to process credit card payments and payroll. An estimate of just under \$10K was received from Chesapeake Bay Communications (CBC) to connect to their existing fiber optic line on the opposite side of Mason Avenue. The estimate included the cost to bore conduit under Mason Avenue, and put a splice and vault into the existing fiber optic line. Sufficient funds were available in the General Fund Contingency. This would be a one-time fee since CBC provided free internet services to all town facilities as part of their contract with the town.

Motion made by Councilman Brown, seconded by Councilman Bennett, to approve the reallocation of \$10K from the General Fund Contingency to connect the Municipal Building

to Chesapeake Bay Communications' fiber optic line. The motion was approved by unanimous vote.

D. Follow-Up Items from November Meeting

The follow-up items were discussed during the Department Reports.

NEW BUSINESS:

A. Town Council Representative to Town Harbor Focus Group

Brent Manuel that in an effort to improve operations and determine a future direction of the harbor, the harbor master formed a six-member focus group consisting of the harbor master and assistant harbor master along with one annual/seasonal slip holder, one commercial waterman, a town administration representative and a Town Council representative. The Town Council representative needed to be chosen.

Motion made by Councilman Bennett, seconded by Councilman Buchholz, to name Councilwoman Sullivan as the Town Council representative to the Harbor Focus Group. The motion was approved by unanimous vote.

B. Conditional Use Permit Application for 3 Fig Street – Set Public Hearing

Larry Dire stated that a conditional use permit (CUP) application was received for a residential unit above first floor commercial at 3 Fig Street. A public hearing was required prior to approval of a CUP. The Planning Commission reviewed the application and voted to schedule a joint public hearing with Town Council on Tuesday, January 3, 2017. Larry DiRe noted a discrepancy regarding the street address of the property, and added that the issue would be resolved prior to the public hearing.

Motion made by Vice Mayor Bannon, seconded by Councilman Bennett, to schedule a joint public hearing on January 3, 2017 with the Planning Commission to hear comment regarding the CUP application for 3 Fig Street. The motion was approved by unanimous vote.

MAYOR AND COUNCIL COMMENTS

Councilwoman Sullivan stated that she had no further comments.

Councilwoman Natali commented as follows: i) She asked whether staff had contacted VDOT regarding establishing a relationship with them to deal with the removal of signage in VDOT's right-of-way. This request was a result of a citizen comment about offensive signage at Watson's Hardware. Libby Hume responded that Council had given staff 90 days to report back to Council. The issue would be on the February Council meeting agenda as a follow-up item. Much discussion followed regarding signage and removal from the VDOT right-of-way; and ii) She wished Vice Mayor Bannon a happy 80th birthday and everyone a merry Christmas. She hoped to be able to tell the department heads that they didn't have to come to Town Council meetings anymore. Mayor Proto suggested this issue be discussed at the January work session and that he hoped to implement a policy. Staff would attend Council meetings as needed. Councilwoman Natali reminded Mayor Proto that the issue had been discussed at the December 10th work session. Mayor Proto acknowledged the discussion and informed the department heads that they no longer needed to attend Council meetings unless they had an item on the agenda for consideration. If Council had any questions regarding the written reports, they should submit them in writing to the town manager prior to the meetings.

Vice Mayor Bannon informed the attendees that the 25th Annual Epiphany Party was scheduled for January 14, 2017 at the Cape Charles Fire Hall. Proceeds from the event would benefit the New Roots Youth Garden and the Northampton High School Music Department to send the students to a competition in New York City.

Councilman Bennett wished everyone happy holidays.

Councilmen Brown and Buchholz wished all a merry Christmas.

Mayor Proto stated that had no further comments and added his support to Vice Mayor Bannon regarding the high school students. He attended their concert last night and it was superb. Councilman Brown agreed that it was an excellent concert.

Councilman Buchholz added that he donated about 250 shirts to the music department as a fundraiser and 100% of the proceeds would go to the department.

Mayor Proto wished everyone a happy and safe holiday and proceeded to read the Announcements.

ANNOUNCEMENTS:

- December 23-26, 2016 – Town offices closed for the Christmas holiday
- December 31, 2016 – 3rd Annual Dropping of the Crab Pot, 10:00 p.m.
- January 2, 2017 – Town offices closed for the New Year’s holiday
- January 3, 2017 – Town Council/Planning Commission Joint Public Hearing, 6:00 p.m.
- January 5, 2017 – Town Council Work Session, 6:00 p.m.
- January 10, 2017 – Mayor’s Office Hours, 2:00 p.m. – 3:00 p.m.
- January 13, 2017 – Town offices closed for Lee-Jackson Day
- January 16, 2017 – Town offices closed for Martin Luther King, Jr. Day
- January 19, 2017 – Town Council Regular Meeting, 6:00 p.m.
- January 24, 2017 – Mayor’s Office Hours, 6:00 p.m. – 7:00 p.m.

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

The meeting adjourned at approximately 6:45 p.m.

Mayor Proto

Town Clerk

**December 15, 2016 Town Council Regular Meeting
Information/Comments Submitted in Writing**

Eastern Shore Community Services Board



A Comprehensive Behavioral Healthcare Provider

10/20/2016

Dear Town of Cape Charles,

On behalf of the Eastern Shore Community Services Board and the Eastern Shore Suicide Prevention Task Force I would like to personally thank you for volunteering your time and efforts at the Eastern Shore Out of the Darkness Walk. This event could not have been a success without your help and the help of the many others who volunteered their time.

Due to the many efforts of local sponsors, human service organizations, task force members, walkers, and volunteers like yourself we were able to raise almost \$10,000 for this event and the American Foundation for Suicide Prevention. In total we had 154 walkers participate in the event!

Once again, thank you for your contributions!

Best wishes,

Kelly Hill Bulin, CSAC, ICPS

Director of Program Development, Planning and Prevention Services

Office of Prevention Services
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P.O. Box 395 • Belle Haven, Virginia 23306
(757) 442-5388 • FAX (757) 442-9756
Toll Free 1-877-442-5388



**MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
November 30, 2016**

CASH POSITION

<u>Cash on Hand</u>	<u>10/31/2016</u>	<u>11/30/2016</u>	<u>Increase/(Decrease)</u>
Shore Bank Checking Account	\$ 822,438	\$ 966,746	\$ 144,308
Shore Bank Money Market Account	\$ 779,381	\$ 779,669	\$ 288
LGIP Account 1 - Unrestricted	\$ 97,957	\$ 98,006	\$ 49
LGIP Account 2 - Unrestricted	\$ 300,480	\$ 300,636	\$ 156
Total Cash On Hand	\$ 2,000,256	\$ 2,145,057	\$ 144,801

<u>Restricted and Reserved Cash Balances</u>	<u>10/31/2016</u>	<u>11/30/2016</u>	<u>Increase/(Decrease)</u>
Shore Bank Savings Account - Facility Fees Reserved (Utilities)	\$234,618	\$234,618	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 SNAP Account- 2013 Bond Proceeds - Principal	\$848,917	\$848,917	0
PNC SNAP Account- 2013 Bond Proceeds - Interest	\$6,876	\$7,053	177
Shore Bank Checking Account - E-Summons Revenue Reserved	\$275	\$275	0
US Bank - Reserved per VRA Interest Free Loan Requirements	\$257,588	\$257,582	(5)
Total Cash Held in Reserve	\$ 1,359,579	\$ 1,359,751	\$ 172
Total Cash - All Accounts	\$ 3,359,836	\$ 3,504,808	\$ 144,972

DEBT SERVICE

<u>Next Debt Service Payments:</u>	<u>Due Date</u>	<u>Amount</u>
No debt service payments are due until February 2017		

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY17
GENERAL						
REVENUES	457,476	916,137	994,582	78,445	3,782,198	26.30%
EXPENDED	172,843	972,256	1,253,924	281,668	3,723,535	33.68%
NET	284,632	(56,119)	(259,342)	(203,223)	58,663.00 surplus to harbor	
PUBLIC UTILITIES						
REVENUES	111,821	791,994	679,701	(112,293)	2,302,286	29.52%
EXPENDED	76,338	553,810	536,649	(17,161)	2,302,286	23.31%
NET	35,483	238,184	143,052	(95,132)	0	
HARBOR						
REVENUES	29,934	432,027	260,814	(171,213)	1,713,689	15.22%
EXPENDED	31,332	443,667	306,806	(136,861)	1,772,351	17.31%
NET	(1,399)	(11,640)	(45,992)	(34,352)	(58,662.00)	
SANITATION						
REVENUES	13,286	77,914	75,732	(2,182)	175,300	43.20%
EXPENDED	13,932	57,592	59,084	1,492	175,300	33.70%
NET	(646)	20,322	16,648	(3,674)	0	

FY 2017 Capital Improvement Project Tracking Report

As of:
11/30/2016

	<u>FY17 Status or Start Date</u>	<u>Percent of Completion</u>	<u>FY17 Budgeted</u>	<u>FY17 QTR 1 Expended</u>	<u>FY17 QTR 2 Expended</u>	<u>FY17 QTR 3 Expended</u>	<u>FY17 QTR 4 Expended</u>	<u>FY17 YTD Expended</u>	<u>(Over)/Under Budget</u>
<u>General Fund</u>									
Enterprise Management System (Finance)	full implementation Dec 6th	0%	\$ 36,069	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36,069
Replacement Police Vehicle	USDA application phase	0%	\$ 27,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 27,000
Police vehicle cameras & software	purchased	91%	\$ 10,600	\$ -	\$ -	\$ -	\$ -	\$ 9,640	\$ 960
Public Works Tractor	Ordered	0%	\$ 57,621	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 57,621
Mason Ave & Harbor Area Parking Improvements	Pending	12%	\$ 30,000	\$ -	\$ 3,571	\$ -	\$ -	\$ 3,571	\$ 26,429
Sidewalk Repair Program (VDOT grant 50%)	pre-application phase	0%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000
Strawberry Street Plaza Purchase/Improvements	Pending	0%	\$ 70,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000
Cape Chas Multi-Use Trail Phase 2	In progress	30%	\$ 1,256,000	\$ 167,738	\$ 206,784	\$ -	\$ -	\$ 374,522	\$ 881,478
subtotal			\$ 1,517,290	\$ 167,738	\$ 210,355	\$ -	\$ -	\$ 387,734	\$ 1,129,556
<u>Water Fund</u>									
Utility Truck Body (shared)	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Walk Behind Leg Stacker	order in October	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Keck Well Connection (Grant dependent)	USDA application phase	0%	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000
subtotal			\$ 530,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 530,000
<u>Sewer Fund</u>									
Utility Truck Body (shared)	pending	0%	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,000
Pump Station Improvements	pending	0%	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000
subtotal			\$ 215,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 215,000
<u>Harbor Fund</u>									
Jetty Improvements (Breakwater #4 deferred)	engineering	5%	\$ 300,000	\$ 8,750	\$ 6,125	\$ -	\$ -	\$ 14,875	\$ 285,125
Harbormaster Boat	pending	0%	\$ 12,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,000
subtotal			\$ 312,000	\$ 8,750	\$ 6,125	\$ -	\$ -	\$ 14,875	\$ 297,125
TOTAL		16%	\$ 2,574,290	\$ 176,488	\$ 216,480	\$ -	\$ -	\$ 402,609	\$ 2,171,681

MUNICIPAL CORPORATION OF CAPE CHARLES
November 30, 2016

YTD 2016 Real Estate Tax Collections

Total Land Value	\$ 151,281,400
Total Improvement Value	\$ 202,901,250
Exemptions	\$ (5,561,590)
Additional Assessments (SCC Utility)	\$ 3,606,095
Total Real Estate Value (taxable)	\$ 352,227,155

11/30/2016

Total Budgeted	\$ 1,098,777	
Total Tax Billed	\$ 1,135,478	
Total Adjustments	\$ -	
Total Collected YTD	<u>\$ 317,514</u>	29%
Amount Due	\$ 817,963.98	

YTD 2016 Personal Property Tax, Machinery and Tools Tax, License Tax Collections & 2016

Total Personal Property Value	\$ 14,312,500
Total Personal Property Value	\$ 14,312,500

11/30/2016

Total Budgeted	\$ 163,000	
Total Tax Billed	\$ 234,662	
Total Adjustments	\$ (155)	
Total Collected YTD	<u>\$ 92,321</u>	57%
Amount Due	\$ 142,186	

FY 2016 YTD Prior Year Real Estate Tax, Personal Property Tax, Interest and Penalty Collections

11/30/2016

Total Budgeted	\$ 80,000	
Total Collected	<u>\$ 40,964</u>	51%
Amount Due	\$ 39,036	

Three Year Revenue Comparison

