Call to Order
A. Roll Call
B. Establish quorum

Moment of Silence and Pledge of Allegiance

Recognition of Visitors / Presentations / Recognitions
A. Recognition of Town Employee Celebrating Significant Anniversary
B. Cape Charles Business Association – Anna Lee

Public Comments (3 minutes per speaker)

*Consent Agenda
A. Approval of Agenda Format
B. Approval of Minutes
C. Approval of September 30, 2018 Financial Report
D. Conditional Use Permit 729/730 Randolph Avenue – Set Public Hearing
E. Conditional Use Permit 610 Washington Avenue – Set Public Hearing
F. Application for Harbor Development Certificate – Relocation of Pilot House
G. Monthly Department Reports

Unfinished Business
*A. Zoning Ordinance Article VIII Text Amendments

New Business
*A. Fire Department Lease (Police & Finance Dept Use)
*B. Request to General Assembly re: Regulation of Vehicles on Town Streets

Town Manager Comments

Mayor & Council Comments (5 minutes per speaker)

Announcements
• November 21, 2018 – Town offices closing at noon for Thanksgiving Holiday
• November 22-23, 2018 – Town offices closed for Thanksgiving Holiday
• December 1, 2018 – Central Park Grand Illumination
• December 5, 2018 – Mayor’s Office Hours, 2-4PM, Town Hall
• December 6, 2018 – Town Council Work Session, 6:30 PM
• December 12, 2018 – Mayor’s Office Hours, 2-4PM, Town Hall
• December 19, 2018 – Mayor’s Office Hours, 2-4PM, Town Hall
• December 20, 2018 – Town Council Regular Meeting, 6:30 PM
• December 24-25, 2018 – Town Offices closed for Christmas Holiday
• December 31, 2018 – Dropping of the Crab Pot and New Year’s Eve Party, Central Park
• December 31, 2018-January 1, 2019 – Town Offices closed for New Year’s Holiday

Recess to Closed Session

Code of Virginia § 2.2-3711-A, Paragraph 3: Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Specifically: Potential Disposition of Real Property – Review Unsolicited Proposal

Code of Virginia § 2.2-3711-A, Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Town Manager Performance Evaluation

Return to Open Session

Motion to certify to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by. Roll call vote.

Adjournment
Consent
Agenda Items
#5B-5G
At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing, Regular Meeting and Executive Session of the Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwomen Burge and Holloway. Also, in attendance were Town Manager Larry DiRe, Treasurer Deborah Pocock, Police Chief Jim Pruitt, and Town Clerk Libby Hume. There were 19 members of the public in attendance.

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

**PUBLIC HEARINGS**

A. *Conditional Use Permit Application for residential units above first floor commercial in the Commercial-1 zoning district – 12 Peach Street*

   Town Clerk Libby Hume read comments submitted by Mr. David Kabler from Blue Heron Realty at 113 Mason Avenue. (Please see attached.)

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

B. *Proposed zoning ordinance text amendments making accessory dwelling units a conditional use in the Residential Estate, Commercial-Residential, Residential-1 and Residential-2 zoning districts*

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

Motion made by Councilman Bannon, seconded by Councilwoman Holloway, to close the public hearing portion of the meeting. The motion was approved by unanimous vote.

The public hearing portion of the meeting was closed at 6:33 p.m.

**RECOGNITION OF VISITORS / PRESENTATIONS:**

A. *Eastern Shore of Virginia Tourism Commission Quarterly Update – Carol Evans, Steve Potts*

   Ms. Carol Evans introduced Mr. Steve Potts, chairman of the Eastern Shore of Virginia Tourism Commission (ESVTC), who had served 12 years on the ESVTC and also owned Bill's Restaurant in Chincoteague.

   Mr. Potts thanked Council for the opportunity to speak and continued as follows: i) He was a lifelong resident of the Eastern Shore and currently lived in Chincoteague; ii) There had been a lot of recent discussion regarding the future of the ESVTC. The Commission was created to market Accomack and Northampton Counties regionally and was funded by both counties. This funding was recently threatened making it difficult for the ESVTC to move forward; iii) He was asking the ESVTC partners to reach out to their representatives on the Boards of Supervisors expressing support for the Commission; iv) The ESVTC could not do the work without support. The Southern Gateway Welcome Center was still working to direct visitors to various locations; v) There were a lot of assets at stake, including the Annual Visitors Guide which was the most important piece of information that guests picked up; vi) The ESVTC was hosting a tourism workshop on October 22 from 11AM – 2PM at the Eastern Shore Community College. They were planning a soft launch of their new website which would be a virtual welcome center with a live
feed through the Virginia Tourism Corporation website; and vii) He concluded by stating that the ESVTC could not move forward without the town’s continued support.

B. Cape Charles Main Street Program Update – Shelly Gorman

Ms. Gorman presented the Cape Charles Main Street, Inc quarterly report to the Town Council and announced the Cape Charles Brand Launch Ceremony scheduled for Friday, October 19, 2018, beginning at 5:30 p.m. at the Strawberry Street Plaza. (Please see attached.)

Vice Mayor Bennett commented as follows: i) He commended the group on the incredible amount of work done; ii) There was a lot of information available in Dropbox, but he didn't think he was as aware of everything being done as he should be. He requested that the minutes from the board meetings be provided to Council vs. having to look for them in Dropbox.

Shelly Gorman stated that she would have each committee provide a monthly report along with her monthly report to be provided to Council.

C. Rail Heritage Presentation – Roger Mallik and John Paffrath

Messrs. Roger Mallik and John Paffrath provided a presentation to Council regarding their organization’s plans to preserve a portion of the rail yards for historic and economic value. They would also be presenting this information to the Accomack-Northampton Transportation District Commission (ANTDC) and needed Cape Charles’ support of the project in order to obtain the support of the ANTDC. They outlined their plans as follows: i) Their plan involved the lease or purchase of a street car to run either through the town of Cape Charles or between the towns of Cape Charles and Cheriton. It would bring visitors and rail enthusiasts to the town; ii) It was imperative to secure the railroad tracks; iii) If the rail was set up between the towns of Cape Charles and Cheriton, it could provide commuter transportation between the townships and federal transportation grants would be available to them. If the rail was just within the town of Cape Charles, the grant opportunities would be limited; iii) The ANTDC had railroad enhancement grants available to them but could not qualify without a train or street car utilizing the tracks; iv) Phase 1 of the project would be to obtain a street car and removing unnecessary tracks which could be reused where needed; v) They were on the ANTDC agenda in November and asked that the Council provide them with a resolution supporting their concept to preserve part of the track for economic development and for tourism use in compliance with the town’s comprehensive plan. The resolution would be presented to the ANTDC in support of the proposed plans. (Please see attached.)

REGULAR MEETING PUBLIC COMMENTS:
There were no comments to be heard nor any written comments submitted prior to the meeting.

CONSENT AGENDA:
Vice Mayor Bennett stated that the Public Utilities Report showed that the wastewater production numbers exceeded the water production by about 700K gallons for the month, and it looked like the phosphorous levels were up again and wanted to ensure that staff was proactively working to reverse the trend, so the town would not go over the maximum limit.

A. Approval of Agenda Format
B. Approval of Minutes:
   i. September 20, 2018 Regular Meeting
   ii. October 4, 2018 Work Session
C. Approval of August 31, 2018 Financial Report
D. Re-appointment of Bill Stramm and Keith Kostek to the Planning Commission
E. Re-appointment of Bill Murphy to the Board of Zoning Appeals
F. Re-appointment of Joseph Fehrer to the Wetlands & Coastal Dunes Board
G. Monthly Department Reports
Motion made by Councilwoman Burge, seconded by Councilman Bannon, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

A. **Zoning Ordinance Text Amendments re: Accessory Dwelling Units:**
   Town Manager Larry DiRe stated that accessory dwelling units had been considered by both the Planning Commission and the Town Council for several years. The comprehensive plan adopted on December 15, 2016 cited such units as adding diversity to the housing stock and providing affordable housing options. Currently, the zoning ordinance prohibited such units and the disconnect needed to be reconciled. The Planning Commission held their public hearing on August 7, 2018 and no public comment was received. Following the close of the public hearing, the Commissioners voted to recommend Council approval of the draft text amendments as presented. The last step in the process was met this evening with the Town Council’s public hearing in which no public comments were received.
   
   There was much discussion regarding the utility fees to be charged.

Motion made by Councilman Grossman, seconded by Councilwoman Burge, to postpone the decision regarding accessory dwelling units as further discussion was needed regarding the utility fees before a decision could be made. The motion was approved by majority vote with Vice Mayor Bennett and Councilwoman Burge opposed.

Mayor Dize stated that this item would be on the agenda for the next work session.

B. **Conditional Use Permit Application – 12 Peach Street:**
   Larry DiRe stated that the Planning Commission held a public hearing on September 17, 2018 and reviewed the application again at their October 2 regular meeting and voted unanimously to recommend Council approval of the application as submitted. The Town Council held their public hearing earlier in the meeting and one member of the public submitted written comments supporting the application. No other comments were heard.

Motion made by Councilman Bannon, seconded by Councilman Grossman, to approve the conditional use permit for two residential dwelling units above the first-floor commercial use at 12 Peach Street. The motion was approved by unanimous vote.

C. **Electronic Participation in a Public Body Meeting:**
   Larry DiRe stated that on several occasions in the past, circumstances arose when Council members were out of town on a meeting date or were otherwise unavailable to attend a meeting. Code of Virginia § 2.2-3708.2 permitted localities to allow individual council members to participate in a public meeting remotely but before members could be permitted to participate electronically in a meeting, the public body needed to adopt a written policy allowing for and governing participation. The Code of Virginia section and a sample policy from the Virginia Municipal League were reviewed at the August 9, 2018 work session where Council requested a policy be drafted and placed on a regular meeting agenda for consideration. The proposed draft policy was reviewed by Council.

   Vice Mayor Bennett stated that he would only miss a Council meeting when he was out of town on business and didn’t see where that would be covered in the policy. There was some discussion and it was agreed that a “personal matter” would cover work-related travel.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to adopt the Town of Cape Charles Electronic Participation in Town Council Meetings Policy as presented. The motion was approved by majority vote with Councilman Bannon opposed.
D. **Phase IV of Southern Tip Bike & Hike Trail – VDOT Highway Safety Improvement Program Grant:**

Larry DiRe introduced Ms. Clara Vaughn from the Accomack-Northampton Planning District Commission (A-NPDC).

Ms. Vaughn stated that A-NPDC Director of Planning Curtis Smith addressed Council at the last meeting regarding a grant opportunity for a multi-use pedestrian trail along the Stone Road corridor which would connect to the southern tip of the trail down Route 13. Some additional information was provided by the A-NPDC regarding the plans as well as a draft Memorandum of Agreement for Application for Funding, Ownership and Maintenance of Phase IV of the Southern Tip Bike & Hike Trail (MOA). The grant submission deadline was November 1, 2018.

Council reviewed the supplied documentation and there was some discussion as follows: i) Cape Charles would assume ownership of this phase of the trail, including the portion within the county, upon completion; ii) The Town would be responsible for maintenance. Ms. Vaughn stated that the Fish & Wildlife Refuge owned and maintained the existing portion of the trail and utilized volunteers to clear branches, etc.; iii) The trail was something that the Town had wanted and would be an asset, especially for tourism. Revenue from the transient occupancy tax could potentially fund the maintenance costs; iv) The grant would cover the cost of the easement from Canonie Atlantic Co.; and v) The MOA contained a termination clause allowing any of the parties to cancel the agreement with 30 days’ notice.

Motion made by Councilman Bannon, seconded by Councilwoman Holloway, to authorize the town manager to sign and enter into a MOA between the town of Cape Charles, Canonie Atlantic Co., and the Northampton County Board of Supervisors. The motion was approved by unanimous vote.

Motion made by Councilwoman Burge, seconded by Councilman Buchholz, to i) authorize the town manager to formally request the A-NPDC to prepare and submit an application for VDOT HSIP funding through the Bike and Pedestrian Safety Program; ii) appoint a representative to the Bike Trail working group during the application and implementation phases of the trail; and iii) authorize the town manager to sign a letter of support for the application and subsequent implementation of Phase IV of the Southern Tip Bike & Hike Trail. The motion was approved by unanimous vote.

Councilman Grossman recommended that a representative from the Planning Commission be appointed to the Bike Trail working group. Ms. Vaughn added that the Town, as the owner, could have more than one member on the group.

**NEW BUSINESS**

A. **Waste Collection and Disposal Services Contract Extension:**

Larry DiRe stated that on October 20, 2017, the Town Council awarded a contract effective November 1, 2017, to Davis Disposal for all waste collection and disposal services for the Town. The contract was for one year with the option to renew for two additional years. This would be the first of two extensions covering the timeframe from November 1, 2018 through October 31, 2019. The cost for year two of the contract would be $15.20 per month. The quoted price for year two was $14.85 per month but due to the increase in the cost for disposal at the Northampton County transfer station effective August 1, 2018, the price per month increased by $.35.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the first extension of the Waste Collection and Disposal Services contract with Davis Disposal from November 1, 2018 through October 31, 2019. The motion was approved by unanimous vote.
B. USDA Rural Development Program Applications:
Treasurer Deborah Pocock stated that the USDA Rural Development grant and loan program had new requirements for applications, one of which was the formal designation of the individual(s) authorized to execute related agreements, documents and forms, by resolution. The Town had relied upon USDA Rural Development grants and loans for equipment and vehicle purchases for many years. The financing agreements had typically been signed by the mayor or town manager and were only initiated after the purchases had been approved in the town’s annual budget. The current year budget included a replacement vehicle for the police department.

Motion made by Councilman Bannon, seconded by Councilwoman Holloway, to adopt Resolution 20181018 of Governing Body of the Town of Cape Charles for Purchase of a Police Vehicle and any Future Projects or Equipment Purchases. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

C. Town Manager Performance Evaluation Documents:
Mayor Dize stated that Councilman Grossman had put a lot of work into researching and drafting the town manager review process and forms. Council had an opportunity to review the forms which needed to be approved for use.

Motion made by Vice Mayor Bennett, seconded by Councilman Buchholz, to approve the town manager evaluation documents for use during the upcoming performance evaluation in November. The motion was approved by unanimous vote.

TOWN MANAGER COMMENTS
Larry DiRe commented as follows: i) He thanked the Public Works crew for their work cleaning up the storm damage. He also thanked VDOT and ANEC for their assistance in the clean-up. The Hazard Mitigation Plan focused on winds, especially in relation to trees. Residents were doing what they could to clean up their properties. There were still split trees and trunks around the town. Tree cleaning would be in progress for some time. The tree ordinance needed to be amended for reasonable removal of trees. He didn't want to see the town deforested but removal of old trees needed to be accommodated when they were inappropriate for the locations; ii) The Wetlands and Coastal Dune Board (WCDB) met on October 1 regarding the beach management plan. A good amount of public input was received and Deputy Clerk Outten compiled the information and provided it to WCDB Chair Ann Hayward Walker. The WCDB were working on a draft report for review by Council mid-December. If anyone wanted to submit feedback, please contact the deputy clerk; and iii) A new town planner was hired. Zachary Ponds from Chamblee, GA had three years’ experience and recently received his masters degree.

MAYOR AND COUNCIL COMMENTS
Councilman Buchholz did not have any additional comments.

Councilwoman Holloway announced the Cape Charles Branding Launch party at 5:30 p.m. on Friday, October 19.

Vice Mayor Bennett agreed with Larry DiRe’s comments regarding the storm. This storm was undersold and was more severe than anticipated. He’s heard a lot of people say that they were going to stay during a storm, but if a hurricane ever hit us directly, everyone needed to evacuate. There was no sense in staying. Areas of Florida were gone. Everyone needed to heed the warnings.

Councilman Bannon asked whether the boat parking on town streets was on the agenda to take to Richmond for legislation. Councilman Grossman requested the issue be added to the strategic planning retreat agenda.
Councilman Grossman stated that several individuals were re-appointed to various boards earlier in the meeting and thanked Messrs. Joe Fehrer, Bill Stramm and Keith Kostek for their willingness to continue their service to the town. He went on to thank all the volunteers and town office personnel involved in the branding process, adding that it was good that all were working together for the town.

Councilwoman Burge noted that the November 3 Council Strategic Planning Retreat wasn’t listed under announcements. It was important to do the planning now before the start of the budget process.

Mayor Dize expressed his pride for the first responders – ANEC, Northampton County staff, the police department, VDOT, Public Works crew, etc. The Public Works crew started at 5:30 a.m. and kept going until everything was cleaned up. He also appreciated the work of Town Council over the past three months. There had been a lot going on.

Mayor Dize read the announcements.

**Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, calling for a short recess before going into executive session. The motion was approved by unanimous vote.**

The meeting recessed at 8:02 p.m. The members of the public and staff with the exception of Town Manager Larry DiRe left the meeting. Members of the Northampton County Board of Supervisors and other guests were in attendance at the executive session.

At 8:12 p.m. Mayor Dize called the meeting back to order.

**Motion made by Councilman Bannon, seconded by Vice Mayor Bennett, and unanimously approved to go into Closed Session in accordance with Section 2.2-3711-A of the Code of Virginia of 1950, as amended for the purpose of:**

**Paragraph 3:** Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**Specifically:** Potential Acquisition of Real Property

**Motion made by Councilman Buchholz, seconded by Vice Mayor Bennett, to return to open session. The motion was approved by unanimous vote.**

Certification, to the best of each member’s knowledge, that (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

**Motion made by Councilwoman Holloway, seconded by Councilman Bannon, to adjourn the Town Council Public Hearing, Regular Meeting and Executive Session. The motion was approved by unanimous vote.**

The meeting adjourned at 9:53 p.m.

Mayor Dize

Town Clerk
David Kabler, Blue Heron Realty, 113 Mason Avenue

I am most supportive of the application for residential units above commercial space at 12 Peach Street. As there is a separate entryway for such apartments in the subject building, it certainly accommodates the use. Also, there are many other situations similar to this use, so I want to recommend that the permit be approved.

**********************************************************************

Cape Charles Main Street Program Update

Cape Charles Main Street, Inc.
The Road to an Official
Main Street Virginia Designation

Quarterly Report for Town Council- 10/18/18
It’s a marathon not a sprint!!!!!
**Financial Overview**

**Current Financial Overview**
- Current Balance: $51K*
- Expenses Snapshot:
  - Payroll: $8.1K
  - Branding & Mktg.: ~$22.4K*
  - Conferences Required by VMS for Designation: $3.5K
  - Insurance: $1.5K

**Economic & Market Statistics**
- $24K
- Streetscape: $15K
- Branding: $13K*
- Marketing: $20K**
- Wayfinding-in process

*Note: Official quarterly financial reporting will be delivered to TOCC on 10/30 in conjunction with our outside Treasurer. These should be treated as ** financials but wanted to provide close estimates for TC by 10/18.
**Grant Funding Breakdown**

<table>
<thead>
<tr>
<th>Grant</th>
<th>Entity</th>
<th>Amount</th>
<th>Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Branding Affiliate Grant</td>
<td>DHCD</td>
<td>$7k</td>
<td>Yes</td>
</tr>
<tr>
<td>Pitch Competition for Strawberry Square Design</td>
<td>VMS</td>
<td>$5K</td>
<td>No-1st round only</td>
</tr>
<tr>
<td>Econ &amp; Market Statistics Affiliate Grant</td>
<td>DHCD</td>
<td>$7K</td>
<td>Yes-consulting services</td>
</tr>
<tr>
<td>Marketing Leverage Grant</td>
<td>VTC</td>
<td>$17.8K</td>
<td>No. Applying again with new intel for this round (Nov.)</td>
</tr>
</tbody>
</table>

**Branding Initiative For Cape Charles**  
*In partnership with Otto*

Official Brand Launch Date 10/19 @ 5:30pm in Strawberry Plaza Followed By Launch Party at Deadrise Pies!

- CCMS Board Identified 13 community and business stakeholders for branding insights interviews
- Branding Think Tank With Over 70 Volunteers for Community Input (June)
- Brand Architecture Document From Otto Approved by CCMS Board (July)
- Branding Advisory Subcommittee Formed (Aug)
- Branding Advisory Committee Meetings With Discussion of over 50 Iterations Of Logo/Taglines (Aug/Sept)

**Upcoming Brand Deliverables:**
- Joint Logo Tagline (for Event/Partners with TOCC-2 weeks)
- Banners- 1mo
- Wayfinding-Placement TOCC 12/6 for VDOT/Design Concepts December
A BIG THANK YOU TO....

Mayor Dize  Larry DiRe  Jen Lewis  Linda Buskey
Andrew Follmer  Donna Kohler  Laurie Klingel  Anna Vita Lee
Tiffany Mohr  Patsy Harris  Donna Moyer  Bill Stramm
Susan Eidam  Tammy Holloway  Andy Buchholz

...along with the other 13 interviewees & 78 branding participants

CAFE CHARLES

BRAND PROMISE
A classic coastal town where you can create your own adventures.

BRAND POSITIONING
Cape Charles is a charming historic coastal town on the Eastern Shore of Virginia that welcomes everyone to discover nature and escape to a simple yet meaningful experience.

BRAND PILLARS

NATURE
- Historic In 1895
- National Register Historic District
- Wesley House and Museum
- Airlie Park
- Outdoor activities
- Dramatic coastline

HISTORIC
- Established in 1895
- National Register Historic District
- Wesley House and Museum
- Airlie Park
- Outdoor activities
- Dramatic coastline

QUALITY
- Clean and safe
- Welcoming community
- Sustainable and eco-friendly
- Local agriculture
- Premium produce and food

ADVENTURE
- Water sports—boating, fishing, sailing, tubing, snorkeling, and scuba diving
- Golfing
- Shopping
- Local and international restaurants
- Live music and events

ARTS & CULTURE
- Performing arts
- Musicians and galleries
- Unique cultural events (e.g., Art on the Bay, Wine Festival, etc.)
- Cuisines
- Museums
- Historical Park
- Local artists and artisans
Dates Of Interest:

- Regional Rev Ups: Design Opportunity Analysis Bristol, Blackstone, & Gloucester- Oct. 11, 17, & 18, 2018
- Community Branding Launch Event in Strawberry Plaza (10/19)
- Community Input Session on Strawberry Plaza Design Draft (10/29*)
- Parking Presentation & Strategy With Planning Commission (11/6)
- Harbor Review Board Strawberry Plaza (early Nov.)
- Economic & Market Study Completed & VMS Strategy Consulting (12/6)

Strawberry Plaza Request For Electrical

- Electrical Outlets in all tree beds (i.e. to support support lights, vendor plug-ins, etc. on same circuit
- Power for lampposts
- Power at the back area away from Mason Ave. (i.e. to support lights, speakers, etc.)
- Possibility of access to water eventually?
- Ability to drive fruition before Festive Fridays?
The Entrance Gates to the Cape Charles Rail Yard as envisioned by Assistant Harbormaster Spencer Travis

Following is Cape Charles Rail Yard Satellite View

(Northampton County)
The Comprehensive Plan as adopted in 1999

- Spoke extensively about the history of the railroad:
  - eg, In 1883 Scott became president of the New York, Philadelphia and Norfolk Railroad Company (NYP&N), and purchased three plantations comprising approximately 2,509 acres from the heirs of former Virginia Governor Littleton Waller Tazewell. Of this land, 40 acres were ceded to the NYP&N, and 136 acres went to create the Town of Cape Charles.
  - In 1958 the last passenger train left Cape Charles. The railroad is still in operation, as it has been continuously since 1884.

Apart from mentioning history, the 1999 comprehensive plan appeared, only to speak to the decline of the railroad and does not appear to have provided accommodation for rail transportation in and around Cape Charles.
What Does the 2016 Plan Do Differently

- In the 2016 Comprehensive Plan the Township has addressed:
  - Rail travel
  - The use of the Rail Yards
  - Tourist Attractions
  - Commuter Needs
Page 42 of Comprehensive Plan

- IV.2. Harbor Conceptual Master Plan
  - Enhance historic site in the Harbor area and encourage rehabilitation
  - Commemorate historic sites such as the Meteor Site
  - Establish an ‘environmental reserve’
  - Enhance public development for commuter and scenic routes
  - All-grade railroad crossing should be encouraged where feasible
  - Enhance pedestrian access
  - Develop additional docking facilities at the harbor
  - If keep parking areas green by using means such as pervious material
  - If new parking structures, these should be compatible with adjacent structures
  - If incorporate traffic calming features to slow traffic in the Historic Core
  - Maintain the harbor as a multi-modal transportation hub
  - Minimize dependence on private auto transportation
  - If Preservation and restoration of the Rosewood School
  - If Enhance jetty maintenance
  - If enhance the use of the channel and harbor
  - If raise the level of the channel and jetty to above mean high water

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- III.3.1 Harbor
  - The Harbor designation a mixed use area, was established to encourage a vibrant working waterfront area that has a strong economic benefit to the town with compatible new industry and employment, and with strong public and recreational value, public gathering places, access to the water, places for people to conduct business and to live, meet, relax, encounter nature, and learn of Cape Charles’ working maritime and rail heritage and its strong historic traditions. This category is characterized by retail, recreational, cultural, marine-related businesses, food service and restaurants, office and institutional uses, educational, civic and entertainment uses on the street level, with residential uses predominantly on upper floors. Any new development shall provide and encourage public access to the water’s edge and emphasize the pedestrian environment. Throughout the harbor pedestrian activity is of the highest priority, so buildings would be located close to the street and sidewalks are wide and feature street furnishings, lighting, and other amenities. The south side of Mason Avenue shall provide a visually inviting connection to the harbor via continuous environments for multi-modal transportation.
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• III.4.3 Railroad

• The Railroad designation is intended to acknowledge the railroad owned properties as important historic and economic resources within the Town of Cape Charles. All properties adjacent to the harbor have as an alternative future land use of Harbor Mixed Use designation.

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• III.5 Land Use Category and Uses Summary Category Uses

• Main Street Mixed Use (Commercial Residential) Land uses in this category include a mix of activity-generating uses on the first floor storefront space that can include commercial, retail, office, with residential uses located above the first floor.

• Harbor Mixed Use (Harbor) Land uses in this category should be mixed, including resort and tourism-related retail, waterfront industrial and employment, associated residences, and accessory uses and should support the existing harbor and railroad uses.

• Traditional Residential Mixed Use (M1, R2, R3) Land uses in these categories includes a mix of residential single family, single family patio, and duplex dwelling units.

• Low Density Residential (R2) Land uses in this designation should consist primarily of single family dwelling in low-density residential areas intended to have a gross density of between 1-5 acres per unit, and to be clustered to protect significant areas of open space. Development proposals that seek higher density ranges in order to utilize desired clustering methods and preserve open space should also be considered.

• Planned Unit Development (PUD) Land uses in this category promote creative and imaginative development designs for residential and commercial uses by allowing greater flexibility than is possible under the restrictions of conventional regulations. It is intended to promote more efficient use of the land while encouraging variety and convenience for the development and/or recreational areas and open spaces within the project.

• Industrial (IB, M-1) Land uses in this category permits certain industries, which may detract from the residential desirability, and will not be permitted to locate in any area adjacent to a residential area.

• Industrial District (M-2) Land use in this category provides for mixed industrial and employment land uses which encourage the revitalization of the local industrial economy and historic Port of Cape Charles.

• General Business/Light Industrial (H-1) Land use in this category provides for planned mixed industrial and employment park with a comprehensive development plan which encourages the revitalization of the local industrial economy and historic Port of Cape Charles.

• Railroad Land use in this category is identified as railroad and future Harbor Mixed Use designation. The area designated to handle harbor dredge spoil should only be held for that use.
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- **III.6.3 Future Land Use Recommendations – Long Term or Strategic**
- In addition to the recommendations listed above, these recommendations are targeted for implementation beyond the five year time frame.
- The Railroad designation is intended to acknowledge the railroad owned properties as important historic and economic resources within the Town of Cape Charles. All properties adjacent to the harbor have an alternative future land use of Harbor Mixed Use designation and their redevelopment should be guided by the Cape Charles Harbor Area Conceptual Master Plan and Design Guidelines.

The Following Drawing Represents a Plan for the Rail Yard originally Proposed by NYP&N, which involved keeping all track on site
Questions Asked of Business Owners and Residents During Oral Surveys and at Focus Group Meetings.

- Do Business Owners and Residents of Cape Charles want a means of observing and honoring the Railroad Heritage of Cape Charles?
- If so, what is the best means of observing and honoring this history?
- Is this very heritage the best means of increasing tourism?
- Can a Tour Rail Succeed?
- Can a Commuter Rail Succeed?
- Is Freight Rail still efficient?
- Should the Cape Charles Comprehensive Plan include:
  - The Railway?
  - The Rail Yards?
Subsequent to this oral survey, of Business Owners along Mason Avenue NYP&N, recommends changes to the rail yard, including, some track removal.

The Following Satellite View shows proposed removed track in Yellow and Proposed Remaining Track in Blue and Proposed Track Extension in Red and White.
Proposed Trolley Car – Replica (Propane/Electric Hybrid)

The Downtown Oranjestad Trolley Fleet
4 Self-Powered Streetcars - no overhead wires

Varying Styles of Rail Trolley are Available
At 6:30 p.m., Mayor William “Smitty” Dize, having established a quorum, called to order the Special Meeting of Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwomen Burge and Holloway. Also, present were Town Manager Larry DiRe and Town Clerk Libby Hume. There were five members of the public in attendance.

PUBLIC COMMENTS (ON AGENDA ITEMS ONLY):

Joan Natali, 110 Blue Heaven Rd
Ms. Natali addressed Council in support of the proposed zoning ordinance text amendments regarding accessory dwelling units and suggested a modification to Article IV, Section 4.2.J.B.5 to change “fifteen days” to “fifteen business days” to allow staff adequate time to schedule and complete the annual inspections.

Town Clerk Libby Hume read a letter from Mr. Bruce Gittinger, resident of 4 Tazewell Avenue. (Please see attached.)

There were no other comments to be heard nor any other comments submitted in writing prior to the meeting.

ORDER OF BUSINESS:

A. Application for Harbor Development Certificate:
    Town Manager Larry DiRe stated that the Harbor Area Review Board (HARB) met on October 17, 2018 to consider an application for Harbor Development Certificate for the relocation of the pilot house building out of the district to become part of the permanent building at the Cape Charles Museum and Historical Society. The HARB recommended Town Council approval of the Harbor Development Certificate, but a summary report must be provided to the Town Council as a requirement of the Harbor Development Certificate award process outlined in zoning ordinance Article III, Section 3.9.1.2.e. The application would be presented at the November 15, 2018 Town Council Regular Meeting agenda for action.

B. Accessory Dwelling Units:
    Larry DiRe stated that the Planning Commission had been working on the proposed text amendments regarding accessory dwelling units for many years and held their public hearing on August 7, 2018. Following the close of the public hearing, the Commissioners voted to recommend Town Council approval of the draft text amendments. The Town Council public hearing was held on October 18, 2018, and after some discussion, Council approved a motion from Councilman Grossman to schedule a work session as soon as possible for further discussion regarding this issue.

    Councilman Grossman agreed with Larry DiRe that much time had been spent on accessory dwelling units (ADU). He expressed his concern with the utility usage costs associated with ADUs and put together a table laying out a number of conditions based on tenant income levels and whether or not a separate meter would be required. (Please see attached.)

    There was much discussion regarding the following: i) There was expressed concern regarding the proposed table, with income levels, being an indirect way for rent control; ii) Workforce housing generally served households earning 80% - 120% of the average median income (AMI) and some definitions went as high at 150%. Per the Virginia Housing Development Authority,
the AMI for Northampton County for fiscal year 2018 was $52,700, making 150% of AMI for the County at $79,050. It was noted that most people looking for this type of housing would be making less than $79K. There was some discussion regarding using income levels of tenants as a criteria; iii) Existing non-conforming units would be grandfathered and the importance of documenting the legally non-conforming units was stressed. Councilwoman Burge referred to an accessory unit study which was done for the Planning Commission in 2006. At that time, there was a total of 151 accessory structures of all kinds with only 20 that had the potential to serve as living quarters; iv) The table dealt with existing units as well as future new construction units; v) It was important for the town to know the number of water and sewer users and to track usage; vi) How could the town incent property owners to rent longer term vs. to transients; vii) The majority of Council were in agreement that the $107 utility fee in addition to rent could affect the affordability for many potential residents and several agreed that people looking for this type of housing would have income in the $40K level vs. $79K; viii) It was noted that the affordable rent amounts cited in the table seemed high for the particular income levels if the costs of transportation, insurance, food, etc. were added in; ix) It was suggested to split the income levels for households and individuals, noting that the majority of the accessory dwelling units would most likely be rented to individuals or single-parent households; and x) It would be difficult to track/verify the tenants’ incomes and some may not want to disclose their incomes. If the income was not disclosed, the tenant would be charged a separate utility bill.

Larry DiRe summarized that, with the exception of Section 4.2.J.B. paragraphs 2, 3 and 4, and changing the language in paragraph 5 regarding inspections to “fifteen business days,” Council seemed to be in agreement with the remainder of the proposed language. The language regarding water, sewer and trash could be removed from the zoning ordinance and added to the Town Code. Town Code amendments did not require a public hearing and another tier of rates could be set for ADUs. It would be a cleaner process. Larry DiRe recommended an effective date in winter 2019.

Councilwoman Burge noted that the length of stay needed to be changed in Section 4.2.J.B. paragraph 1. An early 2019 effective date would provide time to identify the existing ADUs to be grandfathered.

Motion made by Councilman Grossman, seconded by Councilwoman Burge, to approve the zoning ordinance text amendments as discussed, changing the language in Section 4.2.J.B.5 to “fifteen business days” regarding inspections and removing Sections 4.2.J.B.2, 3 and 4 to be addressed in the Town Code. The motion was approved by unanimous vote.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, for the amended zoning ordinance to become effective February 1, 2019. The motion was approved by unanimous vote.

Motion made by Councilwoman Holloway, seconded by Councilman Bannon, to adjourn the Town Council Special Meeting. The motion was approved by unanimous vote.

The meeting adjourned at 7:29 p.m.

Mayor Dize

Town Clerk
October 24, 2018

Cape Charles Town Council, Mayor and Town Manager
Cape Charles, Virginia 23310

RE: Accessory Dwelling Units

Dear Mayor, Council Members, Town Manager,

I am writing concerning the proposed water, sewer and trash fees associated with accessory buildings. I am told that charging the same basic minimum is an effort to be consistent with current practice. I am concerned that even current practice should be reconsidered. Duplex buildings are not a part of this discussion.

I am opposed to these unnecessary fees. I am in favor of the rest of the proposal.

As a fiscal matter, the town has no additional costs associated with accessory buildings. If there are any, those costs are minimal and easily covered by increased property taxes and water usage fees already part of the monthly bills. In some instances related to rental units, there may be some increased trash collection issues which is currently covered by the additional trash can fees.

Will this proposed fee be charged on all accessory buildings or just the ones that connect to the water and sewer system? I am told that it only applies to dwelling units.

Concerning the desire for more affordable housing in town, a fee that is not an economic necessity has a way of making small low-cost housing units less attractive to homeowner/landlords.

In my case, I am hoping to build a garage with a second-floor studio apartment with a kitchenette. Its potential use would be as a residence for my son who lives with us, a studio/office for me, or just storage. None of these create any addition of water and trash services. The potential for future rental does exist, but my previous points still stand.

I may be overlooking the prospect that the council is considering this to be a revenue raising opportunity.

Thank you for your consideration,
Bruce L. Gittinger, CPA
4 Tazewell Avenue
* Incentive for addressing affordability. Workforce housing generally serves households earning 80 to 120% AMI, although some definitions go as high as 150%.
** VHDA website: HUD Medium Income Fiscal Year 2018 for Northampton County, VA is $52,700. 120% is 63,240. 150% is $79,050.
***Town fee for one bedroom unit

<table>
<thead>
<tr>
<th>AMI Northampton County</th>
<th>Annual Household Income Level</th>
<th>Affordable rent w/ utilities without being overburdened</th>
</tr>
</thead>
<tbody>
<tr>
<td>80%</td>
<td>$42,160</td>
<td>$1054/month</td>
</tr>
<tr>
<td>100%</td>
<td>$52,700</td>
<td>$1317/month</td>
</tr>
<tr>
<td>120%</td>
<td>$63,240</td>
<td>$1581/month</td>
</tr>
<tr>
<td>150%</td>
<td>$79,050</td>
<td>$1875/month</td>
</tr>
</tbody>
</table>
At 6:00 p.m., Chairman Bill Stramm, having established a quorum, called to order the Public Hearing and Regular Meeting of the Planning Commission. In addition to Chairman Stramm, present were Commissioners Diane D’Amico, Paul Grossman, Dennis McCoy, Michael Strub and Sandra Salopek. Commissioner Keith Kostek was not in attendance. Also, in attendance were Town Planner Larry DiRe and Deputy Clerk Tracy Outten. There were four members of the public in attendance.

Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing of the Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwomen Burge and Holloway. Also, in attendance was Town Clerk Libby Hume.

PUBLIC HEARING PUBLIC COMMENTS:
Chairman Stramm read the Notice of Public Hearings and opened the floor for comments.

Mayor Dize stated that the purpose of the joint public hearing was to hear comments regarding the proposed text amendments to the Cape Charles Zoning Ordinance Article VIII, Sections 8.33, 8.34, and 8.35,

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

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

The Town Council Public Hearing adjourned at 6:03 p.m.

________________________________________
Chairman Bill Stramm

________________________________________
Mayor William “Smitty” Dize

________________________________________
Town Clerk
SEPTEMBER 2018 Treasurer’s Report

Page 1

No comments.

Page 2

• An audit of Harbor QuickBooks records vs. town general ledger records was completed, and harbor reports and processes were corrected to prevent future errors. It was discovered that occasionally harbor credit invoices were not being carried over from the point of sale system to the appropriate QuickBooks report, and that therefore revenue and accounts receivable were slightly understated. Monthly reconciliations are done prior to closing each month, however the QuickBooks reports needed to be corrected so that all items would be visible. Cash sales records were not affected and are accurate.

Page 3

• No capital project payments were made in September.

Page 4

• The tax collection report will return in November, after the 2018 taxes have been billed.

Page 5

• This report shows a decrease in tourism-related revenue (admissions, retail sales, meal sales, lodging revenue & dockage) in the summer of 2017 and a nice recovery in 2018. Further study should be done, perhaps with the Eastern Shore Tourism Commission, to see if this was a trend across the Eastern Shore and in the state, or just in Cape Charles.
## MUNICIPAL CORPORATION OF CAPE CHARLES
### TREASURER’S REPORT
#### September 30, 2018

### Cash on Hand

<table>
<thead>
<tr>
<th>Account</th>
<th>8/31/2018</th>
<th>9/30/2018</th>
<th>Increase/ Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xenith Bank Checking Account</td>
<td>$486,463</td>
<td>$598,508</td>
<td>$112,046</td>
</tr>
<tr>
<td>Xenith Bank Money Market Account</td>
<td>$885,141</td>
<td>$886,050</td>
<td>$909</td>
</tr>
<tr>
<td>LGIP Account 1 - Unrestricted</td>
<td>$100,336</td>
<td>$100,515</td>
<td>$179</td>
</tr>
<tr>
<td>LGIP Account 2 - Unrestricted</td>
<td>$289,274</td>
<td>$289,842</td>
<td>$568</td>
</tr>
</tbody>
</table>

**Total Cash On Hand**

| Amount | 1,761,213 | 1,874,915 | $113,702 |

### Restricted and Reserved Cash Balances

<table>
<thead>
<tr>
<th>Account</th>
<th>8/31/2018</th>
<th>9/30/2018</th>
<th>Increase/ Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xenith Bank Savings Account - Facility Fees Reserved (Utilities)</td>
<td>$603,484</td>
<td>$603,636</td>
<td>$152</td>
</tr>
<tr>
<td>Xenith Bank Checking Account - Police Funds</td>
<td>$431</td>
<td>$431</td>
<td>$0</td>
</tr>
<tr>
<td>LGIP Account 2 - Restricted for USDA loans</td>
<td>$29,643</td>
<td>$29,643</td>
<td>$0</td>
</tr>
<tr>
<td>PNC SNAP Account- 2013 Bond Proceeds - Principal</td>
<td>$544,367</td>
<td>$544,367</td>
<td>$0</td>
</tr>
<tr>
<td>PNC SNAP Account- 2013 Bond Proceeds - Interest</td>
<td>$27,316</td>
<td>$28,354</td>
<td>$1,038</td>
</tr>
<tr>
<td>Xenith Bank Checking Account - E-Summons Revenue Reserved</td>
<td>$1,820</td>
<td>$1,860</td>
<td>$40</td>
</tr>
<tr>
<td>US Bank - Reserved per VRA Interest Free Loan Requirements</td>
<td>$258,496</td>
<td>$258,829</td>
<td>$333</td>
</tr>
<tr>
<td>Wells Fargo 2010 Debt Service pass through account #300</td>
<td>$2,360</td>
<td>$2,381</td>
<td>$21</td>
</tr>
<tr>
<td>Wells Fargo 2010 Debt Service pass through account #308</td>
<td>$507</td>
<td>$508</td>
<td>$1</td>
</tr>
</tbody>
</table>

**Total Cash Held in Reserve**

| Amount | 1,468,425 | 1,470,010 | $1,585 |

**Total Cash - All Accounts**

| Amount | 3,229,638 | 3,344,925 | $115,287 |

### DEBT SERVICE

**Net Long-Term Debt as of Current Reporting Month End**

| Amount | $7,996,428 |

---
# REVENUE VS. EXPENDITURES

<table>
<thead>
<tr>
<th>FUND</th>
<th>CURRENT MONTH</th>
<th>PRIOR YEAR-TO-DATE</th>
<th>CURRENT YEAR-TO-DATE</th>
<th>INCREASE/DECREASE YTD</th>
<th>ANNUAL BUDGET</th>
<th>% REALIZED/EXPENDED FY19</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE - Operating</td>
<td>$178,343</td>
<td>$505,320</td>
<td>$488,162</td>
<td>-$17,157.60</td>
<td>$2,520,469</td>
<td>19.37%</td>
</tr>
<tr>
<td>EXPENDED - Operating</td>
<td>$151,693</td>
<td>$674,379</td>
<td>$606,603</td>
<td>-$67,775.76</td>
<td>$2,520,469</td>
<td>24.07%</td>
</tr>
<tr>
<td>NET</td>
<td>26,649</td>
<td>(169,059)</td>
<td>(118,441)</td>
<td>50,618</td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE - CAPITAL GRANTS &amp; LOANS</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,844,191</td>
<td>0.00%</td>
</tr>
<tr>
<td>EXPENDED - CAPITAL PROJECTS &amp; DEBT SVC</td>
<td>0</td>
<td>244,739</td>
<td>224,534</td>
<td>(20,204)</td>
<td>1,844,191</td>
<td>12.18%</td>
</tr>
<tr>
<td>TOWN CONTRIB. &amp; PENDING GRANTS</td>
<td>0</td>
<td>(244,739)</td>
<td>(224,534)</td>
<td>20,204</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PUBLIC UTILITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE - Operating</td>
<td>135,538</td>
<td>575,474</td>
<td>439,473</td>
<td>(136,002)</td>
<td>1,100,200</td>
<td>39.94%</td>
</tr>
<tr>
<td>EXPENDED - Operating</td>
<td>16,603</td>
<td>250,308</td>
<td>278,366</td>
<td>28,058</td>
<td>1,100,200</td>
<td>25.30%</td>
</tr>
<tr>
<td>NET</td>
<td>118,935</td>
<td>325,167</td>
<td>161,107</td>
<td>(164,060)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE - CAPITAL GRANTS, LOANS, &amp; FACILITY FEES</td>
<td>10,600</td>
<td>0</td>
<td>10,600</td>
<td>694,834</td>
<td>1.53%</td>
<td></td>
</tr>
<tr>
<td>EXPENDED - CAPITAL PROJECTS, DEBT SVC, &amp; FACILITY FEES</td>
<td>67,313</td>
<td>130,773</td>
<td>158,381</td>
<td>27,609</td>
<td>694,834</td>
<td>22.79%</td>
</tr>
<tr>
<td>TOWN CONTRIB. &amp; PENDING GRANTS</td>
<td>(56,713)</td>
<td>(130,773)</td>
<td>(147,781)</td>
<td>(17,009)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HARBOR</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE - Operating</td>
<td>62,492</td>
<td>206,450</td>
<td>285,413</td>
<td>78,964</td>
<td>660,236</td>
<td>43.23%</td>
</tr>
<tr>
<td>EXPENDED - Operating</td>
<td>59,884</td>
<td>204,276</td>
<td>283,999</td>
<td>79,723</td>
<td>660,236</td>
<td>43.01%</td>
</tr>
<tr>
<td>NET</td>
<td>2,608</td>
<td>2,174</td>
<td>1,414</td>
<td>(760)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE - GRANTS &amp; LOANS</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,127,401</td>
<td>0.00%</td>
</tr>
<tr>
<td>EXPENDED - Capital Projects, Debt Svc</td>
<td>13,772</td>
<td>20,597</td>
<td>19,507</td>
<td>(1,090)</td>
<td>1,127,401</td>
<td>1.73%</td>
</tr>
<tr>
<td>TOWN CONTRIB. &amp; PENDING GRANTS</td>
<td>(13,772)</td>
<td>(20,597)</td>
<td>(19,507)</td>
<td>1,090</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SANITATION</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REVENUE</td>
<td>16,082</td>
<td>45,961</td>
<td>48,514</td>
<td>2,552</td>
<td>189,322</td>
<td>25.63%</td>
</tr>
<tr>
<td>EXPENDED</td>
<td>15,277</td>
<td>30,280</td>
<td>25,628</td>
<td>(4,652)</td>
<td>189,322</td>
<td>13.54%</td>
</tr>
<tr>
<td>NET</td>
<td>806</td>
<td>15,682</td>
<td>22,886</td>
<td>7,204</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# FY 2019 Capital Improvement Project Tracking Report

**As of:**
9/30/2018 FY19

<table>
<thead>
<tr>
<th>Status or Start Date</th>
<th>FY19 Percent of Completion</th>
<th>FY19 Budgeted</th>
<th>FY19 Expended QTR 1</th>
<th>FY19 Expended QTR 2</th>
<th>FY19 Expended QTR 3</th>
<th>FY19 Expended QTR 4</th>
<th>FY19 Expended YTD</th>
<th>(Over)/Under Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Replacement Police Vehicle</td>
<td>Pending</td>
<td>0%</td>
<td>$34,000</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Mason Avenue Street Lights (19)</td>
<td>Pending</td>
<td>0%</td>
<td>$47,500</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Additional Light Poles for Central Park</td>
<td>Pending</td>
<td>36%</td>
<td>$18,000</td>
<td>$6,440</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$6,440</td>
</tr>
<tr>
<td>New Roof for Civic Center</td>
<td>Pending</td>
<td>0%</td>
<td>$10,000</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Repair Exterior of Library Building Phase 1</td>
<td>Pending</td>
<td>0%</td>
<td>$50,000</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Beach Sweeper</td>
<td>Complete</td>
<td>95%</td>
<td>$55,000</td>
<td>$52,500</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$52,500</td>
</tr>
<tr>
<td>Rebuild East Entrance to Tazewell Alley</td>
<td>Pending</td>
<td>0%</td>
<td>$15,000</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Strawberry Street Plaza Sidewalk Extension</td>
<td>Pending</td>
<td>0%</td>
<td>$5,000</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Multi-Use Trail Phase 2 (80/20 VDOT)</td>
<td>Complete, except for billing</td>
<td>27%</td>
<td>$752,000</td>
<td>$500,000</td>
<td>$132,722</td>
<td>$ -</td>
<td>$ -</td>
<td>$132,722</td>
</tr>
<tr>
<td>Multi-Use Trail Phase 3 (80/20 VDOT)</td>
<td>Engineering</td>
<td>0%</td>
<td>$181,000</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Multi-Use Trail Phase 4 (80/20 VDOT)</td>
<td>Engineering</td>
<td>0%</td>
<td>$50,000</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
</tbody>
</table>

**subtotal** | | | $1,667,500 | $191,661 | $ - | $ - | $ - | $191,661 | $1,475,839 |

| **Water Fund**       |                           |               |                     |                     |                     |                     |                  |                     |
| Leak Detection Equipment | Pending | 0% | $15,000 | $ - | $ - | $ - | $ - | $ - | $15,000 |
| Vacuum Trailer - shared with WATER | Complete | 100% | $22,500 | $21,586 | $ - | $ - | $ - | $21,586 | $914 |

**subtotal** | | | $37,500 | $21,586 | $ - | $ - | $ - | $21,586 | $914 |

| **Sewer Fund**       |                           |               |                     |                     |                     |                     |                  |                     |
| 4 New Mixers (Upgrades) | Pending | 0% | $26,000 | $ - | $ - | $ - | $ - | $ - | $26,000 |
| Vacuum Trailer - shared with WATER | Complete | 100% | $22,500 | $21,586 | $ - | $ - | $ - | $21,586 | $914 |

**subtotal** | | | $48,500 | $21,586 | $ - | $ - | $ - | $21,586 | $914 |

| **Harbor Fund**      |                           |               |                     |                     |                     |                     |                  |                     |
| Shade Sails - Bathhouse Front Deck | Pending | 0% | $8,000 | $ - | $ - | $ - | $ - | $ - | $8,000 |
| Finger Pier Upgrade | Pending | 0% | $30,000 | $ - | $ - | $ - | $ - | $ - | $30,000 |
| Upgrade Harbor Fuel System | Pending | 0% | $100,000 | $ - | $ - | $ - | $ - | $ - | $100,000 |
| Breakwater #4 | Pending | 0% | $875,000 | $ - | $ - | $ - | $ - | $ - | $875,000 |

**subtotal** | | | $1,013,000 | $ - | $ - | $ - | $ - | $1,013,000 |

**TOTAL** | | | $2,766,500 | $234,834 | $ - | $ - | $234,834 | $2,490,666 |

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT*
Meals Tax - 88% increase over FY 18
Transient Occupancy Tax - 102.9% increase over FY18.
Sales & Use Tax - 76.2% increase over FY18
BPOL - These are payments that were due FY18
Harbor Dockage - 39% increase from FY18
<table>
<thead>
<tr>
<th>AGENDA TITLE:</th>
<th>Conditional Use Permit Application 729/730 Randolph Avenue – Set Public Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGENDA DATE:</td>
<td>November 15, 2018</td>
</tr>
<tr>
<td>SUBJECT/PROPOSAL/REQUEST:</td>
<td>Public hearing date for conditional use permit application for apartments is a commercial/residential use building at 729/730 Randolph Avenue.</td>
</tr>
<tr>
<td>ITEM NUMBER:</td>
<td>5D</td>
</tr>
<tr>
<td>ATTACHMENTS:</td>
<td>September 2018 application form; photos; vicinity map.</td>
</tr>
<tr>
<td>FOR COUNCIL:</td>
<td>Action (X) Information ( )</td>
</tr>
<tr>
<td>STAFF CONTACT (s):</td>
<td>Larry DiRe</td>
</tr>
<tr>
<td>REVIEWED BY:</td>
<td></td>
</tr>
</tbody>
</table>

**BACKGROUND:**

Staff received an application for a conditional use permit for additional residential dwelling units in a currently mixed commercial/residential use building at 729/730 Randolph Avenue. This property is in the Commercial – 1 zoning district, which according to Article III, Section 3.6.C allows residential dwelling units “provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).” Article IV, Section 4.3.B states the Conditions for Issuance as follows: 1) not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; 2) not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; 3) not be in conflict with the purpose of the comprehensive plan of the town.

While the Cape Charles Comprehensive Plan is silent on residential and commercial mixed-use development on Randolph Avenue, the document does speak to such use in a favorable, desired manner for the Mason Ave central business district.

The application proposes additional residential units at this property. There will not be any change to the existing appearance of the building or the streetscape. The proposed location also shows off-street parking sufficient for additional residential units. At the October 2, 2018 Planning Commission meeting there was much discussion regarding parking spaces specifically designated for residential units. The applicant’s representative stated that would be done. At the October 2, 2018 meeting, the Commissioners set a November 6, 2018 public hearing date. A public hearing was advertised and held that day, with no public comment received. The Commissioners voted to recommend approval by the Town Council. Staff finds the proposed additional residential units do not add residential density to the location that would adversely affect the health, safety, or welfare of the persons residing and/or living in the neighborhood, keeping in mind the by-right short-term residential accommodation uses allowed in this zoning district.

**ITEM SPECIFICS:**

The applicant must meet all procedural obligations before beginning work on the residential dwelling units. Upon approval of the conditional use permit, the applicant will have one year to demonstrate progress toward completion of the project, as enumerated in Article IV, Section 4.3.D of the zoning ordinance. All construction shall conform to the appropriate Town codes.

**RECOMMENDATION:**

Staff recommends Town Council review the application and set Tuesday, December 4, 2018 as the date for public hearing on this conditional use permit application.
Planning Commission Staff Report

From: Larry DiRe

Date: November 6, 2018

Item: 5a – Application for conditional use permit: residential units in a current commercial/residential use building in the commercial – 1 district at 729/730 Randolph Avenue - review and make recommendation to Town Council.

Attachments: Application for conditional use (September 2018), vicinity map, photos.

Item specifics
Staff received an application for a conditional use permit for additional residential dwelling units in a currently mixed commercial/residential use building at 729/730 Randolph Avenue. This property is in the Commercial – 1 zoning district, which according to Article III, Section 3.6.C allows residential dwelling units “provided that no such dwelling is located at street level and all dwelling units have direct access to the street level (not access through commercial establishment on the first level).” Article IV Section 4.3.B states the Conditions for Issuance as follows: 1) not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; 2) not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; 3) not be in conflict with the purpose of the comprehensive plan of the town.

While the Cape Charles Comprehensive Plan is silent on residential and commercial mixed use development on Randolph Avenue, the document does speak to such use in a favorable, desired manner for the Mason Ave central business district. The Mason Avenue central business district is also zoned Commercial – 1. The Comprehensive Plan also addresses the need for available affordable housing.

The application proposes additional residential units at this property. There will not be any change to the existing appearance of the building or the streetscape. The proposed location also shows off-street parking sufficient for additional residential units. At the October 2, 2018 Commission meeting there was much discussion regarding parking spaces specifically designated for residential units. The applicant’s representative stated that would be done. Staff finds the proposed additional residential units do not add residential density to the location that would adversely affect the health, safety, or welfare of the persons residing and/or living in the neighborhood, keeping in mind the by-right short-term residential accommodation uses allowed in this zoning district.

Discussion
Following public hearing, public comment, and further Commission discussion determine if the application meets the requirements for a conditional use permit. The applicant must meet all procedural obligations before beginning work on the residential dwelling units. Upon approval of the conditional use permit, the applicant will have one year to demonstrate progress toward completion of the project, as enumerated in Article IV, Section 4.3.D of the zoning ordinance. All construction shall conform to the appropriate Town codes.

Recommendation
Following discussion make recommendation to Town Council for legislative action, or provide direction to staff for further Planning Commission review.
Application for Conditional Use Permit
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Date: 09.18.14  Fee: __________

Applicant: Howard S. Markwith  Signature: __________
Address: 306 Fletcher Street  City: Cape Charles  State: VA  Zip: 23310
Telephone: 804-426-4101  Email: sandysmark98@msn.com
Owner(s): Howard S. Markwith
Address: 306 Fletcher Street  City: Cape Charles  State: VA  Zip: 23310
Telephone: 804-426-4101  Email: sandysmark98@msn.com

Contractor: David Giannini - Giannini Construction
Address: 2202 Plumtree Rd.  City: Cape Charles  State: VA  Zip: 23310
Telephone: 757-230-0183  Email: see cell
Town License: __________  State License: __________

Location of Improvement: 327 1120 Randolph Ave.
Lot No.: __________  Block No.: __________  Lot Size: __________  Lot Area: __________

Type of Improvement: Renovation
Proposed Use: Residential
Estimated Construction Costs: $ 50,000

************************************************************************************

Conditional Use Permit Checklist
(Applicant must attach items 1-7)

1. ✔ completed application
2. ✔ payment of fee ($300.00 + $25.00 per acre)
3. ✔ letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. ✔ concept plan (see attached information for recommended content)
5. ✔ plot plan of property
6. ✔ disclosure statement signed and notarized verifying ownership
7. ✔ names and addresses of adjacent property owners
8. ✔ Zoning Administrator’s review of documentation

************************************************************************************

CERTIFICATION OF APPLICANT
I hereby certify that I have the authority to make the foregoing application, that the information given is true and correct, and that the construction or improvements will conform to the regulations in the Virginia Statewide Building Code, all pertinent Town Ordinances, including fire, sewer, and water ordinances, and private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify that the changes to the improvement before or during construction will be provided to the Zoning Administrator and Building Official before such changes are contracted.

Signature of Owner/Agent: __________________________________________

[Signature]
Larry DiRe

From: Andrew McCoy <andrewpmccoy@gmail.com>
Sent: Tuesday, September 25, 2018 10:42 AM
To: Larry DiRe
Cc: kim@chesapeakeproperties.com
Subject: 729 and 730 Randolph Conditional Use

Larry,

As the purchaser of Sid Markwith's property 729 and 730 Randolph Avenue, we seek a conditional use permit with the current commercial zoning to maintain the two lower units as rental apartments and create two rental apartments upstairs.

Best Regards,
Andrew

--
Andrew P. McCoy

andrewpmccoy@gmail.com
www.andrewpmccoy.com
DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.
BACKGROUND:

Staff received an application for a conditional use permit to operate a bed and breakfast/tourist home at 610 Washington Avenue. According to zoning ordinance Article III, Section 3.2.C.3 a bed and breakfast/tourist home operation is by conditional use permit only in the Residential – 1 District. This property is a conforming size residential lot within the Residential – 1 District. The location for the proposed bed and breakfast/tourist house shows an on-site driveway the length of the lot and can accommodate off-street parking, and a garage. The applicants propose to open a small unit of approximately two-hundred and twenty (220) square feet to guests and retain the rest of the house for family use. The applicants will continue to occupy the building. No changes to the exterior appearance of the building are proposed. The attached survey plat and vicinity map show the availability of space at this particular location to accommodate on and off-street parking. Procedural requirements for issuing a conditional use permit are found in the zoning ordinance Article IV, Section 4.3.C. Article II, Section 2.9 defines bed and breakfast/tourist homes as follows: a single-family dwelling containing sleeping and/or breakfast accommodations as an accessory use to the principal use. Such lodging shall have room accommodations for transient persons and wherein a charge is normally paid for such accommodations.

Article III Section 3.2.C.3 allows for bed and breakfast/tourist home as a conditional use in the Residential - 1 District. Article IV Section 4.3.B states the Conditions for Issuance as follows: 1) not adversely affect the health, safety, or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect other land uses within the particular surrounding neighborhood; 2) not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; 3) not be in conflict with the purpose of the comprehensive plan of the town.

The Cape Charles Comprehensive Plan addresses the importance of seasonal and year-round visitors and the need for accommodations to house these visitors. Section III – B Economic Vitality specifically links the hospitality industry and need for living accommodations as goals for the Town’s future growth and economic development. The statement of intent (Article III, Section 3.2.A) for the Residential – 1 zoning district states in part the following: “the characteristics of the neighborhood include both permanent as well as seasonal residents.”.

ITEM SPECIFICS:

The applicant must meet all procedural obligations before beginning work on the residential dwelling units. Upon approval of the conditional use permit, the applicant will have one year to demonstrate progress toward completion of the project, as enumerated in Article IV, Section 4.3.D of the zoning ordinance. All construction shall conform to the appropriate Town codes.

RECOMMENDATION:

Staff recommends Town Council review the application and set Tuesday December 4, 2018 as the date for public hearing on this conditional use permit application.
Application for Conditional Use Permit
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Date: 10-17-18  Fee: 300.00
*(Attach Plans)

Applicant: Kathy Fraser  Signature: Kathy Fraser
Address: 615 Jefferson Ave  City: CC  State: VA  Zip: 23310
Telephone: 410 212 3381  Email: kfrasere@aol.com

Owner(s): Same
Address:  
City:  
State:  
Zip:  
Telephone:  
Email:  

Contractor: QS Sean Ingram
Address: P.O. Box 1090  City: Cheriton  State: VA  Zip: 23314
Telephone: 757 678 3759  Email:  

Town License: 18-0159  State License: 2705142263

Location of Improvement: 610 Washington
Lot No.: 21  Block No.:  Lot Size: 40 x 140  Lot Area:  
Type of Improvement: Bed & Breakfast
Proposed Use:  
Estimated Construction Costs: 345,000

**********************************************************************

Conditional Use Permit Checklist
(Applicant must attach items 1-7)

1. [ ] completed application
2. [ ] payment of fees ($300.00 + $25.00 per acre)
3. [ ] letter of application stating in general terms: (a) the proposed use of the property, (b) the
effect of the changes on the surrounding area, and (c) the reason for the request
4. [ ] concept plan (see attached information for recommended contents]
5.  
6.  
7.  
8.  

**********************************************************************

CERTIFICATION OF APPLICANT

I hereby certify that I have the authority to make the foregoing application, that the information given is true
and correct, and that the construction or improvements will conform to the regulations in the Virginia
Statewide Building Code, all pertinent Town Ordinances, including fire, sewer, and water ordinances, and
private building restrictions, if any, which may be imposed on the property by deed. Furthermore, I certify
that the changes to the improvement before or during construction will be provided to the Zoning
Administrator and Building Official before such changes are constructed.

Signature of Owner/Agent: Kathy Fraser
### Conditional Use Permit Plan Checklist

**Town of Cape Charles**  
2 Plum Street  
Cape Charles, VA 23310  
757-331-2036 Fax: 757-331-4820  
planner@capecharles.org

**Contact Person:** Kathy Freas  
**Address:** 615 Jefferson Ave  
**Email:** kfreas@atl.com  
**Submit Date:** 10-17-18  
**Phone #:** 410-218-3381

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are the project title, name of applicant, and project designer (if applicable) provided?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the date, north arrow, and graphic scale provided?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the concept plan the minimum size of 8½&quot; x 11&quot; or maximum size 11&quot; x 17&quot;? If only plans larger than the maximum size are feasible, has the applicant provided 15 copies of the plan for distribution to the Planning Commission and Town Council?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the size of the entire parcel in acres and, if applicable, size of portion of parcel showing? Are the meets and bounds provided?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the adjacent streets, alleys, railroads, water bodies, natural features, etc. shown?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the locations, dimensions, and heights of all structures provided?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the number, type, and size of dwelling, retail or commercial office units, the gross density, and the location, size and type of recreational amenities provided for the residential, commercial, and mixed use projects?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are the location and dimensions of pedestrian access and plazas as well as vehicular driveways, parking spaces, and unloading facilities shown?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are any outstanding natural features to be conserved, such as slope, ground cover, surface water, trees and vegetation, floodplain, etc. shown?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are any signs, including type, area, height, and placement on site shown?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is lighting information provided, if applicable?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Is the location and description of any screening and buffering along the lot perimeter or within the lot provided?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Are the building elevations or renderings and description of landscape improvements provided?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there other information pertinent to the specific request including areas outdoors which are designated for conditional uses, for example, accessory uses, storage areas, recreation area, loading/unloading areas, and dumpster areas on the concept plan?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
October 30, 2018

Town of Cape Charles,

We would like to request that the studio in our new home located at 610 Washington be used as a guest accommodation similar to that of a Bed and Breakfast (except without the breakfast).

The studio is 220 square feet and is within the main house, in which we shall be living.

We are aware of the commitments the Town requires from us when applying for the conditional use permit:

1.) A yearly inspection
2.) Monthly transient occupancy taxes
3.) A current yearly business license

We have every intention of complying with all town code requirements.

Sincerely,

[Signature]

Kathy Fraas
Skip Fraas
WASHINGTON AVENUE (70' R/W)

SURVEYOR'S CERTIFICATION

I, MARSHALL B. PARKS, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME AT THE REQUEST OF THE OWNERS AND THAT THIS SURVEY IS ENTIRELY WITHIN THE BOUNDARIES OF LAND COVERED BY THE DEED DESCRIBED HEREON AND THAT MONUMENTATION IS ACTUALLY IN PLACE OR WILL BE SET AT POINTS MARKED AS SHOWN HEREON AND THAT THEIR LOCATIONS ARE CORRECTLY SHOWN. THIS SURVEY IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.

GENERAL NOTES:

1. OWNERS: LOUIS & KATHLEEN FRASS
2. TAX PARCEL: 83A3-1-21
3. SOURCE OF TITLE: INST. 180001211
4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN AUGUST 2018 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND MAY NOT SHOW ANY ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN OR WETLANDS, ENVIRONMENTAL HAZARDS, CEMETERIES AND UNDERGROUND STRUCTURES NOT OBSERVED DURING THE COURSE OF THE SURVEY.
6. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 51131C0295, DATED 03-02-15, THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE X. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAP AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE INFORMATION SHOWN HEREIN IS NOT GUARANTEED AND WAS APPROXIMATELY SCANNED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAPS. FOR FURTHER INFORMATION AND TO CONFIRM THE FLOOD ZONE FOR THIS PROPERTY, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
7. PLAT REFERENCES:
   D.B. 41, P. 484 (PLAT)
8. THIS PROPERTY IS ZONED R-1.
   (BSL-BUILDING SETBACK LINES)
   FRONT SETBACK IS 30' (OR EQUAL TO ADJOINER)
   SIDE SETBACKS ARE 5'
   REAR SETBACKS ARE 25'
   ACCESSORY ARE 5'

SITE PLAN OF LOT 21
MAP OF THE TOWN OF CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY,
VIRGINIA
SEPTEMBER 11, 2018

ACCOMACK-NORTHAMPTON
SURVEYING & MAPPING PLLC
36308 Lankford Highway, Belle Haven, Virginia 23306
Mail Address: 1147 Kenmore Drive, Machipongo, Virginia 23406
Phone: (757) 709-4192

DRAWN BY: 2995 SCALE: 1" = 20'
CHIEF BY: JBL BACK TRAV. BY: MBP
FIELD BOOK: JOB NUMBER: 834
Northampton County, Virginia

Legend
- Parcels
- Driveways

Title: November 6 meeting 6B vicinity map

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Northampton County is not responsible for its accuracy or how current it may be.

Date: 10/28/2018
**BACKGROUND:**

On Wednesday October 17, 2018 the Harbor Area Review Board (HARB) met to consider an application for Harbor Development Certificate. Besides approving the agenda format and the December 13, 2017 meeting minutes, this application was the only business for the HARB.

This application for Harbor Development Certificate is for the relocation of the pilot house building out of the district to become part of the permanent building at the Cape Charles museum and historical society. The attached complete application materials, as provided to the HARB for their October 17 meeting, include a staff report and details of the proposed building relocation.

The applicant was questioned about several site plan and relocation issues. Following discussion, the HARB made a recommendation to Town Council as required by Article III, Section 3.9.1.2.i of the Town zoning ordinance. A HARB recommendation is required before Town Council can act on approving the application. Following the HARB meeting, Town Council was provided with a summary report, pursuant to zoning ordinance Article III, Section 3.9.1.2.e, at the November 1, 2018 special meeting as a requirement of the Harbor Development Certificate award process.

**ITEM SPECIFICS:**

Article IX, Section 9.19 of the zoning ordinance states the following regarding Harbor Development Certificate: *Evidence of the approval required under the terms of the Historic Harbor Area Overlay District shall be a certificate of appropriateness issued by the Harbor Area Review Board, or the Zoning Administrator as the case may require, stating that the demolition, moving, or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration, or restoration for which application has been made are approved by the Harbor Area Review Board or the Administrator as the case may require.*

**RECOMMENDATION:**

Staff recommends approval of the application as submitted. This is based on the HARB recommendation following their October 17, 2018 meeting.
Harbor Area Review Board Staff Report

From: Larry DiRe
Date: October 17, 2018
Item: 5A- Re-location of pilot house out of the Harbor district
Attachments: Application; photos; survey plat.

Application Specifics

The building is currently owned by the two-county Transportation District Commission and sits on land owned by that Commission. The owner was approached by the applicant with the request to remove the building and relocate it to the area adjacent to the historical museum. The applicant proposes to attach the building to the current museum, and so requires relocation out of the Harbor district. According to Article IX Section 9.25 of the Town’s Zoning Ordinance no permit may be granted until a Harbor Development Certificate is approved. The building owner has the right to relocate the building.

Since this application pertains to an intact structure, rather than a conceptual plan, and seeks a relocation out of the Harbor District into another zoning district most requirements do not apply.

Recommendation

Review the application materials, comment, discuss and decide if a recommendation for Harbor Development Certificate is appropriate for this application.
Application for Harbor Development Certificate
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310
757-331-2036 Fax: 757-331-4820
planner@capecharles.org

Date: 09/10/2018
Permit No.: ____________
Fee: ____________

Proposed Use: Educational/Historic
Present Zoning: Commercial
Location Address: 814 Randolph Avenue, Cape Charles
Tax Map ID: 08384-01-00B-0000016  Acreage: 1.44

I (We) hereby petition the Cape Charles Town Council for a Harbor Development Certificate to provide the above use on the above mentioned property.

I (We) acknowledge the fact that all pertinent information required by the Harbor Area Review Board and Zoning Office must be submitted in a timely manner so that required public meetings can be scheduled and advertised (Zoning Ordinance §3.9.1). Applicant or representative must be present in the public meetings.

Land Owner/Lessee Name: Cape Charles Historical Society
Land Owner/Lessee Signature: [Signature]
Address: P.O. Box 11, 814 Randolph Avenue, Cape Charles VA 23310
Phone Number: (757) 607-6483  Email Address: capecharlesmuseum@gmail.com

Harbor Area Review Board Meeting
Date: ____________  Time: ____________
Meetings will be held at the Cape Charles Civic Center unless otherwise noted.

******************************************************************************

Harbor Development Certificate Application Checklist

1. ✔ completed application
2. ✔ payment of fees ($300.00 + $70.00 per acre)
3. ✔ letter of application stating in general terms: (a) the proposed use of the property, (b) the effect of the changes on the surrounding area, and (c) the reason for the request
4. ✔ plot plan in accordance with the Site Plan Ordinance

Detailed application information shall be added per §3.9.1.1.b of the Zoning Ordinance when required.

******************************************************************************
September 10, 2018

Application for Harbor Development Certificate
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

We are pleased to submit our proposal for the adaptive reuse of the Captain Edward Richardson Pilot House, currently located in the Harbor District (Please see enclosed Google Earth Map for location). The Pilot House is historically significant because it is one of the last remaining artifacts in Cape Charles from the Pennsylvania Railroad days.

Cape Charles is a town the railroads built. Even though time has moved on and the railroads no longer run here, their impact has been significant. The decision has been reached by the Accomack Northampton Transportation District Commission to close the Cape Charles railroad yard and dispose of its assets. The Cape Charles Historical Society has secured the donation of the Captain Edward Richardson Pilot House. We propose to move it to our site at 814 Randolph Avenue Cape Charles, and install it permanently on a foundation. Both our site and the Pilot House have already been assessed by our structural engineer and architect to gauge project feasibility. The Pilot House will be restored, then attached to our current museum building by means of a walkway. The interior will be preserved as an artifact and adapted to accommodate additional exhibitions about Cape Charles’ history.

Sincerely yours,

Kimberly Leake Denny, Executive Director Cape Charles Historical Society
Captain Edward Richardson Pilot House
Present location of the Captain Edward Richardson Pilot House in the Cape Charles Harbor District. This location is proposed to be moved.

Legend:
- Bailey's Bait & Tackle
- Blue Heron Realty Co
- Cape Charles
- Cape Charles Coffee House
- Cape Charles Harbor
- Cape Charles Town Harbor and Marina
- Feature 1
- Hotel Cape Charles
- Kelly's Gingersnmut Pub
- Stage Door Gallery
- Straight Line Automotive Services
- The Shanty

Google Earth © 2018 Google
Monthly Department Reports
Code Enforcement  
Month of October FY19

Building Permits Issued/Permit Fees Collected:
Permits this month: 49  
Permits this year: 157  
Total construction this month: $523,315  
Total construction this year: $2,594,308  
Permit fees this month: $6,498.39  
Permit fees this year: $54,530.95  
Connection & Facility Fees this month: $0  
Connection & Facility Fees this year: $24,700  
Fire Dept. levy this month: $499.86  
Total Fire Dept. levies this year: $2,248.32  
Miscellaneous Revenue: 0  
Grass cutting enforcement: 3  
Grass cutting: 5

Other items of note:
1. Completed 119 inspections  
2. Completed 6 courtesy residential inspections  
3. Conducted 10 courtesy commercial inspection  
4. Conducted 28 E & S control inspections  
5. Conducted 0 commercial plan reviews for Erosion and Sedimentation Control.  
6. Completed 2 residential plan reviews  
7. Completed 0 commercial plan review  
8. Staff has had numerous inquiries regarding new construction and renovation regulations throughout the town.  
9. Staff is continuing the process of scanning older documents to the cloud and destroying the paper copies to make room in the office for upcoming projects.  
10. Staff is working on an enforcement case on Mason Avenue. Update: Staff has awarded a contractor the bid for the demolition. The contractor is slated to begin on November 9.  
11. Staff is continuing to work on an ongoing enforcement cast of a derelict building on Jefferson Avenue.  
12. Staff met with owners of property on Stone Road that was heavily damaged from Hurricane Michael. We talked through options of what they can do with the building. A demolition permit has been issued for the building.
Town Harbor Town Council Report

October 2018

Items of Interest:

1. October has been pretty eventful month for the Harbor, Storms and heavy weather ripping through the harbor caused damage to several boats from pulled cleats, broken lines, scares and Bimini tops destroyed. Also creating extensive ware on the harbor facilities.

2. Several larger transient vessels for short stays and lots of fuel. Our Tee-heads and inside of the boardwalk area were full of larger catamarans all for extended time frames. 107 transient vessels many multiple days.

3. Weekends are full for 2018/19 season. All slips over 20 foot are rented by commercial vessels or seasonal and annual customers, 4 of our transient commercial watermen headed home but should return this fall to finish the crab season.

4. Hurricane Florence put a kink in the works prepping for the pending weather. Short staff slowed up projects and all hands preparing for heavy weather and communications with vessels owners and Town Staff.

5. Crab season was non-existent in Oct due to storms and prices. 2 small workboats are here for the end of summer crab season.

Maintenance/Repairs:

1. Non-ethanol fuel in out of service until farther notice. Oil Equipment Services were on site and fuel supply pipe is not repairable. Waiting for repair quote.

2. HVAV in Harbor Office will be replaced with a Mini Split system (waiting on all bids to process paperwork and award work)

3. Shanty parking lot is being maintained by public works. Weather has not been on our side. The plan is to incorporate crush n run or 67 stone in the shells for durability and longevity which will be easier to maintain and more cost effective. (working on options, ideas & pricing).

4. The harbor staff is currently working on dock/facility maintenance projects around the harbor.

5. The staff is currently working to complete the laundry facility, electrician to be finished the first week of Sept. (waiting for electricians)

6. General maintenance being performed on all docks. Tee-heads were occupied during the storms and took a beating. The vessels all catamarans to 65’ fared well, wave action caused the tee docks to move excessively and will have to replace bolts the wore and sheered. Adjust or tighten in place all plating and brackets in the near future.
Capital Projects and Harbor improvements

1. Shade sails for Harbor Office deck in and to be installed, (wind has been a factor on install) shade sails for bath house front deck preparation for piling layout and foundation design. Working out logistics and time frame to start footer work this September due to construction around bath house. Obtaining bids for the aluminum columns.

2. **Harbor Fuel System- BIG Tier I Grant:** Approved, received paperwork from VHD and working with Preston Smith of VHD to finalize grant awards.
Cape Charles Town Harbor and Marina

2018 Harbor Fall Performance & Rate Report

Cape Charles Town Harbor and Marina has had a very good season. Transient boaters visited the marina with many repeating several times calling on Cape Charles. The weather cooperated especially on the holiday and event weekends. These holidays and weekends reflect greatly on the Harbors yearly financial earnings.

CCTH&M’s commercial fleet is a large financial contributor to the harbor with weekly/monthly dockage, fuel sales and wharfage of catch from venders. Fishing has been extremely slow for the last 3 years and the gillnetters and pound netters worked very hard through the year. One of Cape Charles main stays is hanging up his boots. Keith Like of Cape Charles Seafood has suffered great losses over the past 5 years and is retiring. The crews are not going to continue the tradition of pound netting as of no due to the lack of fish. This crab season again started of strong. As the season progressed crabbing fell off, all of out of town watermen went north and most of the local crabbers stopped crabbing. The months of September, October and beginning of November, crabbing was non-existent with only 2 small boats working out of the harbor reflecting on dockage and diesel fuel sales.

CCTH&M is on its 8th season providing exceptional service building on its reputation, fulfilling the needs of the boating community of local and transients and our famous working commercial waterman. Since February 2016 as Harbor Master of CCTH&M we continue to make many improvements, creating a safer and enjoyable work environment. Accomplishing many projects in-house and utilizing local businesses to perform these tasks.

The Town of Cape Charles and The Virginia Port Authority working with grant funding are working on the 4th rock breakwater working to lessen the wave action creating a protected more comfortable facility. Town of Cape Charles,

Town Harbor · 11 Marina Rd · Cape Charles, Virginia 23310
(757) 331-2357 E-Mail – harbormaster@capecharles.org
Cape Charles Town Harbor and Marina
CCTH&M and State of Virginia have secured funding to construct the 4th breakwater working toward accomplishing the goal to make Cape Charles Harbor safer and comfortable protecting property and infrastructure.

Bullet points the pertain to CCTH&M are as follows:

- The Oyster Farm Marina is doing well, operating an up-scale marina with several boating and recreational amenities. Protected body of water and shallow draft, marina store with boating supplies, slips with competitive rates, and fuel sales.
- Cape Charles Yacht Center has been working the east coast for many years to promote business and property value. CCYC from offering transient boaters installed several boat slips along their boardwalk increasing the number slips lessening to length of side too moorings. The sale of fuel and other amenities creating more vessel traffic for Cape Charles Harbor. Working together we provide a great relationship with many boaters and their needs.
- CCYC offers free storage for vessels during the off season. This deal with CCTH&M as well as the OFM to lose many of its annual slip renters. The expense of a vessel haul-out, cleaning of the bottom and blocking in place. Most boaters usually pay to haul their vessels for annually for service. This free storage is the cost difference between the annual and seasonal rent and most boaters pay to haul their vessels anyway.
- Personal property boat tax accessed through Northampton County is a factor for the decrease of annual slip rent. Most locations throughout the lower Chesapeake Bay have eliminated the burden on the boat tax. This attracts boaters moving their vessels to other marinas for winter storage. The cost of winter storage in a marina during off season is usually half price or less.
Cape Charles Town Harbor and Marina

and tax free. This tax savings can actually pay for the cost of a seasonal slip possibly the entire year.

During the month of October and November the Focus Group along with the recommendation of the Harbor Master research the lower bay and determine the harbor slip rates and report to council in November meeting. 2 seasons past the Harbor Master recommended no increase using boat length and the equation instead of the previous minimum slip length. This year due to the vast number of inquiries and interest in the Town Harbor Marina the Focus Group, staff and myself have agreed to reinstate the minimum slip length but decreasing the larger slips by 10’. This adjustment subtracts 10’ from all slips in the harbor currently rated for vessels over 45’ making it more profitable. During the November 2016 meeting the council approved to eliminate the minimum slip length to boat length. This season the entire marina is rented either annually, seasonally or commercial applied rates. Several slips on B & C are rented monthly or quarterly outside of the holiday weekends.

CCTH&M 2018 rate study consists of several marinas within the close geographic area of the Chesapeake Bay. See enclosed Staff Report for information and recommendations for upcoming 2019 boating season. We are working very hard here at the harbor and if at any time you have a question feel free to come by and I or we’ll answer the question to the best of our knowledge.

Sincerely

Charlie Farlow
Harbor Master Cape Charles
Youth Programs
Toddler Storytime (4 programs) 33
Preschool Storytime (3 programs) 22
Lego Club (3 programs) 34

Outreach Programs
Fall Festival at Kiptopeke Elementary 65
Trunk or Treat 200

Adult Programs
Garden Knitters (1 program) 5
Social Media 101 15

Total 394

Library Services
- Completed shifting in the adult fiction section, our most heavily used section.
- We gave out Halloween candy the two weeks prior to Halloween.
- Researching the Ezra Jack Keats mini-Grant.

Meetings
- Library Board Meeting on Thursday, 9/10 at 5:00 pm.
- Met with library Board member to discuss the first Festive Friday at the library. We will be having candlelight children’s stories on December 7 at 6:30. The library will be open on all five Fridays.

Marketing & Communication
- Our October displays featured books on Halloween for children and scary stories and books for adults.
- Created a survey to distribute to youth through 8th grade patrons.

Outreach
- Staff attended the Northampton Agricultural Fair with the Eastern Shore Public Library Pop-Up Library
- Staff provided storytime at the Fall Festival at Kiptopeke Elementary School.

Facility
- There is still an odor in the Library and the Town Manager is getting help with this problem.

Technology
- Staff is unable to access the town webpage for updating.

Youth Services
- Toddler Storytime and Preschool Storytime were held at 10:30am on Thursday.
- LEGO Club, 5 – 6 pm every Thursday. (One was canceled due to weather).
- Participated in Trunk or Treat on, Saturday, 3:30 to 5:30, 10/27.
• Adult Programs
  • The Garden Knitters met in the Library once this month on Friday morning.

• Friends of Cape Charles Memorial Library
  • Provided Computer Tutor one-on-one training for patrons.
  • Securing Your social media Apps, 6:30, 10/3.
  • Social Media 101 for Parents and Grandparents held 6:30, 10/9,

• Volunteers
  • We have not received statistics at this time.

Upcoming Events
• Lego Club, Thursdays, 5:00 pm – 6:00 pm.
• Festive Fridays, Fun at the Library, 11/30.
• Festive Fridays, Candlelight Children’s Christmas Stories, with refreshments at 6:30 pm This is the first event of the CCML 100th Anniversary Activities. 12/7.
• Festive Fridays, Fun at the Library, 12/14.
Planning Department Report for Town Council

From: Larry DiRe
To: Town Council
Date: November 1, 2018
Subject: October 2018 monthly report of Boards and Commissions, and items of interest
Attachment: None.

Planning Commission:

1. The Planning Commission met for their regular monthly meeting on October 2, 2018. At that meeting the Commissioners received the annual staff report on the Bay Avenue summer parking situation. Also, the Commissioners reviewed the conditional use permit application for residential units in the Commercial – 1 district at 12 Peach Street and made the recommendation to Town Council to approve the application, and reviewed an application for conditional use permit for residential units at a property in the Commercial – 1 district at 729/730 Randolph Avenue to set a November 6, 2018 public hearing date. [https://capecharles.municipalcms.com//files/documents/PlanningCommissionAgenda10-02-18110820092518AM1701.pdf](https://capecharles.municipalcms.com//files/documents/PlanningCommissionAgenda10-02-18110820092518AM1701.pdf)

Historic District Review Board:

1. The Historic District Review Board received six new applications for Certificate of Appropriateness and one application for modification to consider at their October 23 regular monthly meeting. One of the posted applications was postponed until the November 20 regular monthly meeting at the request of the applicant. Of note, three applications for construction of new single-family dwellings were approved as submitted. [https://capecharles.municipalcms.com//files/documents/HistoricDistrictReviewBoardAgenda10-23-181112258101718AM1701.pdf](https://capecharles.municipalcms.com//files/documents/HistoricDistrictReviewBoardAgenda10-23-181112258101718AM1701.pdf)

Harbor Area Review Board:

1. The Harbor Area Review Board (HARB) met on October 17 to consider an application for Harbor Development Certificate to relocate the pilot house building out of the Harbor District. The application was submitted by the Cape Charles Historical Society and Museum. HARB reviewed the application and recommended Town Council approval. Staff will present the required summary informational report at the November 1, 2018 special meeting with Council action scheduled for the November 15 regular meeting. [https://capecharles.municipalcms.com//files/documents/HarborAreaReviewBoardAgenda10-17-18023959100418PM1701.pdf](https://capecharles.municipalcms.com//files/documents/HarborAreaReviewBoardAgenda10-17-18023959100418PM1701.pdf)

Board of Zoning Appeals:

1. The Board of Zoning Appeals had no business and did not meet in October. An application for variance for relief from waterfront setback requirement in the Harbor District was received and a November 15, 2018 public hearing and meeting is scheduled.

Wetlands and Coastal Dune Board:

1. The Wetlands and Coastal Dune Board held a public input meeting to receive public comment for the update to the beach management plan. The Board and staff are working cooperatively on that draft document, which should be available for review in December.
Of interest:
1. Staff corresponded with residents and developers about potential and impending residential/commercial development and/or zoning ordinance compliance. A number of these inquiries were storm-related questions about tree removal/trimming and building structural repairs.

2. The Town Manager offered the position of Town Planner to Mr. Zachary Ponds. Mr. Ponds accepted the offer and will begin employment with the town the week of November 26, 2018.

3. Staff participated in the Northampton County RAFT project implementation team conference call on October 24.

4. Staff attended the Eastern Shore Healthy Communities meeting at the Eastern Shore Chamber of Commerce in Melfa, VA on October 23.
The following information is the monthly statistics regarding law enforcement activities for the Cape Charles Police Department.

- Calls for service in Cape Charles: 59
- Calls for service outside of Cape Charles: 11
- Felony arrests: 0
- Misdemeanor Arrests: 0
- Traffic Summons: 1
- Traffic Warnings: 5 (written & verbal):
- Parking tickets: 0
- Building Checks: 12
- Assisted Northampton County Sheriff’s Office: 10
- Assisted Virginia State Police: 1
- Assisted Federal Agencies:
- Assisted Fire & Rescue:
- Foot Patrol Hours: 25
- Bay creek patrol hours: 19

The following took place in October:

- Officer Lynch completed Field Training Officer school September 9th-12th.
- Officers Diaz and Charlton completed week 16 of police academy.

Arrests: None
Production Summary

- Miss Utility Tickets: 17
- Sludge Tons
- *Water: Total Production: 3,880,152 Gallons
  High: 230,737
  Low: 76,412

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</tbody>
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All Data in PPM

- *Waste Water: Average Flow 150,780 gpd
  Maximum 220,000 Gallons
  Total for Month 4,523,400 Gallons

Nutrients:
- Phosphorus Average .07 Limit .3 mg/l annual average
  YTD .08
- Nitrogen Average .25 Limit 4 mg/l annual average
  YTD .96

(*Numbers are from previous month)

Personnel

- Water
  - Scottie Neville Operator Class 3 Water, Operator in Charge
  - Patrick Christman Operator Class 3 Water,
  - Freddie Meditz Trainee
  - Gerald Elliott Maintenance
  - Dan Dabinett Operator Class 3 Water, Maintenance
  - Dehric Parker Part Time Trainee

- Waste Water
  - Patrick Christman Operator Class 2 WW, Operator in Charge
  - Freddie Meditz Operator Class 3 WW
  - Dan Dabinett Operator Class 2 WW, Maintenance
  - Billy Powell Maintenance Supervisor
  - Ralph Bowen Trainee

Current Projects
Public Utilities

Capital Projects

➢ Wastewater:
  • Replace four (4) 4620 mixers with larger 4630 mixers at waste water treatment plant $26,000. These have been ordered. Delivery in December.
  • Purchase Ditch Witch Vacuum Excavation System split with Water Plant $45,000 (Done)

➢ Water
  • Purchase leak Detection Equipment $15,000
Personnel

John Lockwood          Foreman
Willie Lyons           Maintenance Worker
Dejohn Stratton        Maintenance Worker
Demetrius Spadey       Maintenance Worker
Rick Finley            Maintenance Worker

Completed Projects

1. Clean up from storms
2. Started install of sand fence on beach
3. Replaced Melvin’s tree in Central Park near playground
4. Installed seasonal planting at Rt 13 and Fig Street welcome signs
Recreation Department
October 2018

• Trunk or Treating was held on October 27. This year we added free carriage hay rides and street performers to include a juggler and a magician. These were great additions to the event and were well received by the public.

• October 29 - Attended a Festive Friday meeting

• Attended Strawberry Plaza information session held by Cape Charles Main Street.

• Attended Parking information session held by Cape Charles Main Street.

• Continue to work on planned activities through the end of 2018.

• Continue to receive email confirmations from attendees to the Volunteer Appreciation event. Working with Tiffany at the Oyster Farm on details of the event.

• Have started a calendar of events for 2019. Will meet with Jon Dempster next week to begin planning for the 2019 BOTF.
Unfinished Business Agenda Items #6A
BACKGROUND:

Proposed draft text amendments to Article VIII have been reviewed by the Planning Commission, the Board of Zoning Appeals, the Historic District Review Board, and the Town Council at numerous public meetings since October 2017. The Planning Commission set an August public hearing date at the June 5, 2018 regular meeting. On August 7, 2018 a joint public hearing with Town Council was held as advertised and required by Article II, Section 2.7.2. No public comment was received at that hearing, and at the regular monthly meeting immediately following the public hearing close the Commissioners voted to approve the proposed draft text amendments and recommend approval by the Town Council. At their August 16, 2018 regular monthly meeting the Town Council voted to approve the amendments as recommended by the Planning Commission.

During Council discussion prior to voting, concern about the specifics of the appeal language below was raised. Councilwoman Burge suggested approving the amendments and bringing back clearer appeals language for further amendment. The Planning Commission considered these proposed text amendments at their September 4, 2018 regular monthly meeting and voted to set Tuesday November 6, 2018 as the date for the required public hearing. A joint public hearing was held on that date, with no comment received. The Planning Commission voted to recommend approval by Town Council. The proposed draft language is also cited below (bold added).

Article VIII, Sections 8.33, 8.34, and 8.35 state the following on standing to file appeal:

“by the owner of the property in question or by any party aggrieved and suffering cognizable harm”

To be consistent with language found in case law, staff recommends the following to replace “and suffering cognizable harm.”

“by the owner of the property in question or by any party aggrieved and must show that he has an immediate, pecuniary and substantial interest in the litigation, and not a remote or indirect interest”. This language is found in the decision of the 1933 Nichols v Lawrence case, establishing appeals standing in the Commonwealth of Virginia.

ITEM SPECIFICS:

The process of amending the zoning ordinance text is stated in Article II, Section 2.7.

RECOMMENDATION:

Staff recommends Town Council adopt the proposed draft text amendment language as advertised for the public hearing, per the Planning Commission’s recommendation.
New Business
Agenda Items
#7A-7B
BACKGROUND:

On November 13, 2007 the Town Council adopted a resolution, and the mayor signed a lease agreement (attached), establishing terms of use for the Cape Charles Volunteer Fire Company (CCVFC) to occupy space in the Cape Charles Municipal Building. There are ten clauses in that lease agreement. One of these addresses the necessary mutual agreement to modify the lease but does not describe any particular process to do so.

ITEM SPECIFICS:

The lease agreement allows for modification if “mutually agreed by both parties.” A modification describing a finite, limited space directly beneath the current town office use area for future expansion of town departments and needs of those departments meets both the letter and intent of the 2007 agreement. At present town staff has no developed plans for expansion beyond the police department’s need for additional storage space. In the recent past, Town Council has considered a proposed relocation of the finance department to the first-floor area of the Municipal Building, but that is not being proposed in this staff report nor is it a requested action.

RECOMMENDATION:

Following discussion, staff recommends Town Council direct staff to discuss certain areas of space leased to the Cape Charles Volunteer Fire Company, per clause 9 of the 2007 lease agreement.
Agreement for Lease of Space in the First Floor of the Municipal Building
Between the Town of Cape Charles and the Cape Charles Volunteer Fire Company

1. The Town will lease the two garage bays in the first floor of the Municipal Building to CCVFC.

2. The term of the lease is twenty five (25) years from the date of signature.

3. The rent is $1 per year, payable on an annual basis.

4. The Town will provide existing utilities to the Municipal Building space at no additional cost.

5. The Town will provide water, sewer and trash services to the CCVFC at the minimum rate without charge. Usage above the minimum will be paid by CCVFC to the Town per monthly billing.

6. The Town will be responsible for routine maintenance and repair of the Municipal Building space to ensure structural integrity and usability. CCVFC will be responsible for damage beyond normal wear and tear and for any desired improvements to the property.

7. CCVFC will make available both the leased space and the CCVFC building for Town sponsored events at no cost. Requests for use of these facilities, which will not be unreasonably withheld, will be made by the Mayor. Final usage determination will be made by the CCVFC.

8. Both parties to this agreement will maintain public liability insurance in a minimum amount of $1 million, and will hold each other harmless.

9. This agreement may not be modified unless mutually agreed by both parties.

10. This agreement may be cancelled by either party upon three hundred sixty five (365) days written advance notice.

For the Municipal Corporation of Cape Charles:

Dora Sullivan, Mayor 11-1-07

For the Cape Charles Volunteer Fire Company

Frank Collins, President CCVFC, 2007 11-1-07

William Powell, President CCVFC, 2008 1-23-08
BACKGROUND:
Complaints have been received in the past regarding the storage of watercraft and trailers on the town’s streets. Town Code § 42-90 addresses this issue currently prohibiting the parking of “travel trailers, coaches, motorized dwellings, tent trailers, boat trailers, amphibious houseboats and the like” on “any public street or public right-of-way for more than 48 hours” but since the Commonwealth of Virginia is a Dillon Rule state, the ordinance cannot be enforced without official authorization by the Virginia General Assembly.

Code of Virginia § 46.2-1222.1 currently authorizes the Counties of Arlington, Fairfax, Hanover, Stafford and Prince William, and the Towns of Blackstone, Clifton, Herndon, Leesburg and Vienna to regulate or prohibit the parking on any public highway “of any or all of the following: i) watercraft; ii) boat trailers; iii) motor homes; and iv) camping trailers.”

DISCUSSION:
The Virginia General Assembly begins their 2019 session in early January and the pre-filing deadline is quickly approaching.

A request must be submitted to Senator Lynwood Lewis and Delegate Rob Bloxom along with a resolution adopted by the Town Council.

RECOMMENDATION:
Staff recommends Council review and, if deemed appropriate, adoption of Resolution 20181115 to allow staff to submit the town’s request for authorization to regulate or prohibit parking of certain vehicles on the town’s streets.
RESOLUTION 20181115

REQUESTING REGULATORY AUTHORITY FROM THE VIRGINIA GENERAL ASSEMBLY FOR THE TOWN OF CAPE CHARLES TO REGULATE PARKING OF CERTAIN VEHICLES ON TOWN STREETS

WHEREAS, the streets in the historic district of the Town of Cape Charles are narrow with parallel parking permitted on both sides; and

WHEREAS, the storage of watercraft and their trailers on the Town’s streets creates a public safety issue with vehicles having to cross the center lines to navigate the streets; and

WHEREAS, the Commonwealth of Virginia is a Dillon Rule state where local governments have limited authority and can pass ordinances only in areas where the General Assembly has granted clear authority; and

WHEREAS, Town Code § 42-90 addresses this issue by prohibiting the parking of “travel trailers, coaches, motorized dwellings, tent trailers, boat trailers, amphibious houseboats and the like” on “any public street or public right-of-way for more than 48 hours,” it cannot be enforced without the Town being granted the authority to do so; and

WHEREAS, Code of Virginia § 46.2-1222.1 currently authorizes the Counties of Arlington, Fairfax, Hanover, Stafford and Prince William, and the Towns of Blackstone, Clifton, Herndon, Leesburg and Vienna to regulate or prohibit the parking on any public highway “of any or all of the following: i) watercraft; ii) boat trailers; iii) motor homes; and iv) camping trailers;”

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Cape Charles requests the Virginia General Assembly grant clear authority to the Town of Cape Charles to regulate or prohibit the parking of certain vehicles on the Town’s streets to ensure the safety of the Town’s residents and visitors.

Adopted by the Town Council of Cape Charles on this 15th day of November 2018.

__________________________________________________________
Mayor

ATTEST: ______________________________
Clerk of the Council