

TOWN COUNCIL

Public Hearing, Regular Meeting & Executive Session

January 16, 2020
Cape Charles Civic Center
6:30 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Moment of Silence and Pledge of Allegiance
3. Public Hearing
 - A. Proposed Zoning Ordinance Text Amendments – Article IV, Sections 4.5 and 4.6 – Off-Street Parking and Loading Requirements
 - B. Proposed Lease of Space on Water Tower
4. Close Public Hearing
5. Recognition of Visitors / Presentations / Recognitions
 - *A. Recognition of Town Employee Celebrating Significant Anniversary (Jim Pruitt)
6. Public Comments (3 minutes per speaker)
7. Appeal of Historic District Review Board Decision – 102 Madison Avenue
8. *Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
 - C. Approval of November 30, 2019 Financial Report
 - D. Monthly Department Reports
 - E. Set Public Hearing – Conditional Use Permit for 333 Madison Avenue
 - F. Set Public Hearing – Conditional Use Permit for 636 Carousel Place
9. Unfinished Business
 - *A. Conditional Use Permit Application – 501 Tazewell Avenue
 - *B. Conditional Use Permit Application – 316B Mason Avenue
 - *C. Proposed Zoning Ordinance Text Amendments – Article II, Section 2.9
 - *D. Cape Charles Multi-Use Trail Update
 - *E. Inner Harbor Rehabilitation & Improvements
 - *F. FY 2020 Capital Project Budget Transfers
10. New Business
 - *A. 2020 Elderly & Handicapped Tax Relief Code Update
 - *B. Proposed Lease of Space on Water Tower
11. Mayor & Council Comments (5 minutes per speaker)
12. Announcements
 - January 17, 2020 – Town offices closed for Lee-Jackson Day
 - January 20, 2020 – Town offices closed for Martin Luther King, Jr. Day
 - January 22, 2020 – Town Council Executive Session – Town Manager Interview
 - January 23, 2020 – Town Council Executive Session – Town Manager Interview
 - February 6, 2020 – Town Council Special Meeting
 - February 17, 2020 – Town offices closed for Presidents' Day
 - February 20, 2020 – Town Council Regular Meeting
 - February 22, 2020 – Town Council Retreat
13. Recess to Closed Session

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

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 Lease of Real Property
14. Return to Open Session

Certification 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 the public body. Roll call vote.
15. Adjournment

The Cape Charles Town Council will hold a public hearing on Thursday, January 16, 2020 at 6:30 pm in the Cape Charles Civic Center at 500 Tazewell Avenue, to receive comment on the following: proposed text amendments to zoning ordinance Article IV, Section 4.5 and 4.6.

The text amendments are available for public review on www.capecharles.org, under Agendas and Minutes/Planning Commission, and in the Town Planner's Office, located at 2 Plum Street, during regular business hours. Please contact Town Planner Zach Ponds at 757-331-2036, or by email at planner@capecharles.org if you have any questions or require additional information. Anyone interested in attending and needing special assistance please contact the Town at least 48 hours before the hearing.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Off-Street Parking and Loading Requirements Text Amendments to Article IV, Section 4.5 and 4.6		AGENDA DATE: December 19, 2019
	SUBJECT/PROPOSAL/REQUEST: Off-Street Parking and Loading Requirements Text Amendments to Article IV, Section 4.5 and 4.6		ITEM NUMBER: 8E
	ATTACHMENTS: (1) 4.5 Off-street Parking and Loading Standards Draft; (2) Proposed Definitions		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds, Town Planner	REVIEWED BY: N/A	

BACKGROUND:

Staff is proposing a zoning ordinance update to Article IV, Section 4.5 and Section 4.6. This update combines Section 4.5 – Parking Requirements, and Section 4.6 – Loading and Unloading, into one section, which will be titled Section 4.5 – Off-Street Parking and Loading Requirements. The proposed update reorganizes the current two sections to help staff and developers easily interpret and implement the off-street parking and loading requirements of the Town. There are also significant changes to the parking and loading requirements, which are summarized below. Staff believes these proposed changes better implement the Town's Comprehensive Plan by enhancing multi-modal transportation opportunities and creating a more walkable, pedestrian-friendly environment. The changes will promote economic growth, increased safety, enhanced aesthetics, and good health for citizens and visitors alike.

The review began at the March 5, 2019 Planning Commission regular meeting, and was completed at the November 5 Planning Commission regular meeting. The subsections for the proposed Section 4.5 update include the following:

- A – General requirements
- B – Minimum number of parking spaces required
- Table 4.5.1 Minimum Parking Space Requirements Table
- C – Shared parking
- D – Bicycle parking
- E – Golf cart parking
- F – Electric vehicle charging stations
- G – Parking in non-single-family zoning districts
- H – Compact parking spaces
- I – Stacking spaces for drive-through service windows and drive-through facilities
- J – Landscaping in parking lots
- K – Access management
- L – Provisions for off-street loading
- M – Dumpsters
- Definitions

Many changes were proposed and implemented during the review of the proposed Section 4.5. Staff presented a PowerPoint presentation to Town Council to give an overview of what the proposed text amendments. The final draft of the proposed Section 4.5 text amendments and definitions, which includes the changes recommended by Planning Commission, are attached.

The ideal timeline for adoption is as follows:

December 3: Planning Commission has set a public hearing for January 7

December 19: Town Council sets public hearing for January 16

January 7: Planning Commission public hearing and recommendation to Town Council

January 16: Town Council public hearing

February 6: Town Council decision

RECOMMENDATION:

Staff recommends Town Council set a public hearing for the January 16 Town Council meeting.

ARTICLE IV

General Regulations Applicable to All Districts

Section 4.5 Parking RequirementsOff-Street Parking and Loading Standards.

~~Except as otherwise provided in this ordinance, wherever a zoning or conditional use permit is required under this ordinance, the development shall meet the standards set out in this section which include but are not limited to providing adequate off-street parking and loading spaces.~~

A. General requirements.

1. It is the intent of this zoning ordinance that all buildings, structures, and uses of land shall provide off-street vehicular and bicycle parking in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are readily useable for such purposes.
2. Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When a change is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.
3. No addition, renovation, or change of use to an existing building shall be constructed or established which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.
4. The parking lot shall not be modified, enlarged, relocated, or expanded in a manner that violates any portion of this zoning ordinance.
5. No non-single-family detached residential parking area may be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicles or equipment, unless such use is permitted by the zoning district in which the area is located. Any repairs deemed an emergency by the Zoning Administrator is exempt from this requirement.
6. Inoperable vehicles may not be parked in required parking spaces or in any side or front yard and shall be completely screened from view of all surrounding public streets.

B. Minimum number of parking spaces required.

1. The following are the parking space requirements by permitted use:
 - a. For any use not listed, the Zoning Administrator shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Zoning Administrator shall follow the principles set forth in the statement of purpose for the zoning ordinance in Article I.
 - b. New infill structures or change of use projects on the first floor of structures in Commercial District C-1 and shall be exempt from complying with the requirements of this Section. New uses or changes of use units above the first floor shall be required to conform to the parking requirements set forth herein.

2. Maximum number of parking spaces.

a. The total number of permitted parking spaces shall not exceed 110 percent of the minimum number of off-street parking spaces required by type of permitted use, except when the excess spaces are contained in a parking structure.

b. Any parking not included within a parking structure that is between 100 and 110 percent of the minimum number of off-street parking spaces required by type of permitted use shall be “grasscrete” or “grasspave” or other pervious paving systems as approved by the Zoning Administrator.

3. The following table states the minimum number of off-street parking spaces required by use. Any uses not listed would be required to provide the minimum number of parking spaces required by the parent category. When a determination of the number of parking spaces required by this table results in a requirement of a fraction of a space, any fraction shall be counted as one parking space.

Minimum Parking Space Requirements Table

<u>Land Use</u>	<u>Minimum Parking Space Requirements</u>
<u>a. Residential</u>	
<u>1. Single-family residences</u>	<u>2 spaces per dwelling unit in all districts other than R-1, otherwise none</u>
<u>2. Multifamily residences</u>	<u>1 space per one-bedroom dwelling unit, otherwise two spaces per dwelling unit</u>
<u>3. Mixed-use developments</u>	<u>1.5 spaces per dwelling unit; 1 space per dwelling unit for age-restricted; plus 1 additional space per 200 square feet of commercial gross floor area</u>
<u>4. Home occupations</u>	<u>No additional spaces required</u>
<u>5. Accessory dwelling units</u>	<u>1 space per bedroom</u>
<u>6. Child and personal care uses</u>	<u>1 space per 2 employees</u>
<u>7. Institutional residence or care or confinement facilities</u>	<u>1 space per 2 beds</u>
<u>8. Rooming houses, boarding houses</u>	<u>1 space per bedroom</u>
<u>9. Tourist homes, bed and breakfasts, other temporary residences renting by the day or week</u>	<u>1 space per rentable bedroom plus 2 spaces if owner/landlord lives on premises</u>
<u>10. Temporary mobile homes approved in the event of an emergency, construction, or repair</u>	<u>2 spaces per temporary mobile home</u>
<u>b. Sales and Rental of Living Space and Goods</u>	
<u>1. Sales and rental of goods, merchandise or equipment, non-motor vehicle related</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>2. Wholesale sales, with or without outdoor display or storage of goods</u>	<u>1 space per 300 square feet of gross floor area devoted to sales or display, plus one space per 2,000 square feet of gross storage area</u>
<u>3. Hotels, motels and similar businesses or</u>	<u>1 space per unit plus 1 space per 5 units for visitors</u>

<u>institutions providing overnight accommodations</u>	
4. <u>Extended-stay motels/hotels</u>	<u>1 space per unit plus 1 space per 5 units for visitors</u>
<u>c. Restaurants</u>	
1. <u>Restaurants</u>	<u>1 space per 100 square feet of gross floor area</u>
2. <u>Event center</u>	<u>1 space per 3 seats</u>
<u>d. Motor vehicle-related sales and service operations and modifications</u>	
1. <u>Motor vehicle-related sales and service operations and modifications</u>	<u>Not including outdoor car display areas for dealerships, 1 space per 200 square feet of gross floor area</u>
<u>e. Office, Clerical, Repair, Research and Personal</u>	
1. <u>Services – Office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>f. Offices</u>	
1. <u>Services – office, clerical, repair, research, and personal, not primarily related to the sale of goods and merchandise</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>g. Recreation, amusement, and entertainment</u>	
1. <u>Baseball batting range</u>	<u>20 spaces</u>
2. <u>Bowling alleys</u>	<u>5 spaces per alley</u>
3. <u>Golf driving range and/or miniature golf</u>	<u>20 spaces</u>
4. <u>Health clubs and other physical fitness establishments</u>	<u>1 space per 300 square feet</u>
5. <u>Park, playground, community center, swimming pool and other recreational facilities as a principal use</u>	<u>1 space per 2000 square feet of surface area of parks, playgrounds, and/or swimming pools; plus 2 spaces per tennis court; plus 1 space per 500 square feet of recreational facility</u>
6. <u>Theaters (indoors)</u>	<u>1 space per 3 seats</u>
7. <u>Performing arts center</u>	<u>1 space per 3 seats</u>
8. <u>Subdivision recreation area</u>	<u>1 space per 200 square feet of surface area of swimming pools, plus 2 spaces per tennis court, plus 1 space per 500 square feet of clubhouse, offices, meeting rooms, or other similar enclosed buildings</u>
<u>h. Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment</u>	
1. <u>Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, or equipment</u>	<u>1 space per 2,000 square feet of gross office, plant, and/or storage</u>
2. <u>Innovator space</u>	<u>1 parking space per 500 square feet</u>
<u>i. Storage and parking</u>	
1. <u>Storage and parking</u>	<u>1 space per 2,000 square feet of gross storage area</u>

<u>j. Services and enterprises related to animals</u>	
<u>Services and enterprises related to animals</u>	<u>1 space per 250 square feet of gross floor area</u>
<u>k. Funeral related services (human and animal related)</u>	
<u>1. Funeral related services (human and animal related)</u>	<u>1 space per 3 seats</u>
<u>l. Educational, cultural, religious, philanthropic, social, or fraternal uses</u>	
<u>1. Public and private schools offering general education courses (including associated grounds and athletic and other facilities)</u>	<u>2 spaces per classroom for K - 8th grade, plus 1 space per teacher or staff member for grades above 8th</u>
<u>2. Trade or vocational schools</u>	<u>10 spaces per classroom</u>
<u>3. College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)</u>	<u>10 spaces per classroom</u>
<u>4. Assembly halls, including union halls, conference halls, civic halls and activities of similar nature</u>	<u>1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit</u>
<u>5. Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)</u>	<u>1 space per 300 square feet of gross floor area</u>
<u>6. Place of worship and places of assembly</u>	<u>1 space for every 3 people allowed to occupy the building, as set by the maximum occupancy limit</u>
<u>7. Social, fraternal clubs or lodges, union halls, and similar uses</u>	<u>4 spaces per 1,000 square feet of gross floor area</u>
<u>8. Clubs and lodges catering exclusively to members and their guests</u>	<u>4 spaces per 1,000 square feet of gross floor area</u>
<u>m. Miscellaneous public and semi-public facilities</u>	
<u>1. Miscellaneous public and semi-public facilities</u>	<u>None</u>
<u>n. Agricultural, forestry, mining, and quarrying operations</u>	
<u>1. Agricultural, forestry, mining, and quarrying operations</u>	<u>1 space per employee</u>
<u>o. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose</u>	
<u>1. Temporary structures and special events used in connection with the construction of a permanent building or for some non-recurring purpose</u>	<u>Regulated on a case-by-case basis</u>

- ~~A. Parking Spaces Required. Except as otherwise provided by this ordinance, every development or change of use shall provide a sufficient number of off-street parking spaces to accommodate the number of vehicles that are likely to be attracted to the development during the peak hour of a typical weekday or weekend, whichever is greater. In calculating the number of parking spaces needed, the number of spaces established for uses as set up in this Article, Table of Parking Standards, is presumed to be sufficient; however, the permit-issuing authority may, where appropriate, establish a different number of spaces by calculating such as need from the appropriate methodology set out in the most recent version of the Institute of Transportation Engineers (ITE) Reference Manual entitled "Parking Generation" or where that methodology is inadequate or inappropriate, from studies in the town and/or similar-sized towns and communities.~~
- ~~B. New in-fill structures or change of use projects on the first floor of structures in Commercial District C-1 shall be exempt from complying with the exact requirement of Section 4.5.A (Parking Spaces Required), Section 4.6 (Loading and Unloading), and Section 4.5.1 (Table of Parking Standards). Owners are encouraged to provide off-street or remote parking for themselves, employees, and loading facilities where possible (i.e., alleys to back yard areas). Owners shall evaluate existing parking and access and submit proposed plan to Town. Projects will be evaluated on a case-by-case basis. New or change of use second and third floor units shall be required to conform to parking requirements as set forth herein.~~
- ~~C. Reading the Table of Parking Standards. When a determination of the number of parking spaces required by this table results in a requirement of a fraction of a space, any fraction shall be counted as one parking space.~~

C. Shared parking.

1. Reduction of parking requirements through a shared parking arrangement may be granted by the Zoning Administrator through written request from an applicant and provision of one of the options provided in subsection C.2.
2. Options for a reduction of parking through a shared parking arrangement:
 - a. Option one: For properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the shared parking spaces in perpetuity and documentation of filing provided to the Town.
 - b. Option two: The minimum number of parking spaces where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, Institute of Transportation Engineers Shared Parking Guidelines, or other approved procedures with approval by the Zoning Administrator.
 1. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the Urban Land Institute or Institute of Transportation Engineers reports. If shared parking rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates.
 2. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

3. Said study must receive Zoning Administrator review and approval. The study shall document that the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
3. Shared parking agreements shall be fully executed and submitted to the Zoning Administrator for review prior to receiving a Certificate of Occupancy.
4. In no case shall the Zoning Administrator approve a reduction of parking through a shared parking arrangement of greater than 25 percent for any use.
5. Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Zoning Administrator for an evaluation and confirmation of the change. If the Zoning Administrator finds that the parking reduction is no longer justified, the Zoning Administrator shall notify the owner to construct the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.
6. A formal parking study may be waived by the Zoning Administrator for small developments where there is established experience with the land use mix and its impact is expected to be minimal.

~~D. Adjustments—Satellite Parking~~

- ~~1. General. If the number of off-street parking spaces required by this Article cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section.~~
- ~~2. Location. Off-street parking, other than those intended for employees' use, shall be located within 600 feet of a public entrance of a principal building housing the use associated with such parking.~~
- ~~3. Condition. Property owners who obtain satellite parking in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this ordinance. This means that the person owning the lot on which the satellite parking is being provided must secure a zoning or conditional use permit for the use and must meet the requirements of this ordinance. A developer desirous of taking advantage of the provisions for satellite parking must present satisfactory written evidence that he has the permission of the owner or the person in charge of the lot or parcel to use such space.~~

~~E. Adjustments—Shared Parking~~

~~One parking area may contain required spaces for several different uses, but except as provided below, the required space assignment to one use may not be credited to any other use. The extent that developments wish to make joint use of the same parking spaces operated at different times, the same space may be credited to both uses. In determining the parking requirements where the uses intend to share parking, the permit-issuing authority will establish the peak hourly demand by calculating such a need from appropriate methodology set out in the most recent version of ITE Reference Manual entitled "Parking Generation," or where that methodology is inadequate from studies done in the town or similar towns and communities. Persons intending to take advantage of this provision are required to demonstrate that an enforceable agreement exists between two parties who intend to share parking.~~

D. Bicycle parking.

1. Development of new primary buildings in all R-3, CR, C-1, C-2, C-3, H, GBI, M-1, M-2, and OSD districts, other than single-family residential, shall provide bicycle parking spaces at a ratio of at least one bicycle parking space for every 20 automobile parking spaces.
2. No primary building, other than single-family residential, shall have fewer than three bicycle parking spaces nor be required to exceed a maximum of 20 spaces. If three or more bicycle parking spaces are located within 100' of the primary entrance of the proposed development on the same street frontage, they are exempt from this requirement.
3. Bicycle parking spaces shall be located within 20 feet of the front entrance of the primary structure, or as approved by the Zoning Administrator. Bicycle parking spaces shall not interfere with pedestrian access along sidewalks or walkways.
4. Bicycle parking shall provide an inverted U steel frame or decorative rack approved by the Zoning Administrator. The rack shall be anchored to a concrete pad.

E. Golf cart parking.

1. Golf cart parking spaces are permitted in all off-street surface parking lots and parking structures.
2. Each golf cart parking space shall be six feet wide and at least 11 feet deep.
3. Golf cart parking spaces shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
4. Permeable pavers shall be used for golf cart parking spaces as approved by the Zoning Administrator.
5. Wheel bumpers shall be placed at the head of all golf cart parking spaces that do not abut a curb. Wheel bumpers shall be made of concrete, a minimum of four feet long, five inches high, and six inches wide and securely fastened to the pavement by steel re-bars or steel anchors.

F. Electric vehicle charging stations.

1. Electric vehicle charging stations are permitted in all off-street surface parking lots and parking structures.
2. Spaces for electric charging shall be identified by paving markings and by appropriate signage. Signage shall not count against the maximum aggregate sign area permitted on a lot.
3. Spaces reserved for electric vehicle charging stations may be counted as part of the minimum required parking spaces but shall not be counted toward the maximum.
4. Any new building with over 20,000 square feet of gross floor area space shall equip at least one required parking space on its property with an electric vehicle charging station prior to receiving a Certificate of Occupancy.
5. The owner of the property shall be responsible for the installation, maintenance, and operation of electric vehicle charging stations. The owner of the property may determine if a fee is associated with the electric vehicle charging station.

6. Electric vehicle charging stations shall be installed per U.S. Green Building Council (USGBC) standards.

G. Parking in non-single-family zoning districts.

1. Parking spaces.

a. Off-street surface parking lots shall not be located between the principal building and the street except where otherwise permitted below.

1. Lots within CR, C-1, C-2, C-3, H, GBI, M-1, and M-2 districts with a lot area of less than 13,000 square feet shall be permitted to have automobile parking located within the front yard only when the following regulations are met:

- a. Front yard parking shall be limited in area to a maximum of 50 percent of the area of the front yard.

- b. When permitted, automobile parking is only permitted in front yards when located on the permitted access driveway on a paved surface.

- c. Required dimensions for each parking space. Each automobile parking space shall be not less than nine feet wide and 18 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way, and each space shall have an overhead clearance of at least 6.5 feet.

- d. Shall have access to a public street.

- e. Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control, and meet the following requirements:

1. A minimum depth of six inches of number 21A aggregate base and a minimum of 1.5 inches of asphalt; or

2. Six inches of concrete on appropriate base; or

3. Four inches of brick or porous paving block on four inches of number 21A aggregate base.

4. Permeable pavers may be used for any parking area, alley, or other low traffic driveway as approved by the Zoning Administrator.

- f. Shall have spaces marked with painted lines, curbstones, or other similar devices, and areas shall be properly maintained in all respects. Landscaping shall be kept healthy and well maintained, surfaces shall be free of potholes, and lines marking spaces shall be distinct and clear.

- g. Shall be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the five-foot, head-to-head landscape strips required between vehicles in Section 4.5.J.1.d.

- h. Shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. Light poles used in parking lots with 100 parking spaces or less may not exceed 20 feet in height. Light poles used in parking lots with more than 100 parking spaces may not exceed 35 feet in height. All lighting is to be compliant with Dark Sky lighting standards.

- i. Shall be designed to conform to the geometric design standards of the Institute of Traffic Engineers (ITE) when not expressly required in this section.

- j. Wheel bumpers shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk. Wheel bumpers shall be made of concrete, a minimum of six feet long, five inches high, and six inches wide and securely fastened to the pavement by steel re-bars or steel anchors. Individual wheel bumpers shall be placed a minimum of 24 inches from the end of each required parking space.
- k. Shall be required to provide handicapped spaces in accordance with the provisions of the Americans with Disabilities Act. All handicapped spaces shall be identified by appropriate restrictive signing and markings.
- l. Pedestrian circulation.
 - 1. Parking areas shall be designed to facilitate safe and convenient use by pedestrians.
 - 2. Parking areas with more than 50 cars shall provide safe pathways from aisles of parking to the nearest building entrance and to adjacent streets. Such pathways shall be at least five feet wide and consist of raised pathways constructed of pavers or other contrasting material.

~~F. General Design of Parking Areas~~

- ~~1. Vehicular accommodation area~~
 - ~~a. Safety in relation to streets. Every off-street vehicular accommodation area shall be designed so it has access to a public street without impeding vehicular movement in that street. Vehicle accommodation areas, other than for single-family dwellings and duplexes on local or minor streets, shall be designed so that vehicles exit such areas without backing onto a public street.~~
 - ~~b. Pedestrian safety. Vehicular accommodation areas shall be designed so that vehicles can proceed without posing a significant danger to pedestrians or other vehicles. The permit-issuing authority may allow driveways handling two-way traffic to be built to one-way traffic standards where aisles will be less than sixty feet in length and where the number of parking spaces served will be fewer than five spaces.~~
 - ~~c. Drainage. Except where the authority determines that adequate capacity in the storm drainage system to which the site is draining exists and is willing to accept the increase volume in runoff, no vehicle accommodation area shall be constructed in such a manner that a significant volume of surface water from the lot will be drained onto the public street or buildings. No vehicle accommodation area shall be constructed in such manner that will increase the quantity or decrease the quality of the runoff to adjacent lots.~~
 - ~~d. Lighting. Adequate lighting shall be provided for vehicle accommodation areas that are used at night. Parking lights shall not exceed 18 feet in height. Lighting shall not interfere with the use of nearby properties or the safe use of public streets. All lighting is to be compliant with Dark Sky lighting standards.~~
 - ~~e. Landscaping. All vehicle accommodation areas shall be landscaped. Said landscaping shall be in compliance with all other requirements of this ordinance.~~

- ~~i. The primary landscaping material used in parking areas shall be trees which provide shade or are capable of providing shade at maturity.~~
 - ~~ii. Landscaping areas shall be reasonably dispersed throughout, located so as to divide and break up the expanse of paving. The area designated as required setbacks shall not be calculated as required landscaping area.~~
 - ~~f. Screening. Plantings which meet the standards for screening of this ordinance will be used to screen vehicle accommodation areas other than those serving single family and duplex dwellings from an adjacent residential district or use. Fencing may be substituted for plantings with the approval of the Zoning Administrator.~~
 - ~~g. Reductions for protecting trees. The minimum number of spaces required may be reduced where the permit issuing authority has determined that the reductions are necessary to preserve a healthy tree or trees with a three-inch or greater diameter from being damaged or removed and where the site plan provides for the retention of said tree or trees.~~
 - ~~h. Handicapped spaces. Any use shall be required to provide handicapped spaces in accordance with the provisions of the Americans with Disabilities Act. All handicapped spaces shall be identified by appropriate restrictive signing and markings.~~
 - ~~i. Compact spaces. In parking areas containing ten or more spaces, up to 35 percent of the required parking spaces may be set aside for the exclusive use of compact cars (being defined as cars 100 inches or less). Compact car spaces must be clearly marked and designated as such.~~
 - ~~j. Bicycle racks and motorcycle pads. The number of spaces required by this section may be reduced by one space for each bicycle rack for five or more bicycles and each motorcycle pad for two or more motorcycles which are provided up to a total of 5 percent of the number of spaces.~~
 - ~~k. Marking and maintenance. Parking stalls in paved areas shall be marked as such. Vehicular accommodation areas shall be properly maintained in all respects. Without limiting the foregoing, landscaping shall be kept healthy and well maintained, surfaces shall be free of potholes, and lines marking spaces shall be distinct and clear.~~
 - ~~l. Vehicles in working condition. All off street parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work, except for emergencies, no storage of merchandise, and no motor vehicle parked for the sole purpose of sale shall be permitted in any required vehicle accommodation area.~~
- ~~2. Parking stalls and aisle dimensions~~
- ~~a. Normal. A required off street parking space shall include a rectangular area with a length of at least 18 feet and a width of at least 9 feet, exclusive of access drives or aisles, ramps, columns, or office or work parking area. Such space shall have a vertical clearance of at least 6½ feet. Aisles shall not be less than 18 feet for 90° parking nor less than 13 feet for 45° parking. Angles shall be measured between centerline of the parking space and centerline of the aisle. For parallel parking, the length of the space shall be increased an additional two feet and the width increased by one foot.~~

- b. ~~Compact. A compact car parking space shall have a minimum length of 16 feet and a minimum width of 8½ feet.~~

~~3. Surfacing~~

- a. ~~Paved parking areas. All paved parking areas shall meet the following requirements:~~
 - i. ~~a minimum depth of six inches of number 21A aggregate base and a minimum of one and one half inches of asphalt; or~~
 - ii. ~~six inches of concrete on appropriate base; or~~
 - iii. ~~four inches of brick or porous paving block on four inches of number 21A aggregate base.~~
 - iv. ~~Land development shall minimize impervious cover to promote infiltration of storm water into the ground consistent with the use or the development permitted.~~
 - (a) ~~Grid and modular pavements may be used for any required parking area, alley, or other low traffic driveway unless otherwise approved by the Zoning Administrator.~~

- 4. ~~Standards for non paved areas. Whenever a vehicle accommodation area is exempt from the paved parking requirements, the permit-issuing authority:~~
 - a. ~~may require that landscaped aisles or special separations be provided every three or more spaces where it finds it is desirable to ensure that the parking stalls will be readily identifiable to the users, and~~
 - b. ~~may require that the perimeter of the accommodation area, encompassing but not limited to the unpaved parking stalls and the side of any unpaved drive or aisle leading to said stalls, be rimmed or edged with landscape timbers, railroad ties, brick, or curbing of adequate size where it finds that it is desirable to prevent erosion or the washing away of the parking area.~~

~~5. Porous paving materials may be used. The permit-issuing authority may require that porous paving materials be substituted for other surfaces in any portion of an accommodation area where it finds it is necessary to protect the root system of a tree or trees from damage.~~

H. Compact parking spaces.

- 1. Developments where 30 or more parking spaces are provided shall be required to provide compact parking spaces, as follows:
 - a. A minimum of five spaces, or ten percent of the total number of parking spaces, whichever is greater, shall be set aside for compact cars.
 - b. A maximum of 25 percent of the total required parking spaces may be set aside for compact cars, up to a maximum of 50 spaces, whichever is less.
 - c. Compact parking spaces shall be identified by pavement markings and/or by appropriate signage.
 - d. Parking spaces for compact cars shall not be less than eight feet wide and 16 feet deep.

Section 4.5.1 Table of Parking Standards

<u>Nature of Use</u>	<u>Parking Standards</u>
A. Park and Open Space:	
1. Park and playground	as determined by authority
2. Golf course	36.0 spaces per 18-hole course plus 1 space per employee
3. Accessory building	as determined by authority
B. Agricultural	
1. Agricultural, as defined	1.0 space per employee
C. Residential	
1. Single family dwelling	2.0 spaces per dwelling unit
2. Two family dwelling	2.0 spaces per dwelling unit
3. Townhouse	2.0 spaces per dwelling unit
4. Multi family dwelling	1.0 space per one bedroom dwelling unit; otherwise 2.0 spaces per dwelling unit
5. Mobile home	2.0 spaces per dwelling unit
D. Care Facility/Institutional	
1. Library	1.0 space per 300 sf GFA (Gross Floor Area)
2. Museum	1.0 space per 300 sf GFA
3. School	
a. Nursery	1.0 space per employee
b. Elementary	1.0 space per employee
c. Middle	1.0 space per employee
d. Junior	1.0 space per employee
e. Other	.25 space per student plus 1.0 space per employee
4. Instructional school	.5 space per student plus 1.0 space per employee
5. Church	
a. Parish house; Educational/ Social annex	.25 space per seat
b. Place of Worship	.25 space per seat
6. Hospital	2.0 spaces per bed
7. Cemetery	20 spaces per chapel or .25 space per seat
8. Funeral home	20 spaces per chapel or .25 space per seat, whichever is greater
E. Residential/Commercial	
1. Home occupation	see Section 4.8.C Residential Standards
2. Bed and breakfast	1.0 space per bedroom plus 1.0 space per owner/resident (see Section 3.2.C 4 c)
3. Rooming house	1.0 space per bedroom plus 1.0 space per employee
4. Boarding house	1.0 space per bedroom plus 1.0

		space per employee
5.	Hotel and motel	1.0 space per bedroom plus 1.0 space per employee
F.	Offices	
1.	Office	
a.	Professional	1.0 space per 300-sf GFA
b.	Other	1.0 space per 300-sf GFA
2.	Principal Office/Medical	
a.	Physician	1.0 space per 200-sf GFA
b.	Surgeon	1.0 space per 200-sf GFA
c.	Dentist	1.0 space per 200-sf GFA
3.	Bank	
a.	Standard	1.0 space per 200-sf GFA
b.	Drive-in	1.0 space per 200-sf GFA
		(stacking as per Section 4.5.B)
4.	Real estate	1.0 space per 250-sf GFA
G.	Retail	1.0 space per 200-sf GFA
H.	Restaurant	
1.	Standard (no drive in)	1.0 space per 100-sf GFA
2.	Carry out	1.0 space per 100-sf GFA
3.	Fast food (no drive in)	1.0 space per 100-sf GFA
4.	Drive in	1.0 space per 65-sf GFA
5.	Delivery only/catering	1.0 space per employee
		and 1.0 space per each delivery vehicle
I.	Service/General	1.0 space per 275-sf GFA
J.	Entertainment	
1.	Private club	1.0 space per 3 seats
2.	Club and lodge	1.0 space per 3 seats
3.	Auditorium/assembly hall	1.0 space per 3 seats
4.	Theater	1.0 space per 3 seats
5.	Commercial recreation/entertainment	1.0 space per 3 seats
6.	Recreation facility	1.0 space per 3 seats
K.	Service/Manufacturing	
1.	Sign printing shop	1.0 space per 400-sf GFA
2.	Upholstery shop	1.0 space per 400-sf GFA
3.	Cabinet and furniture	1.0 space per 400-sf GFA
4.	Printing/publishing	1.0 space per 400-sf GFA
5.	Blacksmith shop	1.0 space per 400-sf GFA
L.	Motor Vehicles	
1.	Convenience store	1.0 space per 200-sf GFA
2.	Auto service station	2.0 spaces per service island plus 1.0 space per employee
3.	Car wash	3.0 spaces per washing bay
4.	Auto/trailer sales	3.0 spaces per employee
5.	Automobile service	1.0 spaces per employee plus

4.0 spaces per bay

M. Wholesale

1. Nursery 1.0 space per 400 sf GFA
2. Machinery
 - a. Sales 1.0 space per 500 sf GFA
 - b. Service 3.0 spaces per service bay plus 2

N. Utilities

1. Transportation 1.0 space per 200 sf GFA
2. Public utilities and service 2.0 spaces per employee
3. Public utility generating, booster, or relay stations, transmission lines and tower, for maintenance of public utilities, including railroads and facilities and water and sewerage facilities 1.0 space per employee

O. Storage:

1. Monumental stone works 1.0 space per 1,500 sf GFA
2. Coal, wood yards, lumber yards, feed and seed 1.0 space per 1,500 sf GFA
3. Frozen food locker 1.0 space per 1,500 sf GFA

P. Manufacturing

1. Manufacturing 1.0 space per 500 sf GFA

I. Stacking spaces for drive-through service windows and drive-through facilities.

1. Stacking spaces shall be provided for any use having a drive-through service window or areas having drop-off and pick-up areas in accordance with the following:
 - a. Inbound stacking spaces shall be provided before the first service window as stipulated below and at least one outbound stacking space shall be provided after each service window of a drive-through facility.
 - b. Each stacking space shall be a minimum of 22 feet long.
 - c. Designated stacking spaces shall not interfere with circulation of the lot or free movement or access to parking spaces.
2. Banks with drive-through facilities shall provide a minimum of six spaces before each service position and one outbound space after the service window.
3. Restaurants with drive-through service windows shall provide a minimum of ten stacking spaces for inbound drive-through customers and one additional outbound space after each service window.
4. Other facilities with drive-through service windows shall provide three stacking spaces for each window or drive-through service facility.
5. Drive-through service window lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
6. Stacking lanes shall be a minimum of 8.5 feet adjacent to the service window.
7. All drive-through service windows shall be provided with a bypass lane with a maximum width of 8.5 feet.

8. All stacking lanes shall be at least 75 feet from an intersection with the nearest street or internal driveway. The distance is measured from the back of the stacking space nearest the entrance to the curb line of the nearest intersection.
9. Pedestrian pathways crossing drive-through lanes shall be clearly signed and identified using alternative materials or raised crosswalks. Painted crosswalks alone are not permitted.

~~Q. Storage and Stacking Spaces Required. Whenever a use involves the storage or stacking of vehicles awaiting service, the development shall also provide a sufficient number of storage spaces or adequately sized stacking lanes to accommodate the peak hourly demand for the peak day in a typical week for said storage. The following uses are presumed to require the following number of storage spaces or stacking area:~~

~~Typical Use uses with a drive-in window including but not limited to banks and drive-in restaurants.~~

~~Space Required lanes sufficient to stack six automobiles per window including, in the event of a staged drive-in, three automobiles beyond the stage farthest from the window without interfering with the use of the adjacent road or street.~~

~~Type Use Vehicle repair uses including but not limited to enclosed auto repair and boat and trailer repair.~~

~~Space Required four spaces per service bay or repair area.~~

~~Any stacking lane or storage space shall be required to be surfaced to the same standards as the paved parking area with which it is associated.~~

J. Landscaping in parking lots.

1. Interior landscaping for off-street parking areas shall be required for all surface parking lots designed for 20 or more spaces. The following requirements shall apply.

a. Landscape islands shall be located no farther apart than every ten parking spaces and at the terminus of all rows of parking. Each landscaped island shall be at least 200 square feet in area with a minimum width of ten feet.

b. There shall be at least one overstory tree, ten low shrubs and a minimum of 60 percent living ground cover, sod, and/or annual or perennial color in each landscaped island. Shrubs, sod and/or living ground cover shall not to exceed three feet in height.

c. Vehicles shall be separated from sidewalks, driveways, and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten feet wide, reserved as open space, and planted in grass containing at least one understory or overstory tree, as appropriate, and ten shrubs per 50 linear feet, and a minimum of 80 percent living ground cover, sod, and/or annual or perennial color in the landscape strip surface area. Wheel bumpers shall be placed a minimum of 48 inches from the nearest tree trunk.

d. Head-to-head parking shall provide a five-foot grass strip with curb. The grass strip may be counted as part of the landscaped areas and shall have one tree every 50 feet containing at least one overstory tree, and ten shrubs, per 50

linear feet, and a minimum of 70 percent living ground cover, sod, and/or annual or perennial color in the landscape strip surface area.

e. *Perimeter landscape strips.* The perimeter of a surface parking lot shall provide a five-foot wide landscape strip where such parking lot abuts side or rear property lines. The perimeter landscape strip shall be planted with a single row of overstory trees of a species appropriate for buffers and spaced every 40 linear feet of landscape strip, and evergreen shrubs spaced every 5 linear feet of landscape strip. The perimeter landscape strip shall be continuous except for near perpendicular crossings of driveways and sidewalks.

f. *Landscaped areas in parking lots shall provide drainage and irrigation that ensures full drainage to the storm drainage system.*

g. *See the Cape Charles Master Tree Plan for trees that shall and shall not be permitted within parking lot landscape areas.*

2. The minimum number of spaces required may be reduced where the Zoning Administrator has determined that the reductions are necessary to preserve a healthy tree or trees with a three-inch or greater diameter from being damaged or removed and where the site plan provides for the retention for said tree or trees.

3. *Screening.* Plantings which meet the standards for screening as approved by the Zoning Administrator will be required to screen vehicle accommodation areas other than those serving single-family and duplex dwellings from an adjacent residential district or use. Fencing may be substituted for plantings with the approval of the Zoning Administrator.

K. Access management.

1. *Driveways.*

a. *Interior driveway.* Where 90-degree parking is utilized, all interior driveways shall be a minimum of 22 feet in width. If 45- or 60-degree angle parking is used, then the interior driveway shall be at least 12 feet in width. Where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of 10 feet in width for one-way traffic and 20 feet in width for two-way traffic.

b. *Driveways and drive aisles are not permitted between the sidewalk and a building and shall be perpendicular to any adjacent street.*

c. *All developments other than single-family detached dwellings shall have pedestrian walkways a minimum width of five feet connecting ground level parking to the public sidewalks and to all building entrances.*

Section 4.6 — Loading and Unloading

L. Provisions for off-street loading.

1. This subsection shall apply to all activities related to loading and unloading.

a. *Loading activities within 150 feet of residential uses shall only be permitted to undertake said activities Monday through Friday from 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.*

b. In no case shall loading activities hinder or obstruct free movement of vehicles, and pedestrians over a street, sidewalk, alley, or interrupt parking lot circulation.

c. All off-street loading activities and access shall be provided with an asphalt or concrete surface, or shall be “grasscrete” or “grasspave” or other pervious paving systems as approved by the Zoning Administrator.

d..

e. Loading structures and bays.

1. Buildings or structures shall be designed so that the loading areas are not visible from any adjoining residential district or any public right-of-way.

2. When required, one or more off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure.

3. A loading space shall have a minimum dimension of 12 feet wide and 35 feet deep.

4. All loading spaces shall maintain overhead clearance of at least 14 feet.

5. All off-street loading spaces shall have access from an alley, or if there is no alley, from a street.

f. Minimum loading space requirements for non-residential uses:

<u>Gross floor area</u>	<u>Required loading spaces</u>
<u>0 – 49,000 square feet</u>	<u>1</u>
<u>49,000 – 100,000 square feet</u>	<u>2</u>
<u>100,000 – 160,000 square feet</u>	<u>3</u>
<u>160,000 – 240,000 square feet</u>	<u>4</u>
<u>240,000 – 320,000 square feet</u>	<u>5</u>
<u>320,000 – 400,000 square feet</u>	<u>6</u>
<u>Each 90,000 above 400,000 square feet</u>	<u>1</u>

~~A. Loading and Unloading Areas Required. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner. This section also pertains to uses that generate a need for consumer pick up.~~

~~B. Number of Loading Spaces Required. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are anticipated to use this area. The following indicates the number and size of spaces that are presumed to satisfy this requirement; however, the permit issuing authority may require more or less loading and unloading area where it finds that such an area is more appropriate for the development.~~

~~Uses which normally handle large quantities of goods including but not limited to the following categories:~~

~~Schools
Churches
Care facilities
Hospitals
Retail sales
Wholesale sales
Storage
Manufacturing
Agricultural~~

Gross Floor Area (GFA)	Number of Spaces
— 2,500 — 19,999 sf	1
— 20,000 — 39,999 sf	2
— 40,000 — 99,999 sf	3

~~Uses which do not normally handle large quantities of goods presumably shall provide off-street loading facilities in the following amounts:~~

Gross Floor Area (GFA)	Number of Spaces
— 5,000 — 79,999 sf	1
— 80,000 — 200,000 sf	2
Each additional 200,000	1

~~C. Location. Loading and unloading areas shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from the public right of way and complete loading and unloading operations without obstruction or interfering with on-site parking and movement of vehicles in the vehicle accommodation area. Loading and unloading areas shall be marked and designated with appropriate restrictive signage.~~

~~D. Loading Areas. Sites shall be designed and buildings shall be oriented so that loading areas are not visible from any of the project perimeters adjoining any agricultural or residential district or any public right of way.~~

M. Dumpsters.

1. A solid fence on three sides shall enclose all dumpsters.
 - a. The height of the fence shall be equal to or higher than the height of the dumpster, in accordance with Section 4.2.G.
 - b. The visible material of the fence shall be made up of brick, stucco, or stone.
2. The operable side of the dumpster shall be concealed with a gate equal to or higher than the height of the dumpster. The gate shall be opaque and constructed of durable materials.
3. Dumpsters shall be placed in the rear yard and shall be located a minimum of five feet from property lines.
4. In no case shall loading activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, alley, or to interrupt parking lot circulation.
5. Service activities within 150 feet of residential uses shall only be permitted Monday through Friday between 7:00am to 10:00pm and on Saturdays from 9:00am to 9:00pm.

6. Access to dumpsters shall be provided via a paved, dust-free surface.
7. Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as a Certificate of Occupancy is issued.

Definitions

Commercial vehicle: Limousine, flatbed truck, dump truck, tow truck, bus, school bus, transport wrecker, cab-on-chassis truck, tractor trailer, wheeled attachment, earth-moving machinery, semi-trailer, and any vehicle over 20 feet in length, eight feet in height, or seven feet in width.

Driveway: A vehicular connection between the right-of-way of a street and to a vehicle parking, loading, or maneuvering facility, lots, building sites, uses, or other divisions of land and not intended to be public ingress and egress. A driveway is not considered a street.

Parcel: See *Lot*.

Pedestrian walkway: A walking surface similar to a sidewalk, which facilitates the safe, unobstructed and convenient flow of pedestrians internally on a private property.

Principal building: A building in which is conducted the principal permitted use(s) of the lot on which said building is situated.

Residential property: All property used for single-family detached, single-family attached, or multifamily residences, or mixed-use development that contains one or more dwelling units.

Child and personal care uses: Any establishment that provides regular shelter, care, activity, and supervision (with or without academic instruction) for five or more children.

Construction: Any site or building preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Drive-through establishment/restaurant: A business establishment so developed that its retail or service character includes providing a driveway approach and service window for motor vehicles so as to serve patrons as they are seated in the motor vehicle and passing by the service window rather than serving them from within a building.

Dwelling, condominium: A single, separately owned dwelling unit in a multi-unit development or structure, with jointly owned and shared areas and facilities.

Dwelling, duplex: A building designed as a single structure, containing two separate dwelling units, has direct access to the outside, and each of which is designed or arranged to be occupied by two families living independently of each other.

Dwelling, multifamily: A building designed for and containing two or more dwelling units.

Dwelling, single-family: A structure containing not more than one dwelling unit designed for residential use and not attached to another dwelling unit.

Dwelling, single-family attached (townhouse): A dwelling unit which is located on an individual lot of record and which is attached to another dwelling unit or any adjoining lot by a common wall.

Dwelling, single-family detached: A single-family dwelling that is located on an individual lot of record.

Event center: A multi-purpose facility generally used for meetings, parties, banquets, weddings, and other social gatherings, conventions, and the display of merchandise by a variety of industrial groups, professional groups, social groups and trade organizations.

Extended-stay motel/hotel: Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes for guests and contain kitchen facilities for food preparation, including but not limited to, such facilities as refrigerators, stoves, and ovens. May also be known as "apartment hotels."

Floor area: The gross horizontal areas of a building, including mezzanines and lofts, exclusive of garages, parking structures, basements, open balconies and porches, and equipment and service areas, measured from the exterior face of the exterior walls of a building.

Gross floor area (GFA): The total covered floor area inside the building envelope, including exterior walls, and excluding the roof.

Guest room: An accommodation combining living, sleeping, sanitary, and storage facilities within a hotel, motel, boarding house or extended stay (extended stay includes kitchen facilities).

Innovator space: Space in an existing or new building that is designed to support innovative design, fabrication and wholesale or retail sales of small articles that are unique in design and employ methods of low volume, high value-added production that employ innovative technology and/or artistic skill that are not hazardous or noxious.

Institutional uses: A nonprofit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government owned or government operated structure or land used for public purpose.

Owner: The legal or beneficial titleholder of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Parking lot or parking garage: An area or building designated and designed for the temporary storage of vehicles.

Parking space: A marked or striped usable hard-surfaced area enclosed within a main or accessory building, or unenclosed, permanently reserved for the temporary storage of one vehicle.

Place of worship: A building where persons regularly assemble for religious purposes and related social events and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Premises: Any building, lot, parcel of land, or portion of land whether improved, or unimproved including adjacent sidewalks and parking strips.

Private: Property owned by individuals, corporations, and other organizations and not by city, county, state or federal governments.

Project: The entire proposed development.

Public: The term "public," when used as a modifier shall mean "government-owned" or "government-operated."

Regulation: Any rule, development standard, or other requirement adopted by the governing body pursuant to the requirements of this Zoning Ordinance.

Temporary structure: A structure without any foundation or footing and removed when the designated time period, activity, or use of which the temporary structure was erected has ceased.

**NOTICE OF PUBLIC HEARING
Proposed Lease of Space on Water Tower**

The Cape Charles Town Council will hold a public hearing concerning the proposed lease of space on the Cape Charles Water Tower for the placement of Wireless Internet antennae by Neubeam in order to continue the provision of wireless internet services to the residents and businesses of the Town of Cape Charles.

The public hearing will be held before the Town Council at 6:30 p.m. on January 16, 2020, at the Cape Charles Civic Center, 500 Tazewell Avenue, Cape Charles, Virginia 23310.

This notice is advertised pursuant to § 15.2-1813 of the Code of Virginia, 1950, as amended. Interested persons may appear at the public hearing and present their views or submit their written comments to the town clerk at clerk@capecharles.org to be read in to the record.

These items will be discussed and brought to a vote by the Town Council at the regular meeting on January 16, 2020, immediately following the public hearing.

[Copy of proposed lease attached to item #10B Staff Report.]

 TOWN OF CAPE CHARLES	AGENDA TITLE: Hearing – Appeal of Historic District Review Board’s Decision for 102 Madison Avenue		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Appeal of Historic District Review Board’s Decision to renovate a front porch on a single-family detached dwelling at 102 Madison Avenue		ITEM NUMBER: 7
	ATTACHMENTS: (1) 11-19-19 HDRB Staff Report, Application, and Documents; (2) 11-19-19 HDRB Meeting Minutes (3) Appeal Letter		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds	REVIEWED BY: Mayor William “Smitty” Dize	

APPEAL REQUEST:

On December 14, 2019, staff received a request from Paul and Sheryl Eulitt, owners of 102 Madison Avenue, to appeal the Historic District Review Board’s decision to approve the application for the Certificate of Appropriateness at 102 Madison Avenue to renovate an existing front porch on the single-family dwelling with the following conditions: (i) the deck was replaced with painted tongue and groove wood.; (ii) the existing guardrails, spindles and columns be maintained; (iii) the masonry block be maintained; and (iv) the handrail would be on the inside of the masonry at the November 19, 2019 meeting. The applicant is requesting approval of the application as submitted, appealing the conditions that were applied to the application upon approval.

BACKGROUND:

November 19, 2019 Application:

The property owner applied for a Certificate of Appropriateness to renovate the front porch by removing the stone structures along the sides of the stairs, removing the existing wood columns, railing, and decking, and replace these elements with AZEK/vinyl/composite materials. Specifically, the decking will be replaced with AZEK material that will run perpendicular to the house (as it currently runs). The columns will be replaced with a broader vinyl square column to compensate for the blocks being removed. The railings will also be replaced with vinyl railings

Staff recommended approval of a Certificate of Appropriateness for the proposed application, with the following condition: the existing columns and handrails be replaced/repared with wood rather than vinyl/AZEK.

A motion was made by Herb Thom, seconded by Edward Eichman, to approve the application for the Certificate of Appropriateness at 102 Madison Avenue to renovate an existing front porch on the single-family dwelling with the following conditions: (i) the deck was replaced with painted tongue and groove wood.; (ii) the existing guardrails, spindles and columns be maintained; (iii) the masonry block be maintained; and (iv) the handrail would be on the inside of the masonry. The motion was approved by unanimous vote.

RECOMMENDATION:

Staff recommends Town Council **UPHOLD** the decision of the Historic District Review Board.



HISTORIC DISTRICT REVIEW BOARD

STAFF REPORT

Meeting Date: November 19, 2019

Item #: 8G

Prepared By: Zach Ponds – Town Planner

Site Address: 102 Madison Avenue – tax map #83A3-2-8-6

Applicant: Sheryl and Paul Eulitt

Owner: Sheryl and Paul Eulitt

Proposed Development: Renovate a front porch on a single-family detached dwelling

Current Zoning: Single-Family Residential (R-1): This zoning district is intended to provide quiet, medium density, single-family residential development plus provide open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to restrict all activities of a commercial nature as described in Section 3.6-A of this ordinance, known as Commercial District C-1, which states “These commercial activities are characterized by heavy traffic, noise, and congestion of people and passenger vehicles and by large office buildings and retail establishments,” and to promote a convenient, attractive, and harmonious community. This section is created in recognition of the existence of developed areas where single-family and duplex dwelling currently exist on lots of 5,600 square feet and where the characteristics of the neighborhood include both permanent as well as seasonal residents.

Historic District Overlay: The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments, or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Cape Charles and the Commonwealth of Virginia. It is the purpose of the district to preserve the designated

historic areas and historic landmarks and other historic or architectural features, and their surroundings within a reasonable distance, from destruction, damage, defacement, and obvious incongruous development or uses of land and to ensure that buildings, structures, streets, walkways, or signs shall be erected, reconstructed, altered, or restored so as to be kept architecturally compatible with the character of the general area in which they are located and with the historic buildings or structures within the district.

Description of Proposed Project:

Virginia Cultural Resource Information System (V-CRIS) Information:

Contributing Property	Yes
Construction Year	1920
Architectural Style	Craftsman

The applicant is proposing to renovate the front porch by removing the stone structures along the sides of the stairs, removing the existing wood columns, railing, and decking, and replace these elements with AZEK/vinyl/composite materials. Specifically, the decking will be replaced with AZEK material that will run perpendicular to the house (as it currently runs). The columns will be replaced with a broader vinyl square column to compensate for the blocks being removed. The railings will also be replaced with vinyl railings.

Staff Analysis:

The proposed project meets the requirements of the zoning ordinance. Any property within the Historic District Overlay is required to meet the Historic District Guidelines, which are superimposed on the underlying zoning district regulations.

The Historic District guidelines state the following for porches:

Retain porches that are critical to defining a specific building's design and the integrity of the overall Cape Charles district (p. 44, #1). Porches are both functional and ceremonial elements (p. 44, #1). Repair damaged elements of porches by matching the materials, methods of construction, and details of the existing original fabric (p. 44, #3). Replace porch elements or the porch itself only if the materials are too deteriorated to repair or are completely missing (p. 44, #5). New elements should

match the original as closely as possible (p. 45, #5). When restoring a front porch, retain original porch features such as columns, porch floor and steps, and decorative trim details (p. 45, #7).

The proposed renovation of the front porch does not meet the Guidelines due to the replacement of original wood material with composite material, specifically the columns and handrails. In the past, the current Board has allowed for composite decking to be used due to the flooring not being highly visible from the street. The wood columns and handrails are highly visible from the street, and the Guidelines state the original materials should be retained when restoring a front porch. The removal of the stone structures on either side of the stairs would be the removal of what seems to be an original element. However, the rest of the foundation is not visible from the street due to landscaping, and the removal of the stone structures and replacement with railings would not be detrimental to the surrounding adjacent homes.

Staff Recommendation:

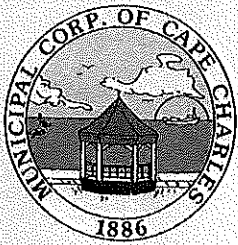
Staff recommends **APPROVAL** of a Certificate of Appropriateness for Item 8G, with the following condition: the existing columns and handrails be replaced/repared with wood rather than vinyl/AZEK.

The Historic District Review Board makes the final determination on whether or not a Certificate of Appropriateness will be issued for this project, and may impose conditions on an approval.

Attachments:

Attachment 1 – Application and Documents

Attachment 2 – Location Map



CERTIFICATE OF APPROPRIATENESS APPLICATION

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

PERMIT CHECKLIST - all documents can be emailed to the above email

- | | |
|---|---|
| ☐ Completed application | ☐ Photos/elevations of existing structure |
| ☐ Letter of intent clearly explaining project | ☐ Photos/elevations of proposed project |
| ☐ Existing site plan or survey | ☐ Proposed materials/spec sheets, samples |
| ☐ Proposed site plan or survey (if applicable) | ☐ Payment of fees (new construction >2,000 square feet \$500; new construction up to 2,000 square feet \$300; all other \$150; modification \$250) |

PROPERTY INFORMATION

Name of Project: FRONT PORCH RENOVATION
Property Address: 102 MADISON AVE., CAPE CHARLES, VA 23310
Brief Description of Project: REPLACE DECK & STAIRS & RAILINGS & COLUMNS - ADD HANDRAILS
Zoning District: _____ Current Use: _____ Proposed Use: _____

OWNER INFORMATION

Name and Company: SHERYL & PAUL ELLITT
Mailing Address: 102 MADISON AVE., CAPE CHARLES, VA 23310
Phone Number: 410-952-2790 Email: saellitt@verizon.net
410-215-7246 pellitt@verizon.net

APPLICANT INFORMATION

☒ check here if applicant is owner

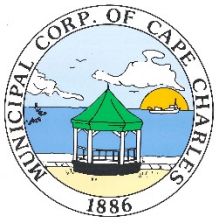
Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

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 Applicant: Paul E. Ellitt Date: 10/24/19

Note: There is a required 30-day wait period between approval of a Certificate of Appropriateness and issuance of the permit for construction.



Municipal Corp. of
Cape Charles

Pre-Application Meeting Minutes

Project Address: 102 Madison Avenue

Project Description: Front porch renovation

Pre-Application Meeting Date: 10/22/2019

Attendees:

	Name	Title	Contact Information
1.	Zach Ponds	Town Planner	planner@capecharles.org; 757-331-2036
2.	Herb Thom	HDRB Representative	
3.	Paul Eulitt	Applicant/Owner	pweulitt@verizon.net
4.	Sheryl Eulitt	Applicant/Owner	saeulitt@verizon.net

Historic District Guideline references that the Historic District Review Board may consider at the regular meeting were discussed, including but not limited to, the following:

- The stated they applicant replaced the porch about ten years ago. The decking is now in bad shape, along with the railings, columns, and blocks on both sides of the stairs.
- The decking boards must remain running the same was as they currently exist (perpendicular to the house).
- The columns and railings that currently exist are wood. It was discussed that the Board might require the railings and columns to remain wood as suggested in the Guidelines.
- The block along the sides of the stairs is separating from the stairs and is unsafe and not functional. The applicant would like to remove these blocks and add handrails due to their age for safety.
- The Guidelines talk about retaining existing historic materials, and to restore not replace. The deck flooring can likely be AZEK/composite, but might need to be tongue and groove and will need to run the same was as the historic flooring. The railings and columns might be required to be replaced with wood by the Board.
- Provide spec sheets with your application for any proposed railings, columns, and flooring if not proposing to use wood.

Sheryl & Paul Eulitt

102 Madison Ave. • Cape Charles, VA 23310 • 410-952-2790 or 410-215-7246 •
E-Mail: saeulitt@verizon.net or pweulitt@verizon.net

Date: October 25, 2019

Historic District Review Board; Town of Cape Charles

2 Plum St.

Cape Charles, VA 23310

Subject: Letter of Intent – Front Porch Renovation

Dear Board Members:

We submit this request to make renovations to our front porch to make it safe, maintenance free and periodic appropriate. From an appraisal, our home is a "Cape Cod" design built in 1945 with a 176 square foot open porch deck with six steps. Most of the exposed wood trim around the house is aluminum wrapped. The porch faces north and the deck edges and stairs are exposed to the wet northerly weather and constantly in the shade of the house in this humid marine environment. In 2006, we contracted and replaced the rotted yellow pine decking and stairs with mahogany and cut off the bottom of the rotted columns and replaced the removed section with a broader vinyl square to compensate for the portion removed.

Unfortunately we find ourselves in a position that we must replace our porch and railings again due to rotted wood. I've cut out and replaced a section at the top of the stairs, a high traffic area that became too unsafe (pictures included). The bottom wooden railing pieces are rotted and many railing risers are loose on the bottom because that piece is also rotted. It is very difficult to maintain this wooden piece due to its closeness to the decking and the ability to get paint appropriately applied to the underside.

In anticipation of a renovation we looked around town at other porches. We would like to remodel after a very similar porch at 610 Jefferson (pictures included). We propose to use maintenance-free vinyl materials similar to what is used on many other home porches in town. The decking and stairs will be replaced with a grey wood grain "Azek" material laid in the same direction to what is there now, perpendicular to the house. The railings and columns will be replaced with similar looking vinyl materials. Also, we would like to remove the two brick structures on each side of the stairs because they are falling away from the foundation. The existing gap is large enough that it is not safe especially for young children. After removal of the brick structures we would like to enhance the stairs by installing periodically appropriate handrails on both sides tightening the distance from side to side to match the width of the sidewalk. We may add additional column(s) or short pillar to accommodate handrails as appropriate.

The front porch remodel/upgrade will make it safer and relief of constant maintenance/replacement while being esthetically and periodically consistent with similar homes in Cape Charles.

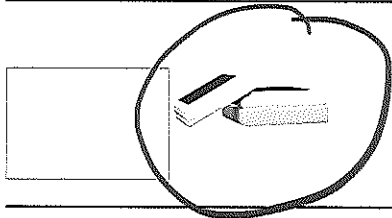
Thank you for your consideration.

Sincerely,



Sheryl & Paul Eulitt

Cap and Base Sets for Square PermaCast® Columns

	Cap and Base	Material	Sizes Available
	Tuscan	Polyurethane	6, 8, 10, 12, 14, 16"
	Colonial	Polyurethane	6, 8, 10, 12"
	Beveled	PVC	6, 8, 10, 12"

*Cap and Base can be ordered separately if necessary.

Attic Base for Square PermaCast® Columns



The Attic Base for Square PermaCast® columns adds a decorative touch to your column. It is available in 6, 8, 10, 12, and 16" sizes and made from polyurethane material.

Decorative Capital Options for Square PermaCast® Columns

Square PermaCast® Column
8"x8"x9'-0" Plain

SKU: 46011

Product Material: FRP

Notes

- Tolerances: +/- 1/4" in all dimensions
- Whole columns must have 75% contact at the top and 100% contact at the bottom. For split columns, leave a 1/2" - 1" gap between the top of the column and the header. See Installation Instructions.
- Column must be primed and painted after installation on jobsite. If column is not primed and painted it will turn a yellowish color due to UV rays. DO NOT paint columns using dark colors (dark colors are considered any color that falls within the L values of 56 to 0). Follow paint manufacturer's instructions for priming and finishing of fiberglass composite column and polyurethane cap and base.
- 8" Square PermaCast column has a concentric load bearing capacity of 10,000 lbs max.
- 8" Square PermaCast column has an eccentric; average allowable load of 5,150 lbs.
- Once the column is split it has NO load bearing capabilities.
- Top of column is attached to header with a flashing cap. Bottom of column is attached to substrate with 'L' brackets when using a Tuscan cap/base set. All other cap/base sets will use 'L' brackets only with the exception of ornamental capitals. See installation instructions for guidance on ornamental capitals.
- Column inside dimensions:
Top: 6-7/8"
Bottom: 6-7/8"
- *Inside dimensions have an 1/8" tolerance*
- Columns are not intended to be used in a free standing application without the use of a tie down system.

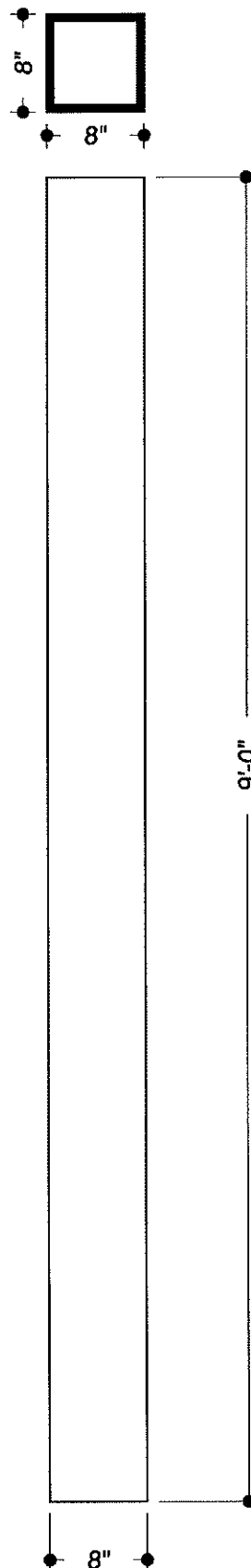
Drawn by: CAG

Date: 25 March 2019

Scale: NTS



1015 Brundidge Blvd.
P.O. Box 589
Troy, Alabama 36081
334.566.5000
Fax 334.566.4626
www.hbgcolumns.com





SECTION 06 65 00 – Simulated Wood Trim

Plastic Simulated Wood Trim

PART 1 GENERAL

1.1 SECTION INCLUDES

- A. Cellular PVC trim boards for:
 - 1. Corner boards
 - 2. Soffits
 - 3. Fascia
 - 4. Battens
 - 5. Door pilasters
 - 6. Frieze boards
 - 7. Rake boards
 - 8. Architectural millwork
 - 9. Door trim
 - 10. Window trim
 - 11. Wainscoting
 - 12. Pergolas
 - 13. Cupolas
 - 14. Porch Ceilings
 - 15. Arbors
 - 16. Fencing
 - 17. Column Wraps
 - 18. Skirtboards
 - 19. Water tables
 - 20. Pilasters

1.2 RELATED SECTIONS

- A. Section 06 11 16 – Mechanically Graded Lumber
- B. Section 06 20 00 – Finish Carpentry
- C. Section 06 30 00 – Exterior Carpentry
- D. Section 06 40 00 – Architectural Woodwork
- E. Section 06 43 16 – Wood Railings
- F. Section 06 64 00 - Plastic Paneling
- G. Section 06 65 00 – Plastic Simulated Wood Trim
- H. Section 06 66 00 – Custom Ornamental Simulated Woodwork
- I. Section 09 90 00 – Painting and Coating

3. Variation in component thickness: $\pm 1/16''$
 4. Variation in component edge cut: $\pm 2^\circ$
 5. Variation in Density -0% + 10%
- E. Mock-Up: Provide a mock-up for evaluation of surface preparation techniques and application workmanship.
1. Finish areas designed by Architect.
 2. Do not proceed with remaining work until workmanship, color, and sheen are approved by architect.
 3. Refinish mock-up area as required to produce acceptable work.
 4. Accepted mock-ups shall be comparison standard for remaining work.

1.6 DELIVERY, STORAGE AND HANDLING

- A. Trim materials should be stored on a flat and level surface on a full shipping pallet. Handle materials to prevent damage to product edges and corners.
- B. Store materials under a protective covering to prevent jobsite dirt and residue from collecting on the boards.

1.7 WARRANTY

- A. Provide manufacturer's Limited Lifetime warranty against defects in manufacturing that cause the products to rot, corrode, delaminate, or excessively swell from moisture.

PART II PRODUCTS

2.1 MANUFACTURES

- A. Acceptable products: AZEK® Trimboards manufactured by The AZEK® Company, which is located at: 888 N Keyser Ave Scranton, PA 18508
- B. Substitutions: Not permitted
- C. Requests for substitutions will be considered in accordance with provisions of Section 01 60 00 – Product Requirements

2.2 MATERIALS

- A. PVC: Free foam cellular PVC material with a small cell microstructure and density of .55 grams/cm³.
- Material shall have a minimum physical and performance properties specified in the following Section C.
- C. Performance and physical characteristic requirements:

Property	Units	Value	ASTM Method
PHYSICAL			
Density	g/cm3	0.55	D 792
Water Absorption	%	0.15	D 570
MECHANICAL			
Tensile Strength	psi	2256	D 638
Tensile Modulus	psi	144,000	D 638
Flexural Strength	psi	3329	D 790
Flexural Modulus	psi	144,219	D 790
Nail Hold	Lbf/in of penetration	35	D 1761

- 4) 3/4 inch
 - 5) 1 inch
 - 6) 1-1/4 inch
 - 7) 1-1/2 inch
 - 2. Finish:
 - a. Smooth/Traditional finish
 - b. Reversible with Traditional (Smooth)/Frontier (Woodgrain) finish
- C. PVC Cornerboard: AZEK® Corners: Folded, 90-degree, one-piece assembly produced with a Traditional or Frontier appearance to compliment fiber cement and natural cedar.
 - 1. Size:
 - a. Nominal Corner Size:
 - 1) 4 inches
 - 2) 6 inches
 - 3) 8 inches
 - b. Nominal Thickness:
 - 1) 5/4 inch (1 inch actual size)
 - c. Length:
 - 1) 10 feet
 - 2) 20 feet
 - 2. Finish:
 - a. Traditional (Smooth)
 - b. Frontier (Woodgrain)
- D. PVC Bead Board: AZEK® Beadboard: Tongue-and-Groove and Beaded Sheets.
 - 1. Size:
 - a. Thickness/Width/Length:
 - 1) Regular 5/8 inch by 4 Inches (Actual size 5/8 inch by 3-1/2 inches). Length 18 feet.
 - 2) Regular 1/2 inch by 6 inches (Actual size 1/2 inch by 5-1/2 inches). Length 18 feet.
 - 3) Regular 1 inch by 6 inches (Actual 3/4 inch by 5 1/2 inch). Length 18 feet.
 - 4) Sheet 1/2 inch by 4 feet (Actual size 1/2 inch by 48-1/8 inches) Length 8 feet.
 - 5) 1/2 inch by 4 Inches (Actual size 1/2 inch by 3-1/2 inches). Length 18 feet.
 - 6) 1/2 inch by 6 inches (Actual size 1/2 inch by 5-1/2 inches). Length 18 feet.
 - 7) 1 inch by 6 inch (Actual size 3/4 inch by 5 1/2 inches). Length 18 feet.
 - 8) WP4 T & G board 3/4 inch by 5-7/16 inch. Length 18 feet.
 - 9) Shiplap 1 inch by 6 inches (Actual size 3/4" by 5 1/2"). Length 18'
 - 10) Shiplap 1 inch by 8 inches (Actual size 3/4" by 7 1/4"). Length 18'
 - 2. Finish:
 - a. Traditional/Smooth finish.
- E. Mouldings: AZEK® Mouldings designed to complement exterior trim.
 - 1. Crowns:
 - a. 3 inches.
 - b. 4 Inches.
 - c. 5 inches.
 - d. 6 inches.
 - e. 8 inches.
 - f. Bed Mould.
 - g. Rams Crown.
 - h. Solid Crown.
 - i. Imperial Rake Crown.
 - j. Crosshead Pediment.
 - 2. Casings:
 - a. Base Cap.
 - b. Brick Mould.
 - c. Back Band.
 - d. Rake Moulding.

- 1) 4 Inches
 - 2) 6 inches
 - b. Nominal Thickness:
 - 1) 5/4 inch (1 inch actual size).
 - c. Length:
 - 1) 10 feet.
 - 2) 20 feet.
- D. PVC Skirtboard: AZEK® 1-Piece Skirtboard. Precut trim providing grade clearance and starter strip for fiber cement sidings as well as composite sidings.
 - 1. Size:
 - a. Nominal Width:
 - 1) 5/4 inch x 4 inches
 - 2) 5/4 inch by 6 inches
 - 3) 5/4 inch by 8 inches
 - 4) 1 inch by 4 inches
 - 5) 1 inch by 6 inches
 - 6) 1 inch by 8 inches
 - 7) 1 inch by 10 inches
 - b. Length:
 - 1) 18 feet.
 - 2. Finish:
 - a. Traditional/Smooth finish.
 - b. Frontier/Woodgrain finish.
- E. PVC Skirtboard: AZEK® Universal Skirt Board, A two-piece reversible trimboard with integrated z-flashing and starter.
 - 1. Size:
 - a. Nominal Width:
 - 1) 5/4 inch by 6 inches
 - 2) 5/4 inch by 8 inches
 - 3) 5/4 inch by 10 inches
 - b. Length:
 - 1) 18 feet.
 - 2. Finish:
 - a. Traditional/Smooth finish.
 - b. Frontier/Woodgrain finish.
- F. PVC Bandboard/Skirtboard: AZEK® Integrated Drip Edge, A two-piece reversible trimboard with integrated z-flashing.
 - 1. Size:
 - a. Nominal Width:
 - 1) 5/4 inch by 6 inches
 - 2) 5/4 inch by 8 inches
 - 3) 5/4 inch by 10 inches
 - b. Length:
 - 1) 18 feet.
 - 2. Finish:
 - a. Traditional/Smooth finish.
 - b. Frontier/Woodgrain finish.
- G.
- H. PVC Columnwrap: AZEK® one-piece column wraps.
 - 1. Size:
 - a. Nominal Width:
 - 1) 4 inches by 4 inches (inside dimensions 3-3/4 inches)
 - 2) 6 inches by 6 inches (inside dimensions 5-3/4 inches)
 - 3) 8 inches by 8 inches (inside dimensions 7-1/2 inches)
 - b. Length:

1. Glue all AZEK® to AZEK® joints such as window surrounds, long fascia runs, etc. with AZEK® Adhesive, a cellular pvc cement, to prevent joint separation.
2. The glue joint should be secured with a fastener and/or fastened on each side of the joint to allow adequate bonding time.
3. AZEK® Adhesive has a working time of 10 minutes and will be fully cured in 24 hours.
4. If standard pvc cements are used, keep in mind these products typically cure quickly which will result in limited working time and may reduce adhesive strength.
5. Surfaces to be glued should be smooth, clean and in complete contact with each other.
6. To bond AZEK® to other substrates, various adhesives may be used. Consult adhesive manufacturer to determine suitability.

C. Sealants:

1. Use urethane, polyurethane or acrylic based sealants without silicone.

2.7 FINISHES

A. AZEK products do not require paint for protection but may be painted to achieve a custom color.

B. Preparation:

1. No special surface preparations are required prior to painting - sanding is not necessary for paint adhesion.
2. Surface must be clean and dry.
3. Use a 100% acrylic latex paint with a Light Reflective Value (LRV) of 55 or higher.
4. Follow the paint manufacturer's recommendations to apply.

PART III EXECUTION

3.01 INSTALLATION

A. Manufacturer instructions:

1. Comply with manufacturer's product catalog installation instructions and product technical bulletin instructions.

B. Cutting:

1. AZEK® products can be cut using the same tools used to cut lumber.
2. Carbide tipped blades designed to cut wood work well. Avoid fine tooth metal cutting blades.
3. Rough edges from cutting may be caused by excessive friction, poor board support, or worn or improper tooling.

C. Drilling:

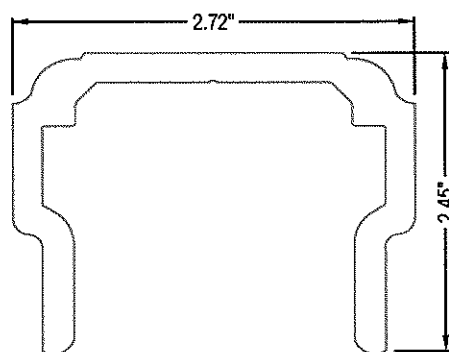
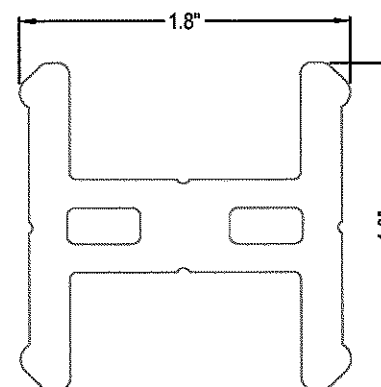
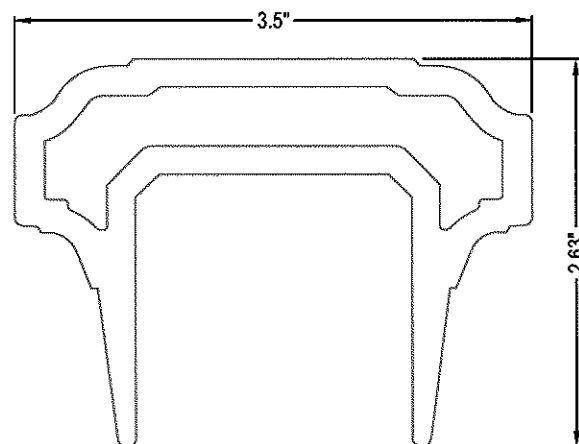
1. AZEK® products can be drilled using the same tools used to drill lumber.
2. Drilling AZEK® products is similar to drilling a hardwood. Care should be taken to avoid frictional heat build-up.
3. Use standard woodworking drills. Do not use drills made for normal rigid pvc.
4. Periodic removal of AZEK® shavings from the drill hole may be necessary.

D. Milling:

1. AZEK® products can be milled using standard milling machines used to mill lumber.
2. Relief Angle 20° to 30°
3. Cutting speed to be optimized with the number of knives and feed rate.

E. Routing:

1. AZEK® products can be routed using standard router bits and the same tools used to rout lumber.
2. Carbide tipped router bits are recommended.



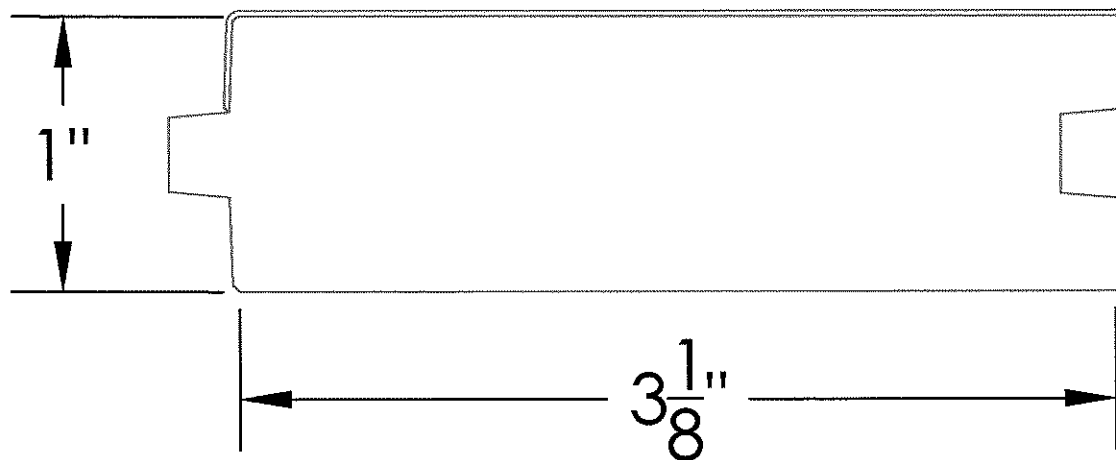
AZEK BUILDING PRODUCTS
WWW.AZEK.COM
(877) ASK-AZEK



Premier Top & Bottom Rail

APRP6W

Additional Variations:
RP 6/8 B/K/BS/SG | RP 10 W/B
CUST 6/8 W/B/K/BS/SG | CUST 10 W/B



AZEK BUILDING PRODUCTS
WWW.AZEK.COM
(877) ASK-AZEK



AZEK Porch, Tongue & Groove 1"

ADCP13510BS

Additional Variations:

10/12/16 BS/SG || 12/16 OR/MO/SO





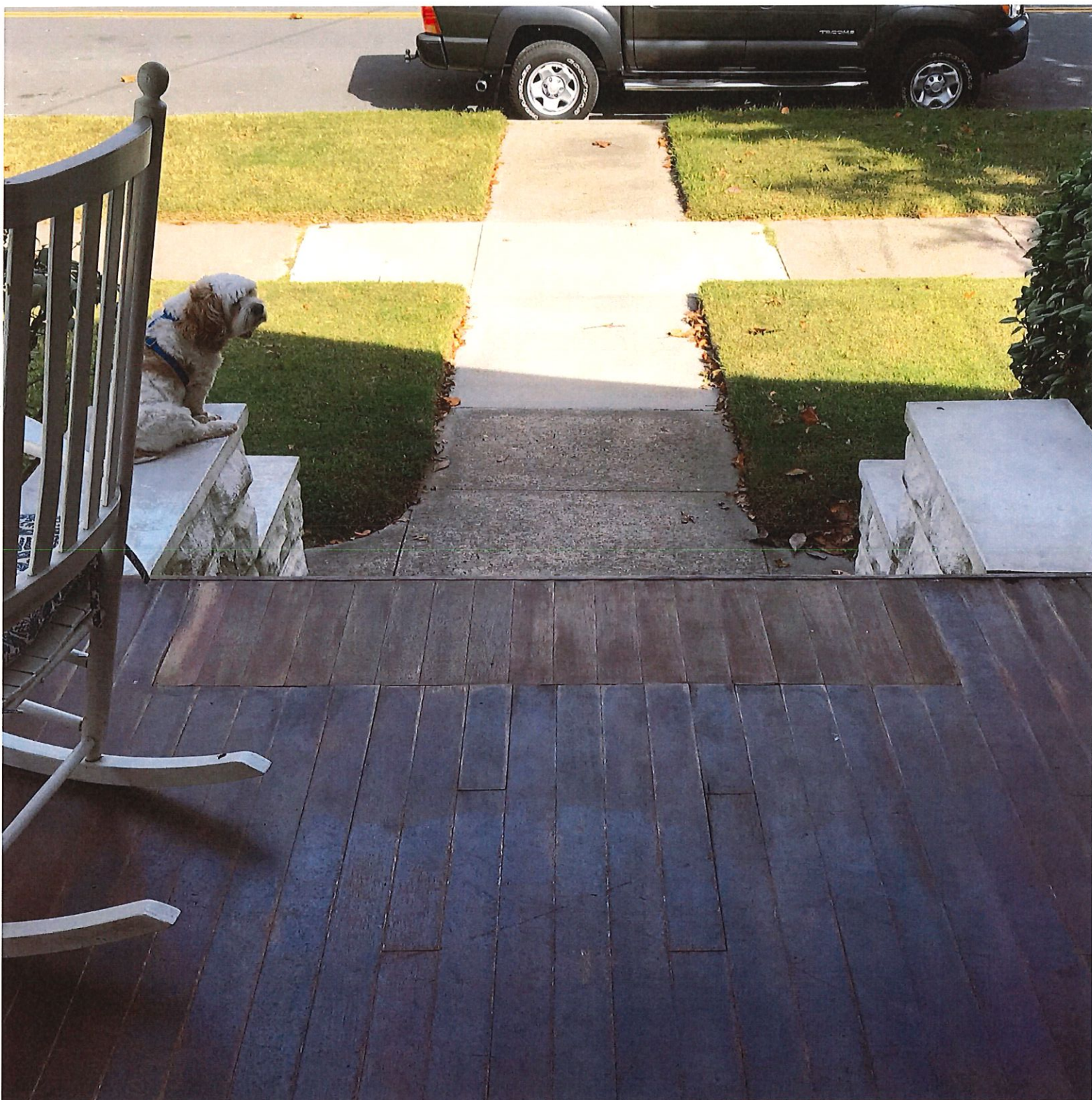














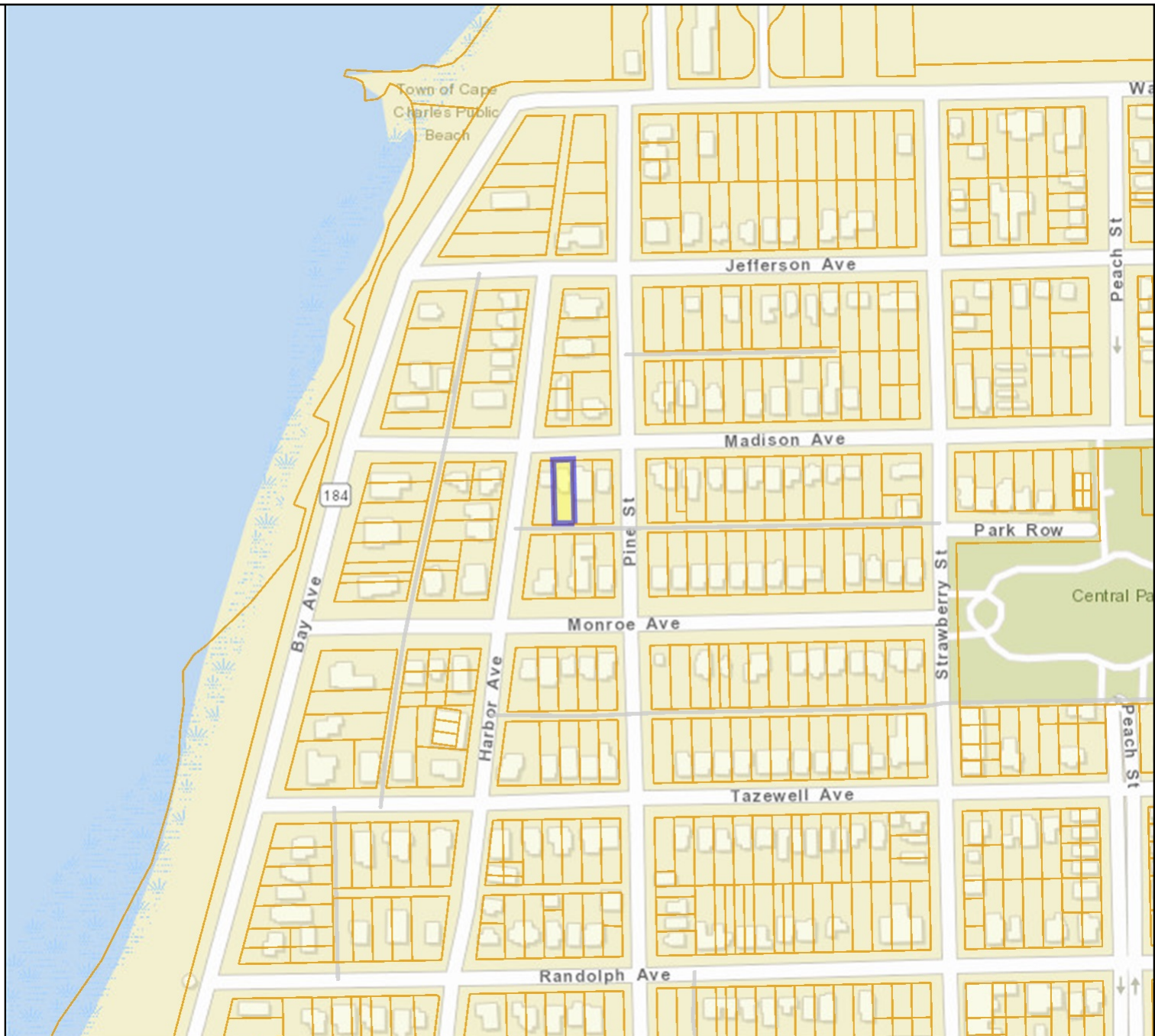




Northampton County, Virginia

Legend

- Parcels
- Driveways



Map Printed from Northampton
<http://northampton.mapsdirect.net/>

Feet
0 100 200 300 400

Title: 102 Madison Ave

Date: 11/4/2019

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.



HISTORIC DISTRICT REVIEW BOARD

Work Session & Regular Meeting

Cape Charles Civic Center

November 19, 2019

5:00 p.m.

At 5:00 p.m., Chairman Kerry Shackelford, having established a quorum, called to order the Work Session and Regular Meeting of the Historic District Review Board (HDRB). In addition to Kerry Shackelford, present were Edward Eichman, Herb Thom and Edward Wells. There was one vacancy on the board. Also, in attendance were Town Planner Zach Ponds, Deputy Clerk Tracy Outten and the applicants. There was one member of the public in attendance.

ORDER OF BUSINESS:

A. *Historic District Guidelines update.*

Kerry Shackelford thought the smoothest way to discuss the assigned sections was for each person to present their updates.

After Edward Eichman read through his draft for the new In-fill Foundations and Masonry sections in the Cape Charles Historic District Guidelines (CCHDG) (Please see attached.), discussion was as follows: (i) Kerry Shackelford would like a sentence to be added that if stone was used it had to be natural stone and a mortar joint was needed. Edward Eichman agreed that natural stone would be more appropriate in the historic district. (ii) There was some discussion on rusticated stone. (iii) Edward Eichman would email updates to Tracy Outten to be distributed.

Edward Wells read through his draft for the new In-fill Porches section in the CCHDG and said he tried to include all parts of a porch. (Please see attached.)

Discussion was as follows: (i) Edward Eichman mentioned that his draft, that was handed out at a past work session, may be helpful. (ii) Another sentence needed be added under Porch Stairs stating that if brick was used it needed to match the foundation material. (iii) Kerry Shackelford said the guidelines needed to differentiate synthetic material. Edward Wells would do research. (iv) There was some discussion on whether the porch flooring had to be painted. (v) Kerry Shackelford said it was important to make new buildings complementary. (vi) Additional inclusions and corrections: (a) samples needed to be available for the board to see; (b) the words smooth finish would be added under Flooring; (c) only individual boards should be added under Ceilings; (d) aluminum, wrought iron and vinyl were not allowed; (e) under Screening delete the words "although not encouraged and some maybe allowed," and add "only on side elevations;" and (f) a diagram would be added after Screening. (vii) Kerry Shackelford offered to work on the wording for screening within the front porch.

Discussion on the new In-fill Siding section in the CCHDG was as follows: (i) Herb Thom thought vinyl siding should be allowed with requirements such as a specified thickness, a sample needed to be provided and installation done per the manufacturer's instructions. (ii) Edward Eichman suggested allowing vinyl siding on parts of the home but, require the front of the home be wood or hardie. (iii) Kerry Shackelford would like all board members to research siding for the December work session.

Kerry Shackelford read his draft outline for the new In-fill construction section in the CCHDG. (Please see attached.)

Motion made by Herb Thom, seconded by Edward Wells, to close the November 19, 2019 Historic District Review Board Work Session and move to the Regular Meeting. The motion was unanimously approved.

Kerry Shackelford started the HDRB Regular meeting with a moment of silence and the recitation of the Pledge of Allegiance.

CONSENT AGENDA:

Motion made by Herb Thom, seconded by Edward Wells, to accept the Agenda as presented. The motion was approved by unanimous vote.

Motion made by Herb Thom, seconded Edward Eichman, to approve the minutes from the October 4, 2019 Special Meeting and Work Session and the October 15, 2019 Historic District Review Board Regular Meeting as presented. The motion was approved by unanimous vote.

REPORTS

Kerry Shackelford asked about the chimney removal. Zach Ponds explained that it was a safety issue. Kerry Shackelford informed Zach Ponds the chimney needed to be replaced. Zach Ponds would look into that.

PUBLIC COMMENT:

Diane D'Amico, 602 Jefferson Avenue

Ms. D'Amico was appreciative of the town planner, the HDRB and the applicants. (Please see attached.)

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

UNFINISHED BUSINESS:

A. *Commercial 3 Zoning District design review for a new commercial building on Lots 37, 38, & 39 on Stone Road.*

Gina Butler, applicant, said the updated design for the proposed commercial building was based on the conversation from the October meeting. Ms. Butler continued by saying all the details that were requested had been done at a considerable cost, except the roof pitch because of the expense and she asked if vinyl siding could be used per the new guidelines. Kerry Shackelford explained that the board was in the process of updating the new residential construction portion guidelines.

Discussion was as follows: (i) Kerry Shackelford said the board was trying to get away from a commercial building look. (ii) Edward Eichman was comfortable with the roof form proposed. His suggestion would be to add more detail to the porch corner chamfers. Mr. Eichman prepared a sketch. (Please see attached.) The applicant agreed to add the suggested details. (iii) Edward Wells thought the roof pitch looked out of proportion. After much discussion on the roof pitch, it was decided that the pitch would come off the eave of the building by a minimum of two feet.

Motion made by Herb Thom, seconded by Edward Eichman, to approve the Commercial 3 Zoning District design for the new construction of a commercial building on Lots 37, 38, and 39 on Stone Road with the following conditions: (i) the porch corner chamfer detail would be as shown in the sketch provided by Edward Eichman; and (ii) the dormer would be moved to two feet above the main roof. The motion was approved by unanimous vote.

NEW BUSINESS:

A. *Application for Certificate of Appropriateness at 2 Tazewell Avenue – to replace windows on a single-family detached dwelling.*

Kathy Weiner, applicant representative, asked if there were issues with vinyl material itself or the type of vinyl used for windows. Kerry Shackelford responded that the CCHDG did not allow the replacement of wood windows with vinyl. Kathy Weiner commented that many houses had replaced wood windows with vinyl. Kerry Shackelford said he could not speak to what had already been done. Kerry Shackelford concluded that the windows needed to be replaced with what was there.

Motion made by Edward Wells, seconded by Herb Thom, to approve the application for the Certificate of Appropriateness at 2 Tazewell Avenue to replace the existing casements windows and to deny the replacement of the wood windows on the single-family dwelling. The motion was approved by unanimous vote.

- B. *Application for Certificate of Appropriateness at 501 Tazewell Avenue – to construct a rear addition on a single-family dwelling and a two-story accessory structure.*

Ray and Nancy Campbell, applicants, explained the proposed addition had to do with accessibility due to their ages.

Discussion was as follows: (i) Edward Eichman did not have a problem with the proposal but, did suggest a small window. There was much discussion regarding whether a window was necessary.

Motion made by Herb Thom, seconded by Edward Wells, to approve the application for the Certificate of Appropriateness at 501 Tazewell Avenue to construct a rear addition on the single-family dwelling with the condition that the proposed window be removed. The motion was approved by unanimous vote.

- C. *Application for a Certificate of Appropriateness at 206 Monroe Avenue – to construct a rear addition on a single-family detached dwelling.*

Leon Parham, architect, was available to answer any questions. Edward Eichman asked if the muntin was between the glass as indicated in the provided material. Leon Parham answered that yes, the muntin was between the glass to match the existing windows.

Motion made by Herb Thom, seconded by Edward Eichman, to approve the application for the Certificate of Appropriateness at 206 Monroe Avenue to construct a rear addition on the single-family dwelling as presented. The motion was approved by unanimous vote.

- D. *Application for a Certificate of Appropriateness at 702 Monroe Avenue – to renovate an existing screened porch on the front of a single-family detached dwelling.*

Claudine Pierce, applicant representative, was available to answer any questions. Kerry Shackelford had an issue with the brackets and screen being placed outside of the post. Claudine Pierce responded that the screen would be behind the post. Edward Wells confirmed the post would be square and vinyl wrapped.

Motion made by Herb Thom, seconded by Edward Wells, to approve the application for the Certificate of Appropriateness at 702 Monroe Avenue to renovate an existing screened porch on the front of the single-family dwelling as presented. The motion was approved by unanimous vote.

- E. *Application for a Certificate of Appropriateness at 214 Washington Avenue – to construct a new single-family detached dwelling.*

Bill Doughty, contractor, described the proposed new home.

Discussion was as follows: (i) Edward Eichman thought there had been an agreement made in the pre-application meeting to change the siding material. (ii) Herb Thom confirmed this was a modular home. (iii) Edward Wells suggested the front of the home be another material other than vinyl. Bill Doughty said that would be hard. Some of the board members thought vinyl siding had a plastic

house look. After much discussion on various materials that could be used, the contractor and applicants agreed to use 5" clap board vinyl siding. (iv) Kerry Shackelford said the 8/12 roof pitch did not follow the CCHDG per page 37 which called for a 10/12 roof pitch. Bill Doughty asked if the town zoning ordinance lined up with the guidelines. Zach Ponds informed Mr. Doughty that the CCHDG trumped the zoning ordinance. Bill Doughty said the 8/12 pitch was okay in the zoning ordinance and he had built a home recently with the same pitch on Tazewell Avenue. (v) Kerry Shackelford and Herb Thom had an issue with the front door not fitting in the district. Bill Doughty asked the applicants if they would be willing to change the front door to one that better suited the district. The applicants agreed to change the door to a six-panel door.

Motion made by Herb Thom, seconded by Edward Eichman, to approve the application for the Certificate of Appropriateness at 214 Washington Avenue to construct a new single-family dwelling with the conditions as follows: (i) the front door would be changed to a six-panel door with two lites located above the panels; and (ii) 5" vinyl siding had to be used. The motion was approved by majority vote with Kerry Shackelford opposed.

F. *Application for a Certificate of Appropriateness at 609 Monroe Avenue – to replace windows and renovate a front porch on a single-family detached dwelling.*

Ken Sipe, applicant, briefly read through the proposed application. Kerry Shackelford said he did the pre-application meeting and noticed the windows were not original and the renovations would be an improvement.

Motion made by Edward Eichman, seconded by Herb Thom, to approve the application for the Certificate of Appropriateness at 609 Monroe Avenue to replace windows and renovate an existing front porch of the single-family dwelling as presented. The motion was approved by unanimous vote.

G. *Application for a Certificate of Appropriateness at 102 Madison Avenue – to renovate a front porch on a single-family detached dwelling.*

Paul and Sheryl Eulitt, applicants, explained they needed to renovate their front porch to make it safe and easier to maintain.

Discussion was as follows: (i) Edward Eichman said this was a contributing structure and could affect the decisions and the original design needed to be maintained. He added that he understood the validity of the applicants wanting a railing but, would like the masonry structure considered. (ii) Herb Thom said he could clearly see a structural problem with the steps at the pre-application meeting. (iii) Kerry Shackelford commented that preserving the original design as much as possible was the goal; and what was proposed would dramatically change the appearance to the front of the house. He agreed a handrail was needed and added the guidelines were very clear about repairing the original if possible.

Motion made by Herb Thom, seconded by Edward Eichman, to approve the application for the Certificate of Appropriateness at 102 Madison Avenue to renovate an existing front porch on the single-family dwelling with the following conditions: (i) the deck was replaced with painted tongue and groove wood.; (ii) the existing guardrails, spindles and columns be maintained; (iii) the masonry block be maintained; and (iv) the handrail would be on the inside of the masonry. The motion was approved by unanimous vote.

H. *Application for a Certificate of Appropriateness at 504/506 Nectarine Street – to construct a second-story rear addition on a duplex.*

Andrew McCoy, applicant, summarized the proposed work to be done.

Discussion was as follows: (i) Edward Eichman said the basic roof form proposed eliminated on the existing second story of the building creating a new roof line and he presented an alternate roof sketch. (Please see attached.) Kerry Shackelford thought having a roof line that delineated the new addition from the would be better. (ii) Much discussion ensued on the roof pitch. (iii) Kerry Shackelford asked what windows were currently on the house. Andrew McCoy answered replacement windows and he would like to keep all windows the same. The board said the windows needed to be 2/2 and have simulated divided lites. (iv) Kerry Shackelford said a painted brick foundation was discouraged and the existing could be cleaned.

Motion made by Herb Thom, seconded by Edward Eichman, to approve the application for the Certificate of Appropriateness at 504/506 Nectarine Street to renovate an existing structure and to construct the second-story rear addition on the duplex with the conditions as follows: (i) windows would be 2/2 and have simulated divided lites; (ii) siding would be 5/4"; (iii) the revised elevation to the roofline would be as sketched and agreed upon during the meeting and have trim; and (iv) the brick would not be painted. The motion was approved by unanimous vote.

I. *Application for a Certificate of Appropriateness at 517 Madison Avenue – to renovate a single-family detached dwelling.*

Andrew McCoy, applicant, would like to replace the window with wood replacement not vinyl replacement windows as proposed.

Discussion was as follows: (i) Kerry Shackelford said the guidelines were very specific about keeping wood windows and brick should not be painted. (ii) Edward Eichman asked if the applicant would consider relocating the window to align it with the window on the second floor. Andrew McCoy would think about it.

Motion made by Edward Eichman, seconded by Herb Thom, to approve the application for the Certificate of Appropriateness at 517 Madison Avenue to renovate the single-family with the conditions as follows: (i) existing wood windows would be maintained; and (ii) the brick would not be painted. The motion was approved by unanimous vote.

OTHER BUSINESS:

There was no other business to discuss.

ANNOUNCEMENTS:

There were no announcements.

Motion made by Herb Thom, seconded by Edward Eichman, to adjourn the November 19, 2019 Historic District Review Board Work Session and Regular Meeting at 8:51 p.m. The motion was unanimously approved.

Chairman Kerry Shackelford

Deputy Clerk

Stone or Simulated Stone (Rusticated Concrete Block) information for 11/19/19 Work Session

**INVENTORY OF STONE OR SIMULATED STONE ON THE EXTERIOR OF EXISTING RESIDENTIAL BUILDINGS
IN THE CAPE CHARLES HISTORIC DISTRICT.**

Rubble Stone:

Foundation, Porch, and portion of Walls – **218 Monroe.**

Ashlar Stone:

Front Foundation and Porch – **524 Madison.**

Portion of Walls – **423 Plum.**

Simulated Ashlar Stone (Rusticated Concrete Block):

Foundation – **230 and 641 Randolph; 101 Tazewell; 535, 549/551, 603, and 606 Monroe; 102 Madison; and 218 and 220 Jefferson.**

Foundation and Porch – **327, 330, and 530 Randolph; 654 Tazewell; 218, 239, and 609 Monroe; and 225 Jefferson.**

Foundation, Porch, and First Floor Walls – **206 (plus Chimney), 513, 619, 627, and 629 Monroe.**

Foundation, Porch, and Walls (entire exterior) – **615 Monroe; and 213 and 215 Madison.**

NOTE: The Historic basis for Rusticated Concrete Block (also known as "Rock Face Block") is the prevalent use as an Exterior Finish on Residences during the late 18th and early 19th centuries. It was also included as a Finish Option for the Sears "Kit Houses".

Prepared by Edward Eichman

Exterior Masonry Requirements for New Single Family Residential Infill on a Vacant Lot(s)

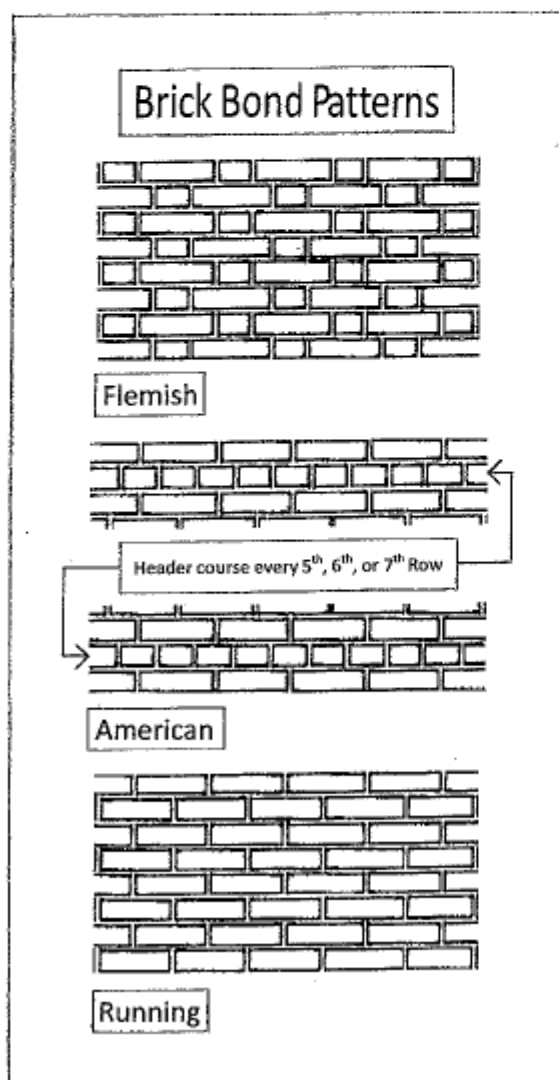
GENERAL:

Use masonry as it traditionally has been used in the Historic District and study the architectural character of the immediate area to determine appropriate uses.

MASONRY LOCATIONS:

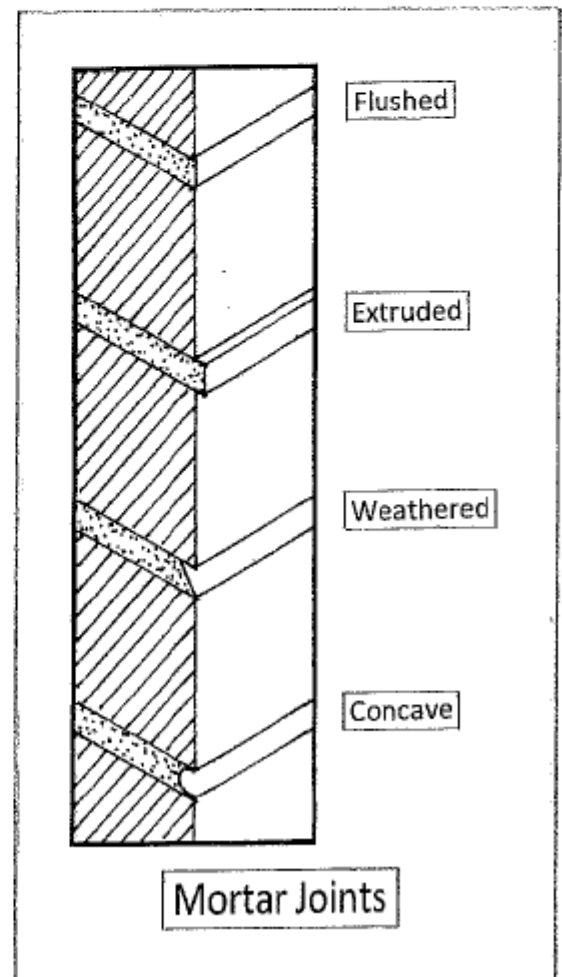
A) On exposed Crawl Space/Foundation walls below the First Floor, exposed Piers below Porches, exposed Chimneys projecting outside Building Walls, and exposed Chimneys above Roofs. At each of those Locations, all Surfaces that are visible from an Avenue or a Street shall have the same Finish that is selected from the Options indicated below.

(1) **Brick Veneer on a Masonry Substrate** – A full width Brick with Collar Joint using either a Standard (whole) Brick or an Oversized Brick with a Mortar Joint width between 1/4" and 1/2". See Diagrams below for Bond Patterns and Joint Details that are allowed for Brickwork. **A Paint or Transparent finish is not allowed on Brickwork surfaces.**



Running Bond Pattern
is Stretcher Brick only

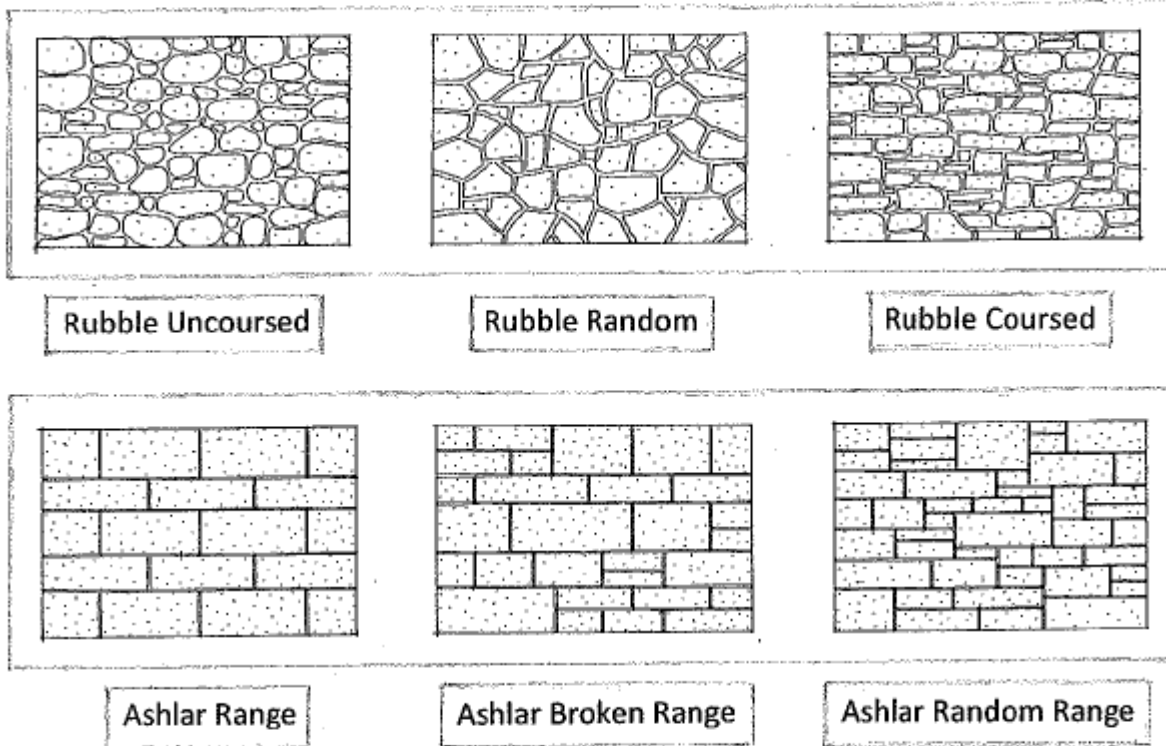
Other Bond Patterns
combine
Stretcher and
Header Bricks



ONE

(2) Stone Veneer on a Masonry Substrate – Stones that vary in thickness from 4" to 8" plus a minimum 1/2" thick Collar Joint. Exposed Mortar Joints vary in thickness from 1/2" to 1". Those Joints are recessed for Rubble Stonework and either flush or recessed for Ashlar Stonework. See Diagrams below for Bond Patterns that are allowed for Stonework. A Paint or Transparent finish is not allowed on natural Stonework surfaces.

Stone Bond Patterns



(3) Traditional Stucco on a Masonry Substrate – A natural Gray color with a heavy (tooled) surface texture, which is applied in multiple coats. An optional Paint Finish is allowed on Stucco surfaces that are visible.

(4) Parging on a Masonry Substrate – A natural Cream or Gray color with a light (brushed) surface texture, which is applied in multiple coats. An optional Paint Finish is allowed on Parged surfaces that are visible.

B) On exposed Building Walls between the Crawl Space/Foundation and the Roof/Cornice.

(1) Brick Veneer on a Framing/Sheathing Substrate – Comply with applicable requirements indicated in Item "A)", Sub-Item "(1)" above.

(2) Stone Veneer on a Framing/Sheathing Substrate – Comply with applicable requirements indicated in Item "A)" Sub-Item "(2)" above.

(3) Traditional Stucco on a Framing/Sheathing Substrate – Comply with applicable requirements indicated in Item "A)", Sub-Item "(3)" above. The Stucco thickness is typically one inch.

(4) Parging - Is not allowed on a Framing/Sheathing Substrate.

Proposed Updated Guidelines

New Residential (infill) Porches

Porch Stairs- Should be constructed of wood. Substitute material such as wood or pvc composite material may be used. It must be to be painted or finished with a solid stain.

Railings, Columns, Posts and Trim details- The preferred traditional material is wood. The use of wood or synthetic composite material matching both dimension and profile of traditional materials maybe used. They should be able to be painted or a solid stain applied.

Flooring - Preferred material is 5/4"X 2 1/4 " or 2 1/2" tongue and grooved wood. It should be installed perpendicular to front wall of house. Wood and synthetic composite material may be used with same dimensions and installation guidelines. All material should be painted or a solid stain applied.

Ceilings- Preferred material is wood bead board. Installed perpendicular to wall of house. Substitute material may be used if a bead board look is obtained and can be painted or solid stain applied.

Screening- Although not encouraged. Some maybe allowed. Screen panels should be kept to a minimum. Wood framed is preferred. Anodized or baked aluminum maybe used. Screening should be installed behind post, columns and railings towards the house walls.

Aluminum, wrought iron and vinyl are not typically appropriate material for front porches.

4. Composite Trim Materials

Some currently available composite materials are available in custom-formed lengths such as urethane; while others, including cellular PVC, are dimensional mill-ready blanks. Flat board dimensional materials are available in wood-resin composites and cement board but are not able to be worked in the traditional manner of wood.

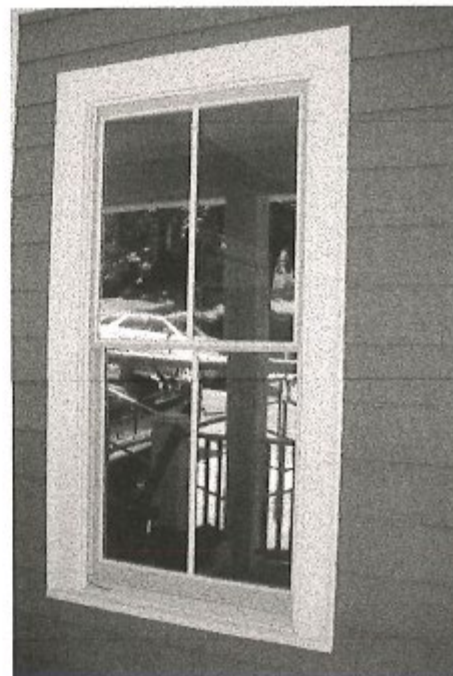
When wood features are beyond repair, composite or fiberglass replacement trim elements may be approved by the HDRC if they replicate and are visually compatible with the appearance of the original wood elements.

■ INAPPROPRIATE TREATMENTS

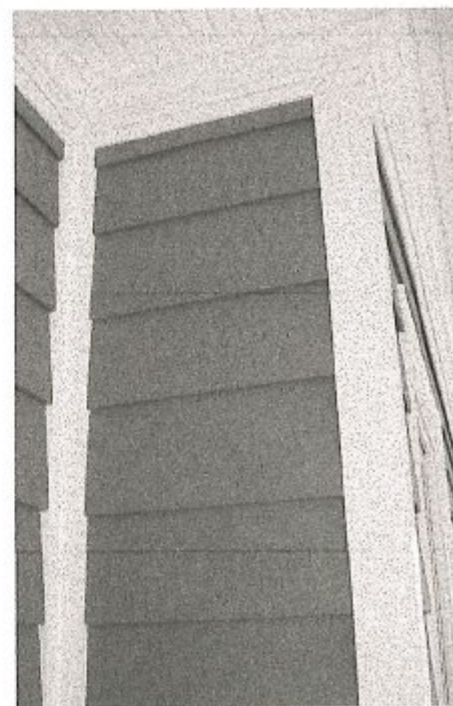
1. Do not replace historic wooden window, door, or porch trim unless it is deteriorated beyond repair.
2. Do not apply new trim over existing trim.
3. Do not introduce trim elements that convey a different period of construction.
4. Do not use composite materials to patch existing wooden trim.

■ GUIDELINES

1. In general, artificial materials may be used in the historic districts only if the material replicates the original material in dimensions, proportions, and appearance. As new materials continue to evolve they will be considered on a case-by-case basis by the HDRC.
2. Use composite trim only if it replicates the dimension, scale, and overall appearance of the original wood trim.
3. Choose materials that may be painted to allow for a later change in the color scheme of the house's exterior.
4. Select colors that are historically appropriate according to *Section G: Paint and Color*.



A three-part simulated divided light window is trimmed in a composite material. The architrave molding of the trim replicates a historic profile.



Inside and outside corner boards, crown molding and a beaded-board ceiling are all historic trim details available in substitute materials.

DRAFT

11/18/19

Cape Charles Historic District Guidelines Update
New Infill Construction for Single Family Homes

Doors:

-Doors are an important design element of Historic Homes in Cape Charles and as such their style and placement should be considered an important aspect of New Construction

-A combination of solid panels and glass are the most appropriate materials. Doors with side lights and transom windows are also common in town and are appropriate to use.

When choosing doors on visible elevations the requirements are:

1. Placement and styles of doors should complement, or be based on, Historic examples in the district.
2. Modern steel and vinyl doors with composite muttons and embossed panels are not appropriate and should not be used.
3. Solid doors with no glass are not acceptable and should not be used.
4. Sliding doors on visible elevations are not acceptable and should not be used.
5. Trim elements should be wood and match or compliment the trim elements of windows. Standard brick mold should not be used.
6. Storm doors in wood are common in the District and are appropriate, and local existing historic examples should be used as design influence.
7. Single or double leaf doors may be used if based on Historic examples.
8. Doors on rear or non-visible elevations can be single light double or single leaf openings, however doors matching other elevations are acceptable also.
9. Materials for doors should be Wood or fiberglass with smooth surfaces, not raised or embossed graining.
10. If using a fiberglass door profile and number of any applied dividers or muttons must be approved.

Shutters:

Shutters are a common design and functional element in late 19th and early 20th century buildings. Shutters were closed to keep out the sun and to provide protection to the windows. To accomplish this, shutters were mounted on hinges that allowed them to be closed.

When choosing shutters the requirements are:

1. The use of shutters is encouraged on New Construction when installed correctly.
2. Shutters should be mounted on hinges.
3. Shutters should be wood or smooth surface composite of solid construction and painted.
4. Shutters can be louvered or paneled.
5. Shutters fixed to the wall elevation are not allowed.

Fencing:

Fencing should be painted wooden pickets of 3"-8" with a height of 48' or less on visible elevations. Rear or side elevations that have limited visibility may incorporate pickets up to 60". Materials such as chain link, post and rail and concrete block are not allowed. Vinyl or composite fencing is not allowed in visible areas.

Windows

Windows are one of the most recognizable elements on structures in the Historic District. The size, materials, location and trim associated with them are among the defining characteristics of the District.

When planning windows for New construction the requirements are:

1. Windows should be located in a balanced configuration so as to compliment the overall design of the structure. The layout and placement of windows on Historic structures in the district should inform the design.
2. Walls on visible elevations should have a quantity and layout of windows appropriate to the scale of the building. Large expanses of wall should not be left without windows.
3. Window size should be informed by Historic examples. Double window units, small narrow windows and tiny openings are not allowed on visible elevations.
4. Windows on two story structures should be aligned and not offset.
5. Windows should be made from wood, or wood clad in aluminum or fiberglass.
6. Lite configuration should again be informed by historic examples. All divisions or muntins should be true divided lights or Simulated divided lights with muntins on the exterior and clearly visible on the exterior of the window.
7. Trim should be 3 1/2"-5" wide and a thick 1 3/4"-2" sill should be visible. Head trim and caps are common and appropriate.
8. Vinyl windows or windows with grills between the glass are not allowed.
9. Large open or picture style windows are not allowed on visible elevations.

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Planning and Design

New Infill Construction of Single Family Homes is defined as construction on a vacant lot that has had no recent structure on it. The purpose of the design guidelines are to ensure that new Construction does not destroy the character of the Cape Charles Historic District. The major intent of New construction should be to complement the Historic District and overall character of the neighborhood. The success of New Construction does not depend on direct duplication of existing Historic Structures. Rather it relies on the use of the distinctive architectural character of the District. New Construction must be compatible with and rely on their Historic counterparts for design influence.

When planning New Construction the requirements are:

1. Overall mass, form and design elements are extremely important, and the design should be informed by the Historic Structures in the district.

2. Careful attention should be placed on scale and size of the structure in relation to the nearby Historic structures.
3. Roof design, pitch and the use of decorative elements such as brackets, exposed rafter tails, etc., should be informed by nearby Historic Structures.
4. Window, door layout and scale are equally important in designing compatible construction. Window spacing and size should be informed by nearby Historic Structures. Accounting for symmetry and balance of design elements.
5. The overall elevation of the structure's foundation is also important and again should be informed by existing Historic examples.
6. Building materials should also complement existing Historic buildings in the district, including siding, trim, and porches.
7. It is essential that New construction reflect the integrity of design details and materials which help form the districts character.
8. Porches are a defining element of Houses in the Historic District and should be incorporated into New construction per Zoning requirements. Design should be informed by other Historic porches in the District.
9. Buildings should be placed on the lot in a manner that reflects the existing Historic Structures nearby.
10. Cornice treatment is an important element in the overall design and should include bed and crown molding.

Critical Design elements should include:

1. Roof lines, pitch and details.
2. Window and door size, placement, construction and materials
3. Siding style, exposure, and materials
4. Trim elements, size and materials
5. Scale and mass as compared to surrounding Historic structures.
6. Lot Placement
7. Porches, including trim, posts or columns, flooring, stairs, handrails, and ceiling.
8. Cornice, materials and layout

Diane D'Amico
602 Jefferson

I would like to make 3 comments.

First,

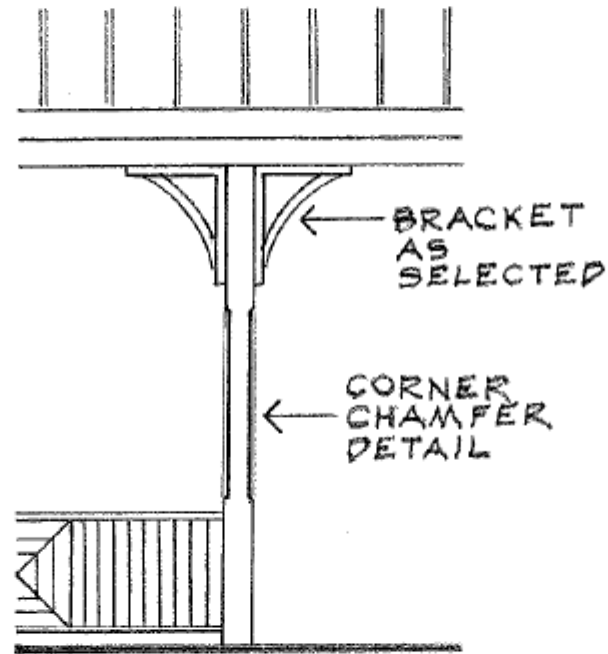
Zack Ponds, our Town Planner, has done an excellent job on this months HDRB applications. His willingness to learn and to adapt throughout the process of changing from one HDRB to another has been exceptional. It won't be long before he could get his Contractors license.

Second,

The current HDRB is to be commended for its early work on re-writing the Guidelines for the Historic District. They are clear and concise. It has not been an easy road but you have perservered and the Town will be the better for it. I'm looking forward to your continued efforts on the Guidelines re-write.

Third,

Thanks to the applicants for the thorough applications being presented today. It's always difficult to be caught in the middle of change but all of you have done a wonderful job. I am certain the staff and the Board are appreciative.



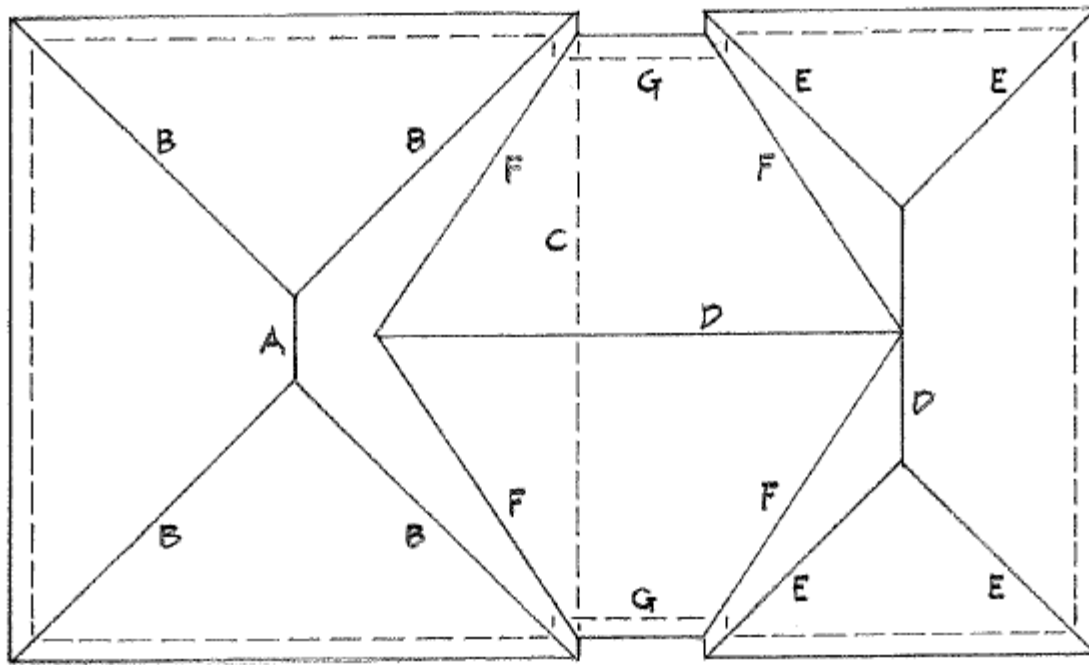
POST ELEVATION
NO SCALE

ALTERNATE PORCH POST IDEA for NEW COMMERCIAL BUILDING

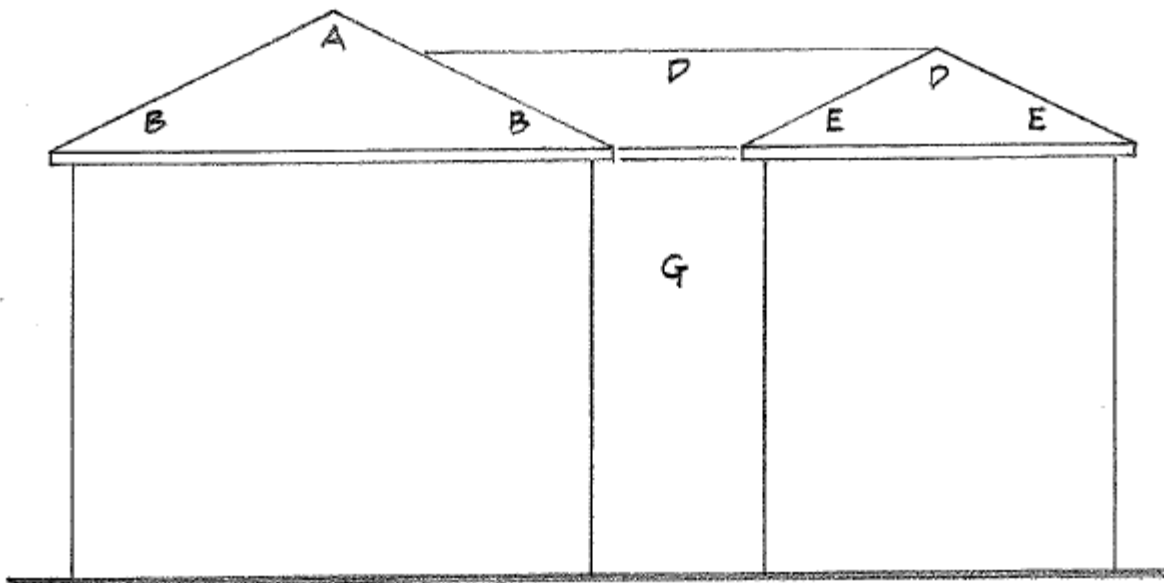
Lots 37, 38, & 39 on Stone Road

HDRB Session, November 19, 2019, Agenda Item 7. A.

Prepared by: Edward Eichman



EXISTING ← → NEW
ROOF PLAN DIAGRAM
 NO SCALE



EXISTING ← → NEW
SOUTH ELEVATION DIAGRAM
 NO SCALE

LEGEND

- A EXISTING RIDGE
- B EXISTING HIP
- C ROOF EDGE BELOW
- D NEW RIDGE
- E NEW HIP
- F NEW VALLEY
- G SECOND FLOOR INDENT

ALTERNATE ROOF FORM IDEA for 504/506 Nectarine Street
 HDRB Session, November 19, 2019, Agenda Item 8. H.
 Prepared by: Edward Eichman

Sheryl & Paul Eulitt

102 Madison Ave. • Cape Charles, VA 23310 • 410-952-2790 or 410-215-7246 •
E-Mail: saculitt@verizon.net or pweulitt@verizon.net

Date: December 14, 2019

Town Council; Town of Cape Charles

2 Plum St.

Cape Charles, VA 23310

Subject: Appeal Historic District Review Board Decision – Front Porch Renovation at 102 Madison Ave

Dear Board Members:

We submit a request to make renovations to our front porch to make it safe, maintenance free and periodic appropriate. Our home is a "Cape Cod" design built in 1922 with a 176 square foot open porch with six steps. We bought this home in complete disrepair 14 years ago and accepted the fact we would go through a complete systematic rehab. We've replaced the porch decking, siding and trim, roof, windows, and doors plus added an addition on the rear of the home. We have also extensively repaired the interior. Our porch faces north and the deck edges and stairs are exposed to the wet northerly weather and constantly in the shade of the house in this humid marine environment. In 2006, because of rotten wood, we contracted and replaced the painted yellow pine decking and stairs with mahogany and cut off the bottom of the columns replacing the removed section with a broader vinyl square to compensate for the portion removed.

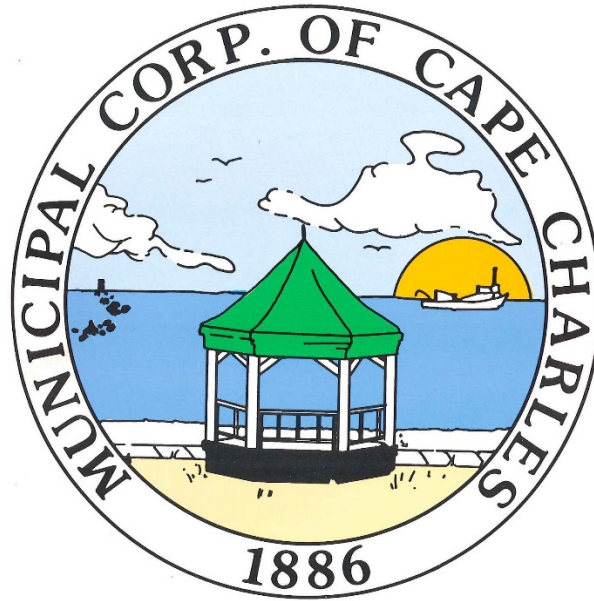
Unfortunately, we find ourselves in a position requiring the replacement of our porch decking again and railings due to rotted wood. I've replaced a section at the top of the stairs because it became too unsafe. The bottom railing pieces and many spindles are loose because of rot. It's very difficult to maintain decking, since it rots from the underside, and railings and spindles due to the inability to get paint adequately and appropriately applied to the underside.

In anticipation of another renovation we looked around town at other porches. We proposed to the Historic District Review Board (HDRB) to use maintenance-free vinyl materials similar to what has been used on so many other town home porches. The HDRB denied our request requiring us to again replace/maintain everything with wood. We are appealing the HDRB decision of our original proposal to the Town Council. Replacing the decking and stairs with a grey tongue & groove wood grain "Azek" material laid in perpendicular direction to the house. Railings, spindles and columns replaced with similar looking vinyl materials. Also, we would like to remove the two concrete block structures on each side of the stairs because they are falling away from the foundation. Our grandchildren visit frequently and the existing gap between these structures and house foundation is large enough that we are concerned for their safety. After removal of these brick structures we will enhance the stairs by installing periodically appropriate handrails on both sides. We may add additional column(s)/short pillar to accommodate handrails as appropriate. These vinyl maintenance-free materials products are made to look periodic, free up time and money required by constant maintenance and frequent replacement. I beg to differ there is a big difference between the look of these two materials. Our front porch remodel/upgrade will make it safer and give relief to the constant maintenance & frequent replacement while being esthetically and periodically consistent with similar older and newer homes in Cape Charles. It's not fair that most homes are using these newer materials while some homes are required to continue using wood. Thank you for your attention and consideration.

Sincerely,

Sheryl & Paul Eulitt

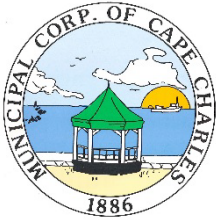
Sheryl A. Eulitt
Paul Eulitt



Consent

Agenda Items

#8B-8F



DRAFT
TOWN COUNCIL
Public Hearing, Regular Meeting & Executive Session
Cape Charles Civic Center
December 19, 2019
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Public Hearing, Regular Meeting & Executive Session of the Town Council. In addition to Mayor Dize, present were Vice Mayor Bennett, Councilmen Bannon, Buchholz and Grossman, and Councilwoman Holloway. Councilwoman Burge was not in attendance. Also, in attendance were Town Planner Zach Ponds, Harbor Master Charlie Farlow, Public Utilities/Public Works Director Dave Fauber and Town Clerk Libby Hume. There were eight members of the public in attendance.

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

PUBLIC HEARING COMMENTS:

Nancy Campbell and Wil Raivel, 501 Tazewell Avenue

Mr. Raivel stated that they owned the property at 501 Tazewell Avenue. They currently had a carriage house on the property and wanted to construct a small bedroom apartment to rent on a full-time basis, potentially to teachers. They were in attendance tonight to answer any questions regarding their conditional use permit application.

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

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to close the Town Council Public Hearing. The motion was approved by unanimous vote.

RECOGNITION OF VISITORS / PRESENTATIONS / RECOGNITIONS:

A. *Proclamation – Cape Charles School Choice Week*

Mayor Dize read Proclamation 20191219-Cape Charles School Choice Week.

Motion made by Councilman Bannon, seconded by Councilman Grossman, to adopt Proclamation 20191219 Cape Charles School Choice Week. The motion was approved by unanimous vote.

PUBLIC COMMENTS:

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

APPEAL OF HISTORIC DISTRICT REVIEW BOARD DECISION – 206/208 MADISON AVENUE:

Town Planner Zach Ponds stated the following: i) On November 12, 2019 a request was received from applicant Graeme Bisdee to appeal the HDRB’s conditions of approval for a Certificate of Appropriateness (COA) to continue with repairing, sealing and painting the remainder of the unpainted area of the north/front elevation and the other two sides of the building; ii) In late November, during a rental inspection, Code Official Jeb Brady noticed the brick exterior on the front being painted and notified the zoning administrator. The applicant stated he was unaware that approval was necessary to paint brick. A stop work order was placed on the property. The rear elevation was completely painted prior to the stop work order being placed, along with a small portion of the front elevation; iii) On October 15, 2019 the HDRB approved a COA at 206-208 Madison Avenue to retain the paint on the back south wall, with the condition that the applicant remove the painted area on the north front side and no further painting be done on the brick exterior per page 52, number 4 of the Cape Charles Historic District Guidelines; and iv) Staff recommended that Council uphold the HDRB’s decision.

Mr. Graeme Bisdee distributed a document to Council and stated that he assumed that Council had his original application packet and report from the HDRB meeting. He had owned his property for five years and had spent a lot of money on repairs. He was having an issue with water getting behind the bricks. He had contacted several masons and Johnson Masonry Repair Corporation informed him that the only way to stop the water leakage was to paint the exterior bricks. He had experienced no dampness since the rear of the house was painted. He went on to state that his house was included as a contributing structure, but he didn't know whether his 1932 building had any architectural significance adding that he felt it was a rather ugly building. There were a number of painted buildings in town, including a duplex across the street from the Town Hall. People had been complimenting him on the paint and repairs that he had done. Mr. Bisdee concluded by stating that the main reason for painting the exterior of the house was to seal and stop the deterioration of the brick.

Councilman Grossman asked whether this document Mr. Bisdee distributed to Council was presented to the HDRB? Mr. Bisdee did not send a copy of his letter to the HDRB.

Councilman Grossman stated that it was inappropriate to deliberate this appeal with additional information that wasn't provided to the HDRB for their review.

Vice Mayor Bennett stated the following: i) He appreciated the fact that Mr. Bisdee was trying to clean up his house and property, but it was unfortunately that he had gotten as far as he did with the painting; ii) He didn't believe the statement from Johnson Masonry was true. In fact, he lived in a house that had a leak and he had the brick coated with a clear sealed coating which stopped the leaking. There were other ways to effectively seal brick; and iii) On a side note, he was appalled at the condition of the yard next door, which was shown in the photographs provided, and added that something needed to be done about that as well.

Chairman Kerry Shackelford represented the HDRB in the proceedings and read the HDRB's justifications for their decisions. (Please see attached.)

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to uphold the Historic District Review Board's decision. The motion was approved by unanimous vote.

CONSENT AGENDA:

- A. Approval of Agenda Format
- B. Approval of Minutes:
 - i. November 7, 2019 Strategic Planning Session & Executive Session
 - ii. November 21, 2019 Executive Session
 - iii. November 21, 2019 Public Hearing, Regular Meeting & Executive Session
 - iii. December 5, 2019 Special Meeting & Executive Session
- C. Approval of October 31, 2019 Financial Report
- D. Monthly Department Reports
- E. Set Public Hearing for Proposed Zoning Ordinance Text Amendments-§§ 4.5 and 4.6 – Off Street Parking and Loading Requirements

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to approve the Consent Agenda as presented. The motion was approved by unanimous vote.

UNFINISHED BUSINESS:

- A. *Harbor Development Certificate Application – 1100 Bayshore Road:*

Town Planner Zach Ponds stated the following: i) The property was lot 17 and was the location of the former sewer plant. It was located south of the town harbor off Bayshore Road and was currently operating as a boat storage yard; ii) The applicant wanted to construct a 60' x 120' metal building, approximately 30' in height. The building would be constructed with five overhead doors on the west side with 24' high overhead doors with a white standing seam panel

configuration to match the existing boatyard structures and the Harvey Building; iii) The building would be used to work on boats and store tools and machinery; iv) The Harbor Area Review Board met on December 11 and recommended Council approval of the Harbor Development Certificate with the condition that a vegetative buffer, to grow in excess of 6', be planted between the proposed building and Old Cape Charles Road on the southern portion of the lot; and v) Staff recommended Town Council approval of a Harbor Development Certificate for the proposed project with the condition that a vegetative buffer be planted, to grow in excess of 6', between the proposed building and Old Cape Charles Road.

There was discussion as follows: i) Councilman Buchholz questioned the recommendation of requiring a vegetative buffer and asked the purpose of such a buffer. Zach Ponds stated that the buffer was to screen the metal building from the road; ii) Councilman Grossman asked if the applicant agreed to install the buffer. Zach Ponds responded that the applicant did agree. The applicant, Mr. Eyre Baldwin, who was in attendance, spoke up that he would be appealing the condition; iii) Councilman Buchholz stated that he still didn't understand the need for a buffer since the building would be surrounded by industrial businesses on three sides with a wooded tree line behind the building, and added that a 6' buffer would be a waste of money. Councilwoman Holloway agreed; iv) Mayor Dize also agreed and added that it was a boatyard that had been approved to be in that location; v) Councilman Buchholz added a 6' buffer wouldn't be very effective to screen a 30' tall building. Vice Mayor Bennett added that no buffer had been required around the boats and some of the boats stored on the lot looked worse than a metal building; and vi) It was noted that the area was heading in an industrial direction. Councilwoman Holloway added that the Cape Charles Yacht Center had brought beauty to the area as well as industry and the area was a unique balance of both worlds.

Motion made by Councilman Grossman, seconded by Councilman Buchholz, to approve a Harbor Development Certificate for 1100 Bayshore Road as presented on the application, without any conditions. The motion was approved by majority vote with Councilman Bannon opposed.

NEW BUSINESS:

A. *Inner Harbor Rehabilitation:*

Harbor Master Charlie Farlow stated the following: i) Council included \$125K in the FY 2020 budget for rehabilitation of the inner harbor based on a phased approach. After the engineering, there was \$103,700 remaining; ii) Phases 1-3 included the Harbor office around the lifeboat and to the northeast corner. The most cost-effective material for the walkway was concrete. The wooden walkway would be removed and replaced with a 10' wide, 6" thick concrete walkway. Light poles and new benches would also be installed. There would be minimal electrical work in those areas; iii) Additionally, Mayor Dize requested that estimates be developed to add light poles along the boardwalk between the bath house and the Shanty, and to pave the parking lot turnaround with concrete; and iv) Additional funding to complete this area was necessary. Councilwoman Holloway added that the total needed was \$246K per the staff report.

There was much discussion as follows: i) Mayor Dize clarified the proposed work stated that Phases 1-3 covered the two sections on the north side and Phase 4 was the south side. He wanted to add light poles and a paved turnaround area by The Shanty. He was asking for an additional \$100K to be transferred from the library work budget to get as much done as possible, even though the cost estimates came back higher. The south side was not in as bad shape as the east and north sides; ii) Councilman Buchholz stated that the boardwalk light poles, and paved turnaround area would be a little over \$36K to complete; iii) Councilman Grossman stated that with the \$103,700 remaining in the budget along with the \$100K to be transferred for this project, there would be a total of \$203,700 for the project, but better numbers were needed; and iv) Vice Mayor Bennett stated that the proposal was too confusing and not well thought out. A drawing was needed to indicate the proposed plans, placement of lighting, etc. The numbers needed to be presented in a better format for review. How could the project be advertised without plans? Vice Mayor Bennett proposed that the issue be tabled until more information was provided for Council

review. Charlie Farlow responded that the engineering plans were at the 30% phase; v) Mayor Dize stated that he understood Vice Mayor Bennett's comments but the work at the harbor needed to be completed by April 1. The current condition of the walkway was a safety hazard. Mayor Dize agreed that the issue with the majority of the work could be tabled but requested that Council approve the boardwalk light poles and paved turnaround by The Shanty so the project could move forward. These items could be completed with the funding currently allocated in the budget. There was some discussion regarding this request. Public Utilities Director Dave Fauber stated that the light poles cost approximately \$2K each and could be installed by Chapman Electric who was the contractor that installed the lights along Mason Avenue.

Motion made by Vice Mayor Bennett, seconded by Councilman Grossman, to table further discussion and decision regarding this project, with the exception of the boardwalk light poles and paved turnaround area by The Shanty. The motion was approved by unanimous vote.

More information regarding the project would be provided at the January meeting.

B. 2020 Harbor Rates:

Charlie Farlow presented the marina rate comparison and his recommendation for the 2020-2021 harbor rates.

There was some discussion regarding charging by slip length versus boat length. Mayor Dize stated that most marinas used slip length for annual or semi-annual slip holders. The Town charged for 10' less than the actual slip length.

Motion made by Councilman Grossman, seconded by Councilman Bannon, to approve the harbor slip rates for the 2020-2021 season as recommended by the Harbor Master. The motion was approved by unanimous vote.

C. Grounds Maintenance Service Contract:

Public Utilities/Public Works Director Dave Fauber stated that an invitation for bids for grounds maintenance service was published on November 1, 2019 with a deadline of November 26, 2019. One bid was received from Browder-Hite, who was the town's grounds maintenance contractor for the past 11 years. The current bid package contained three separate parts: i) mowing the town's properties; ii) Central Park maintenance; and iii) a new contract proposal for maintenance of the Stone Road corridor. Browder-Hite's base bid for mowing services was \$31K, increased from \$24,025. The bid for Central Park maintenance, including mowing, fertilization, aeration, herbicide spraying, mulching, pruning and irrigation was \$17,120, increased from \$15,705. The Stone Road corridor maintenance bid was \$32K. The total of the three bids was \$80,130. The town also had a contract in place with Browder-Hite for weeding and mulching of the flower beds in town at a cost of \$13,250 and the town had budgeted about \$5K annually for incidentals. The total annual cost for all categories was \$98,380.

There was much discussion as follows: i) Councilman Buchholz asked about the bid from Jackie Bailey. Dave Fauber stated that Mr. Bailey's bid was only for the Stone Road corridor and did not include the ditch. Browder Hite was the only contractor that submitted a complete bid for all areas; ii) Councilwoman Holloway asked whether the Stone Road corridor was currently done by the Public Works crew. Dave Fauber responded in the affirmative adding that it was done as time permitted; iii) Councilman Buchholz suggested that equipment could be purchased, and additional staff could be hired to do the mowing for less than \$98K annually. There was much discussion regarding this suggestion and the areas to be mowed and other duties included in the grounds maintenance contract; iv) Mayor Dize stated that budget lines could be adjusted to cover the areas included in the current contract, but suggested waiting on the Stone Road corridor until after the mid-year budget review; and v) Councilwoman Holloway commented that the planting beds on Mason Avenue currently were not maintained very well and needed to be watered regularly during the summer months. She was told last year that the town would water the planters but informed in July that Town staff could not do the watering. There was some discussion regarding this issue.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to award the Grounds Maintenance Service Contract to Browder Hite for the areas within the Town. The Stone Road corridor would be awarded to Browder Hite at a later date. The motion was approved by unanimous vote.

D. FY 2020 Capital Project Budget Transfers:

Mayor Dize stated that after the discussion regarding item 10A – Inner Harbor Rehabilitation, he would like to remove this item from consideration at this time.

Motion made by Councilman Grossman, seconded by Vice Mayor Bennett, to remove item 10D from the agenda. The motion was approved by unanimous vote.

MAYOR AND COUNCIL COMMENTS

Councilwoman Holloway commented as follows: i) She commended the Public Works crew and everyone involved in lighting the park for the grand illumination. The extra effort looked great and it was a fabulous event; ii) Festive Fridays had gone well, even in the pouring rain. The shops were packed. Tomorrow was the last one for the year and she encouraged everyone to come support the businesses. She wanted to congratulate Public Works and Jen Lewis for making it a success; and iii) Jen Lewis also helped with the Cookie Trail this past Sunday. The front area of the Civic Center was covered with bags of donations for the Food Pantry. Almost \$600 in cash was also collected for the Food Pantry. About 400 people participated, many who were day-trippers. Jen did a lot of work holding down the fort in the Civic Center.

Vice Mayor Bennett commented as follows: i) He and his wife did the Artisan Trail the day after Thanksgiving. They started in Cape Charles and worked their way north ending in Onancock. He noticed the signs in Onancock for Fab Fridays. There were a couple of stores open when they went to dinner, but everything was closed, and everyone was gone when they came out of the restaurant. They came back to Cape Charles afterwards and Mason Avenue was still overwhelming with people; ii) He was interested in moving forward with investigating the benefits of obtaining a harbor management company. A number of Council has expressed their interest and he asked that the topic be added to an agenda in the near future; and iii) He wished everyone a Merry Christmas.

Councilman Bannon wished everyone a Merry Christmas and a Happy New Year. He reminded everyone that the Epiphany Party was scheduled for January 11 with proceeds benefitting the Rosenwald School and Cape Charles Museum. Bring your least favorite Christmas gift to auction off.

Councilman Grossman stated that he did not have any additional comments except to wish everyone a Merry Christmas.

Councilman Buchholz stated that next year would be busier than this year. If additional staff was needed, it needed to be reviewed now. The town was going to get bombarded again, more so than last year. The Cape Charles Brewing Company was going to be featured in an upcoming magazine article.

Councilwoman Holloway added that the Town was getting coverage in certain areas that she was unable to disclose at this time.

Mayor Dize stated that the Harbor Management Company was on the January 2 retreat agenda. Council would be able to direct him on how to proceed at that time.

Councilman Buchholz added that the Governor just announced a program for affordable housing. A lot of funding would be available from Richmond if the Town could figure out where housing could be constructed. He added that Councilman Grossman had been working on this issue.

Mayor Dize continued as follows: i) Per his conversation with Mr. Dale Pusey from VDOT, the Town's parking request was on the desk of the appropriate person to review on Monday. He was hopeful of hearing from VDOT soon. Councilman Grossman stated that staff needed to begin looking at dates to

close Mason Avenue for the re-striping; and ii) He met with Delegate Bloxom and Senator Lewis and hoped to obtain state funding for sidewalks, the breakwater, etc.

Town Clerk Libby Hume reminded everyone of the mandatory conflicts of interests act training that needed to be completed by December 31. She was asked to resend the link to those who had not completed the training.

Mayor Dize read the announcements.

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

The meeting recessed at 7:38 p.m. The members of the public and staff left the meeting.

At 7:49 p.m. Mayor Dize called the meeting back to order.

Motion made by Councilman Grossman, 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 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

Motion made by Councilman Buchholz, seconded by Councilman Grossman, 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; Grossman, yes; Holloway, yes.

Motion made by Councilman Grossman, 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 9:01 p.m.

Mayor Dize

Town Clerk

**Comments and Information Provided in Writing
December 18, 2019 Town Council Public Hearing & Regular Meeting**

Kerry Shackelford, Chairman of the Historic District Review Board

12/15/19

Cape Charles Town Council

Appeal of Historic District Review Board Decision

206/208 Madison Ave, Cape Charles

The decision to deny the certificate of appropriateness for 206/208 Madison was based on the following sections of the guidelines on historic masonry:

1. Pg 52, #2, "Retain masonry features that define the overall character of the building".
2. Pg 52 #4, "Avoid Painting unpainted brick surfaces".

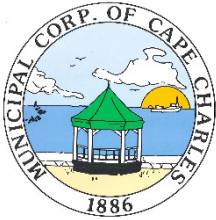
I visited this structure and reviewed the masonry in detail. The real problem with this masonry structure lies in the moisture being carried up the structure from the soil and causing the iron lintels to rust and spall severely. Each of the window openings have cracks and, in many cases, broken bricks at the intersection of the masonry and iron. This is a classic problem of moisture being wicked up from the damp soil and carried up the masonry column. This is usually not a problem as it is dissipated as it moves up the masonry, however in this situation it is attacking the lintels and causing cracks in the structure. If you apply a waterproof coating, such as paint, on the exterior of the masonry it only exasperates the problem when moisture can not exit the bricks. It will also cause problems inside the structure as it will force moisture inside the building because the interior contains the driest air and as such moisture will wick to that dry area, causing plaster failure, mold, and moisture staining.

The proven method for solving this problem is to repoint any existing cracks using lime-based mortar and replace the lintels with ones made from galvanized iron, or stainless. Then the masonry should be good for another 100+ years. This is the recommended procedure for this problem in historic masonry.

Kerry Shackelford

Chairman, HDRB





DRAFT
TOWN COUNCIL
Strategic Planning Session
Cape Charles Civic Center
January 2, 2020
6:30 PM

At approximately 6:30 p.m. Mayor William “Smitty” Dize, having established a quorum, called to order the Strategic Planning 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 Police Chief Jim Pruitt, Treasurer Deborah Pocock and Town Clerk Libby Hume. There was one member of the public in attendance.

Mayor Dize requested that a new item be added to the agenda in order to schedule a public hearing to the lease of space on the water tower for the placement of wireless internet antennae. This item was time sensitive in order to continue the provision of internet service to the town’s residents and businesses.

Motion made by Councilwoman Holloway, seconded by Councilman Grossman, to add new item 2.vi to the agenda to set a public hearing for the lease of space on the water tower for internet antennae. The motion was approved by unanimous vote.

ORDER OF BUSINESS:

- i. *Personnel/Organizational – Request for Additional Police Officer in FY 2021 – Chief Jim Pruitt*
Chief Jim Pruitt presented an overview of current officers, scheduling, statistics from 2019 and his justification for requesting two additional police officers. (Please see attached.)

There was much discussion regarding the request. Treasurer Deborah Pocock noted that in addition to the base salary and outfitting costs presented, another \$10K-12K needed to be added for benefits.

Council will review the request during the Fiscal Year 2020 six-month review.

- ii. *Harbor Management Company:*
Mayor Dize stated that the possibility of bringing in a management company for harbor operations had been brought up several times over the past few years and Council heard two presentations from Oasis Marinas Management. Mayor Dize went on to request a Council decision whether to move forward with a request for proposal.

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to direct the mayor to develop a request for proposals for a harbor management group, not necessarily to result in the awarding of a contract, but of an expression of interest in finding out about management companies and services offered. The motion was approved by unanimous vote.

- iii. *Regulations of Parking of Certain Vehicles on Town Streets:*
Mayor Dize stated the following: i) Council had identified that parking of boats, trailers, recreational vehicles, etc. on town streets posed some safety issues; ii) The Town petitioned the Virginia General Assembly for authorization to regulate the parking of certain vehicles within the town limits. The request was approved effective July 1, 2019; iii) Councilwoman Burge provided a draft ordinance and Town Code language for Council review; and iv) He included the draft ordinance for discussion only at this time. If Council felt that the language was acceptable, a public input session could be scheduled to allow interactive discussion with residents prior to adoption of the ordinance, similar to the session held for the leash law.

Councilwoman Burge stated the following: i) She volunteered to draft language using language that was in the original parking resolution submitted to the General Assembly for their 2019 session; ii) The types of vehicles were listed in the state code; iii) She didn't identify any particular streets, but there had been discussion in the past regarding applying the restrictions to some of the narrower streets only. This was a serious topic for discussion as the specific streets needed to be identified; iv) Two emails were received from residents expressing their support of the ordinance; v) The draft language in Section 42-91 dealt with penalties, stating that if an individual received three or more citations, the vehicle could be removed by the Town. This would be another thing for the police department to enforce. Ultimately, the vehicle would be moved to storage with fees associated with that. It would be the owner's responsibility to pay the storage fees to regain possession of their vehicle. If unclaimed, the vehicle could be sold as an abandoned vehicle; and vi) She reviewed ordinances from other localities and felt that the Town of Vienna's was the closest to Cape Charles. Councilman Grossman interjected that the Town of Vienna prohibited the parking of these certain vehicles from all public roadways.

There was much discussion regarding the following: i) Current issues with cars parked on both sides of some of the narrow streets prohibiting a car driving down the street. Some streets were wider and having a trailer parked on those weren't a problem; ii) There could be an issue with the owners of boats, trailers, etc. just relocating their vehicles to another street where the parking wasn't prohibited; iii) Residents should not have to deal with not being able to park in front of their homes due to a neighbor's boat, camper, trailer, etc. being parked there. Council needed to be mindful of the people living in Cape Charles. It was unfair that residents couldn't park in front of their own houses; iv) There was room for about 18 boats/trailers to be stored at the Harbor. If the area was cleaned up, more room could be available. The Harbor was the logical place to store boats. There would be more options around the Harbor as 2020 progresses; and v) Council agreed that a meeting to obtain input from the public was necessary. A public meeting would be scheduled on a Saturday in February or early March beginning at 11:00 a.m. or noon. Town Clerk Libby Hume would poll Council regarding several dates in February and March.

iv. *Rainy Day Fund:*

Deborah Pocock stated the following: i) In the past, Council had expressed interest in creating a rainy-day/stabilization fund to cover certain shortfalls in the budget; ii) A resolution for policy creating and maintaining a rainy-day/stabilization fund was presented to Council in June 2019, and at that time, Council had no comments regarding the resolution; iii) The draft resolution was very clear in how the proposed rainy-day fund would be utilized and outlined the annual adoption process during budget discussions for the next fiscal year. Each year, Council would determine the amount to be allocated to the rainy-day fund based on budget needs for operations and capital improvements; and iv) The draft resolution was provided for action only to use the policies while creating the annual budget. Several blanks within the resolution needed to be completed.

There was some discussion as follows: i) The resolution proposed maintenance of an amount no less than \$250K in the rainy-day fund. Deborah Pocock estimated that it would take about three years to fund this amount. Councilwoman Burge recommended allowing four years to get to \$250K, which was agreed to by the Council; ii) In the second subparagraph of "paragraph ii" of the resolution, the language would be updated to state "at the close of each fiscal year audit ...;" iii) Item 2 in paragraph iii would be clarified; iv) Council would determine the amount for allocation annually and adopt a resolution as appropriate.

Motion made by Councilman Grossman, seconded by Councilwoman Holloway, to approve the rainy-day fund policy for use beginning with the FY 2021 budget. The motion was approved by unanimous vote. Roll call vote: Bannon, yes; Bennett, yes; Buchholz, yes; Burge, yes; Grossman, yes; Holloway, yes.

v. *Capital Improvement Program:*

Councilman Grossman stated that it was a Council priority to have criteria for a capital improvement program in place before creating a capital improvement plan. The draft program was provided to Council for review in September 2019 with a request for comments. The draft program was updated based on comments received and presented to Council at the December 5, 2019 special meeting. The draft program was updated again after the discussion during the December 5 meeting and was provided for further review this evening. (Please see attached.)

Motion made by Vice Mayor Bennett, seconded by Councilwoman Holloway, to approve the Capital Improvements Program criteria as presented. The motion was approved by unanimous vote.

vi. *Set a Public Hearing for the Lease of Space on the Water Tower for Internet Antennae:*

Mayor Dize stated the following: i) in 2019, Neubeam purchased Eastern Shore Communications' (ESC) internet service. ESC had internet antennae located on the water tower to provide Wi Fi services to residents and businesses in the town. ESC's water tower lease expired in July 2018; ii) Charter Communications purchased Chesapeake Bay Communications (CBC) and will take over the cable services. CBC will be dissolved on January 14, 2020 and their internet services would be handled by Neubeam. Neubeam would be retaining CBC's equipment which included internet antennae on the water tower; iii) CBC had a lease, through 2021, to place their antennae on the water tower; iv) A new lease was being executed combining the agreements from both the ESC and CBC leases. Neubeam would pay the same rate as described in the ESC lease and provide free Wi Fi internet services to the Town's facilities as described in the CBC lease. Since the ESC contract had expired, a public hearing must be held prior to execution of a new lease; v) The Town Hall's internet service was provided by CBC via fiber and would transition to Charter Communications; and vi) The lease agreement was currently being reviewed by legal counsel.

Motion made by Councilman Grossman, seconded by Councilman Bannon, to set a public hearing for January 16, 2020 prior to the regular meeting. The motion was approved by unanimous vote.

Mayor Dize provided an update regarding the Mason Avenue restriping application to VDOT stating that he received an email requiring an engineer stamp on the submitted plan. Bob Panek would be contacting Land Studio, the engineering firm for the Community Trail project, to see if they would be available to review the plans.

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

The meeting adjourned at 7:58 p.m.

Mayor Dize

Town Clerk

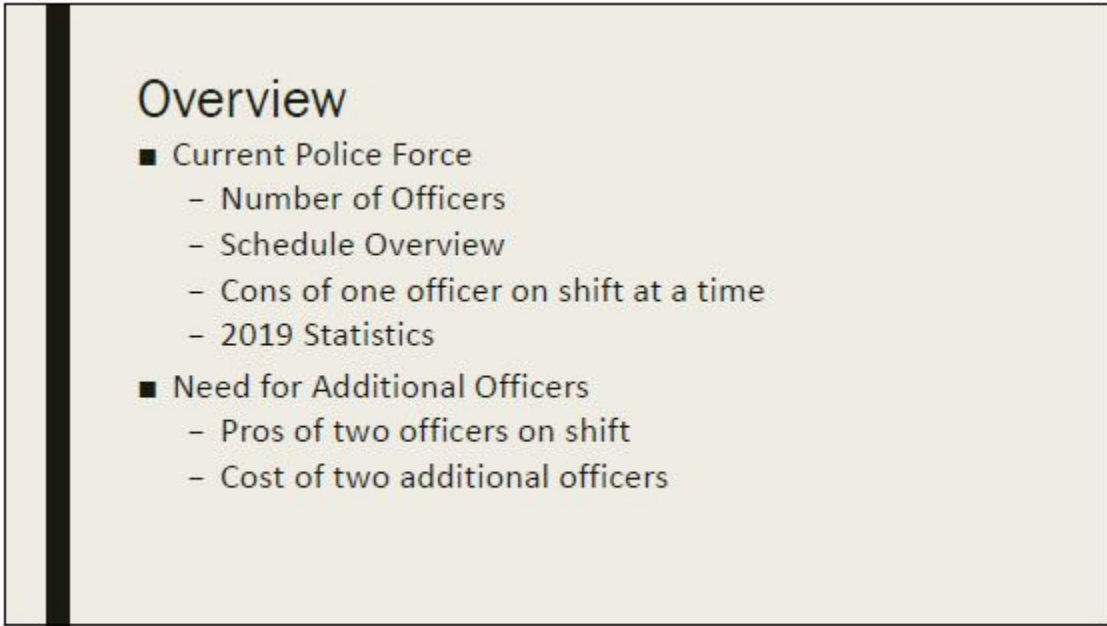
**Information Provided in Writing
January 2, 2020 Town Council Strategic Planning Session**

Chief Jim Pruitt



REQUEST FOR ADDITIONAL OFFICERS

1



Overview

- Current Police Force
 - Number of Officers
 - Schedule Overview
 - Cons of one officer on shift at a time
 - 2019 Statistics
- Need for Additional Officers
 - Pros of two officers on shift
 - Cost of two additional officers

2

Current Police Force

- Five officers not including Chief of Police
- Ten hour shifts
 - Eight days on, six days off
 - 160 hours a month
- One officer on day shift, one on night shift, other two off
 - Rotating schedule

3

Current Police Force

- Cons of one officer on shift at a time
 - Less area covered
 - Not safe for law enforcement or public
 - One officer per 3,000 people every day in summer months
 - One officer in fight with one or multiple subjects raises use of force drastically

4

Statistics from 2019: Overview

- Calls for service in Cape Charles: 677
- Calls for service outside Cape Charles: 139
- Total calls for service: 816
- Felony arrests: 5
- Misdemeanor arrests: 43
- Traffic warnings: 150
- Traffic summons: 125
- Parking tickets: 61
- Building checks: 384

5

Statistics from 2019: Breakdown

- Foot patrol hours in Town: 357.5
- Bay Creek patrol hours: 260.5
- Drunk in public: 6
- Disorderly conduct: 1
- Destruction of property: 1
- Wanted subjects: 5

6

Statistics from 2019: Breakdown

- Assault and battery: 2
- Assault and battery family member: 2
- DUI: 5
- Violation of protective order: 4
- Distribution of marijuana: 1
- Possession of marijuana: 1
- Eluding police: 2
- Reckless driving (endanger life): 4

7

Statistics from 2019: Breakdown

- Indecent exposure: 2
- Trespass: 2
- Hit and run: 2
- Theft: 1
- Drinking in public: 2
- Strangulation: 1
- Malicious wounding: 1
- Emergency custody orders: 3

8

Community Service

- Cape Charles Christian School
- Kiptopeake Elementary
- Trinity Methodist Church
- Cape Charles Business Association
- Catholic Church
- Main Street
- Wounded Warriors (Freedom Hunters)
- Halloween
- Northampton High School

■ **Total: 50 hours in 2019**

9

Need – Two Additional Officers

- Pros of having two officers on shift
 - Improve officer and citizen safety
 - Double area coverage
 - Increased police presence
 - Safety in numbers
 - Lessens work load and anxiety of officers

10

Need – Two Additional Officers

- Statistics
 - Assault on law enforcement: 60,211 in the nation in 2018
 - 9 out of 100 sworn officers
 - 63% of assaults were when one officer was present
 - 17% when two or more officers present

11

Cost – Two Additional Officers

- Base salary for non-certified officer: \$33,000
 - Police academy 4.5 months of training (room, meals, and tolls): \$2,500
 - Plus the 4.5 months of payroll while in the academy
 - Won't have officer for summer months

12

Cost – Two Additional Officers

- Base salary for certified officer: \$35,000-39,000
 - No police academy to attend
 - Starts work after a short field training period (100 hours)
 - Will be available for summer months

13

Cost – Two Additional Officers

- Vehicles: currently eight patrol cars
 - Six currently used on a regular basis
 - Spare for when problems arise, one waiting to be outfitted
 - Currently, Town sells one and purchases a new vehicle each year
 - Proposed: Town keeps all eight current vehicles, purchase new one and use old as spare

14

Cost – Two Additional Officers

- Uniforms: \$1,000 per officer
 - Gun belt
 - Duty gear
 - Three pants
 - Three long-sleeve shirts
 - Three short-sleeves shirts
 - Jackets
- Body armor: \$1,100 per officer
 - Duty wear (\$700)
 - Rifle vest (\$400)

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Cost – Two Additional Officers

- Weapons: \$900 per officer
 - Handgun \$400
 - Rifle: \$500
- Taser: \$1,500 per officer
- Body cam: \$300 per officer
- Computer in vehicle: \$2,500 per officer
- Portable radio: \$1000 per officer

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Cost – Two Additional Officers

- Total: \$47,300 per certified officer
- Money saved in 2019 due to officer deployed overseas: \$23,000
- With money saved, we could advertise in February and hire by March of this fiscal year and still be within budget for one officer and gear
- A possible second officer could be hired after July 1st

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TOWN OF Cape Charles

CAPITAL IMPROVEMENTS PROGRAM

January 2, 2020

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INTRODUCTION

A Capital Improvements Program (hereinafter referred to as a CIP) is a tool to assist the governing body of a municipality in planning and managing major equipment and facilities required to maintain or improve services or to respond to anticipated growth. A CIP is intended to provide a complete picture of the town's major development needs (i.e., capital projects) over at least the next six years by showing when, and at what cost, the town expects to expand or provide services and facilities in that period. The reason for undertaking this overall approach to capital improvement planning is to balance the varying equipment and facilities needs of the Town of Cape Charles and to assess these in comparison to other Town needs.

A CIP must be updated each year. Adopting a CIP does not end with the first year. Changing needs and priorities, emergencies, cost changes, mandates and changes in technology all require the CIP to be updated annually. The Town's public facilities, streets, parks, infrastructure, equipment, etc., are constantly in need of repair, replacement or expansion. A growing population will require additional or new facilities. These reasons require that the CIP be updated to maintain the financial solidity of the Town. The CIP achieves the following objectives as a component of the Town's budget and financial planning process:

- Reduces the need for ad hoc programs to finance the construction of Town facilities
- Focuses attention on community goals, needs and capabilities
- Achieves optimum use of taxpayer dollars
- Responds to future community growth and development
- Ensures that projects are well thought out in advance of construction
- Provides for the orderly replacement of capital items
- Encourages more efficient administration
- Maintains a sound and stable financial program

CAPITAL IMPROVEMENT PLAN –FISCAL POLICY

The Town of Cape Charles adopts the following fiscal policy regarding the CIP:

- The Town will prioritize all capital improvements in accordance with an adopted Capital Improvement Plan (CIP).
- The Town will develop a five-year plan for capital improvements and review and update annually.
- The Town will coordinate development of the capital improvements program with development of the operating budget.
- The Town will maintain all its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.

- The Town will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted for approval.
- The Town will attempt to determine the least costly alternative on a life cycle basis for all projects.
- The Town Council will review the status of capital improvement projects six months after adoption of the CIP to determine what adjustments, if any, are required in project scheduling and funding. However, emergent urgent needs not previously identified can be reviewed at any time by Town Council and the CIP can be adjusted accordingly.
- Operations of the town's Enterprise Funds are intended to be financed or recovered primarily through user charges.
- Enterprise Fund revenues are to support construction costs or debt service for capital facilities for the respective operations whenever possible. General Fund transfers may be used to support the development of Enterprise Fund capital facilities

DEBT LIMITS/POLICIES

Any debt limits associated with capital improvements will be captured under a separate fiscal policy established by Town Council.

DEFINITION OF A CAPITAL PROJECT

The Town of Cape Charles' definition of a capital project uses one or more of these criteria;

- An estimated total cost of \$20,000 or more (Capital items under \$20,000 are generally included in the various operating budgets.)
- Studies pertaining to capital improvements that require the employment of outside professional consultants at a cost of \$20,000 or more
- Construction of buildings or facilities, including design, engineering and other pre-construction costs with an estimated cost of \$20,000 or more
- Purchase of major equipment and vehicles with an estimated cost of \$20,000 or more and with a life expectancy of five years or more [Note: if a vehicle purchase is recurring each year, this will be captured under the department's operating budget.]
- An extended useful life at least 5 years of the facility or equipment
- An infrequent recurrence of the expenditure
- Bonded debt maybe required for its financing
- It involves acquisition or development of real property
- It creates or expands utility systems, a public building, or other public infrastructure

There is an important fiscal principle underlying the distinction between capital and non-capital expenditures. The distinguishing feature of non-capital or operating expenses are recurring costs for on-going functions of government, such as personnel, supplies and the like.

COMPONENTS OF A CIP

A CIP must have the following components or characteristics:

1. Addresses capital improvements over a period of at least six years.
2. Classifies projects according to urgency and need for realization.
3. Includes a timetable for implementation of projects.
4. Takes into account needs that are indicated in the master plan or which are permitted under the local zoning ordinances and regulations
5. The estimated cost of each project
6. Probable operation and maintenance costs
7. Probable revenues from individual projects
8. Suggested funding sources

For large projects, the project will be broken into components such as land purchase, design/engineering services, and construction into appropriate years. The project will not front load the entire cost in the first year.

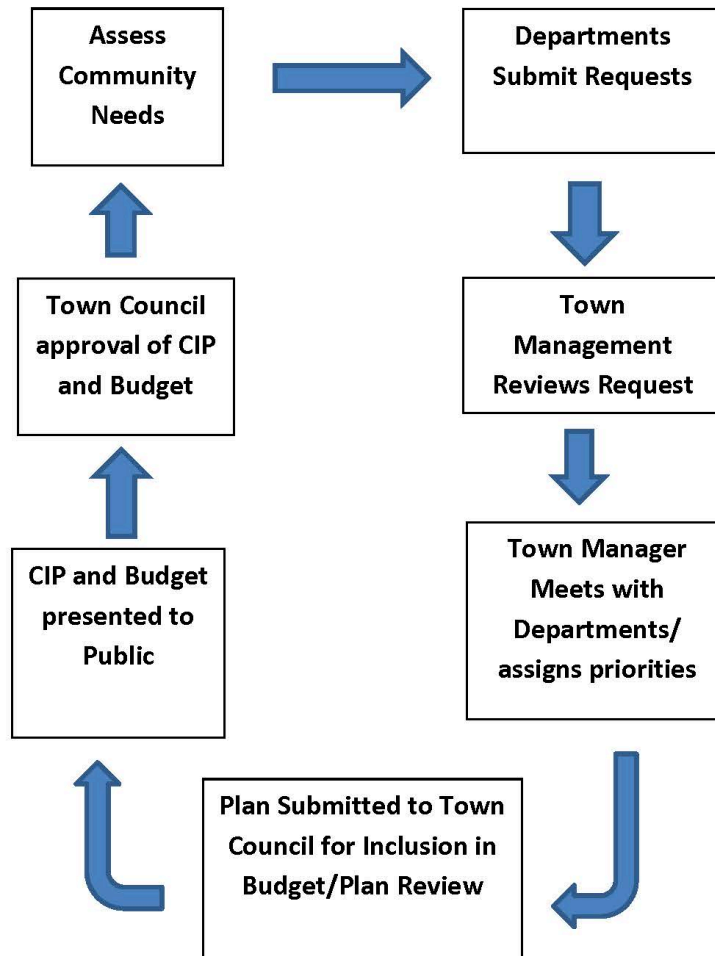
LIMITATIONS OF A CIP

It is also important to understand the limitations of a capital improvements program (i.e., what it is not).

1. Neither the CIP nor the process of developing it is a means to micro-manage the process of developing the budget. Preparation of annual budgets for the town is the responsibility of elected officials and professional administrators. The CIP is a tool to aid these groups in evaluating and prioritizing items for inclusion in the budget for a given year.
2. The CIP is not a vehicle for the promotion of "wish list" projects that are either unnecessary or are unlikely to receive public funding or support.
3. Although a CIP is intended to provide a framework to guide activity, it should not be rigid and inflexible. The CIP process cannot anticipate unusual changes in growth, economic conditions, or political consideration. Similarly, the CIP process must allow changes for emergencies, opportunities, or other unpredictable events.
4. Town Council's approval of the CIP does not authorize money for any of the projects in the program, but will provide the Town Manager direction to proceed with inclusion of first year CIP items in the Town Manager's recommended town budget

CAPITAL IMPROVEMENT PLAN PROCESS

Capital project planning is an ongoing process. Each year the CIP document is updated. The need or idea for capital improvements can originate from the Mayor, Council members, Boards, citizens, or Town staff. Ultimately, Departments are responsible for identifying, documenting, and justifying CIP requests. Departments are also responsible for obtaining project cost estimates and identifying appropriate revenue sources for the project (the Finance Dept. shall assist in identifying costs and appropriate revenue sources). These items are compiled into this document and presented to the Town Council on an annual basis. The Town Manager, in conjunction with the Finance staff, shall be responsible for coordinating the CIP process and submission of the CIP to the Mayor and Town Council. Through the annual planning retreat, Town Council meetings and/or work session(s), the Council focuses on prioritizing the projects. Once the CIP is approved, it outlines the Town's official commitment to funding these expenditures in the appropriate budget year. During the annual budget process in the spring, the first-year projects are refined and a financing plan is put into place within the budget to fund those expenditures.



MAINTENANCE OF TOWN ASSETS

Capital assets include government facilities, infrastructure, major equipment and networks that enable the delivery of public sector services. The performance and continued use of these capital assets are essential to the health, safety, economic development and quality of life of those receiving services. Budgetary pressures often impede capital program investments or expenditures for maintenance and repair, making it increasingly difficult to sustain the asset in a condition necessary to provide expected service levels. Ultimately, deferring essential maintenance or asset replacement could reduce the organizations ability to provide services and could threaten public health, safety and overall quality of life. In addition, as the physical condition of the asset declines, deferring maintenance and/or replacement could increase long-term costs and liabilities. It is with this in mind that the Town staff includes planned maintenance projects that bear significant financial implications in the operating budget. This will allow management to better plan for the Town's future needs. While the CIP is utilized to plan future capital project, the need to properly maintain our existing aging assets remains.

VEHICLE REPLACEMENT

In addition to the other capital improvement projects included in the CIP, there are other major types of vehicles and equipment which are a substantial financial investment and need to be handled in the most economic manner. Therefore, the Town chooses to incorporate these items into the CIP. Vehicles and/or equipment are evaluated primarily based on age, mileage, operation & maintenance cost. There are, however, several additional factors which must be considered in determining these replacements: fuel costs, condition, safety, life of equipment, etc.

PRIORITIZATION SYSTEM MATRIX

The priority system includes a matrix shown below. This system was developed to assist in the setting of priorities for capital expenditures because not all requests can be funded in any given year due to budgetary constraints.

CRITERIA/PRIORITY	HIGH	MEDIUM	LOW
I	LEVEL A		
II			
III		LEVEL B	
IV			LEVEL C

The matrix contains a measure of priority on the horizontal axis and a determination of criteria category on the vertical axis.

PRIORITIES of the capital projects are measured as high, medium or low as follows:

- HIGH:** Project mandated by local, state, or federal regulations, or
Project is a high priority of the Town Council, or
Project substantially reduces losses or increases revenues.
- MEDIUM:** Project maintains existing service levels, or
Project results in better efficiency or service delivery, or
Project reduces operational costs, or Project improves work force morale.
- LOW:** Project is not mandated, or
Project improves service levels, or
Project improves quality of life.

CRITERIA CATEGORIES

- I. **Health/Safety/Welfare** - projects that protect the health, safety and welfare of the community and the employees serving it.
- II. **Maintenance/Replacement** - projects that provide for the maintenance of existing systems and equipment.
- III. **Expansion of Existing Programs** - projects which enhance the existing systems and programs allowing for expansion of existing services.
- IV. **Expansion of New Programs** - projects that allow for expansion into new programs and services.

LEVEL OF FUNDING: The grid is further divided into levels: Level A - highest consideration for funding, Level B - moderate consideration, Level C - least consideration for funding resources.

IMPACT ON OPERATING BUDGET

Capital funding requires planning as careful and as deliberate as the planning that goes into the CIP itself. It is important to note that as the plan is implemented, the Town should be aware of additional budgetary costs, if any, that may arise from the project such as future payments of debt service on general obligation bonds (i.e. interest payments), lease payments on certain capital improvements, and increased operating costs (for example, if a new facility requires more staffing). On the other hand, there could be savings that may result from decreased operating costs (for example, a new facility that requires less maintenance and less staffing).

PROJECT DETAIL SHEET

The Project Detail Sheet (Attachment A) is used to summarize the project that is requested for consideration. If the Town Manager ultimately recommends a project to the Town Council for consideration, this form is used for presenting information on the project to Council and the public.

Project Title: Brief title of the proposed project.

Project Status: Each project should have a status. They are New, Continuing, In Progress or Previously Requested. The project is defined as "New" if it is the first year that the project is in the CIP. The project is "In Progress" if it is currently programmed in the CIP. The project is "Previously Requested" if it has been requested and approved in previous years but is not in progress or has not yet begun. This status is not a project that was previously submitted and denied. Continuing should only be used on projects that are continuing beyond the five years such as replacement funds.

Description and Justification: This information should include a brief description of the project including such things as the size of the facility (e.g., square feet) or infrastructure improvement (e.g., linear feet), the kind of vehicle to be purchased, the number of facilities to be improved, the names of the facilities to be improved, and the constituency to be served by the project. A brief justification of the project should also be included, including alternatives which were considered as applicable, explain the tie of the project to established Council Strategic Goals. The priority of the project will be identified using guidelines above.

Planned Financing of Project: The Source of Funds should be identified. The sum of Prior Allocation (expenditures), and Future Years must add to the Total Project Estimate.

TOWN MANAGER SUBMITTAL OF CIP

By December 1st of each year, prior to the proposed budget submittal by March 1st, the Town Manager will submit an updated proposed CIP to the Town Council for review and comments. The submittal will contain the following, as a minimum;

- Cover transmittal memorandum that includes a tabulation of next year's budgeted project titles grouped by Town Council Strategic Goals.
- Financial summary table of all capital projects that includes;
 - Project Title
 - Project Priority
 - Strategic Goal being addressed
 - Status of Project (New, Continuing, In Progress or Previously Requested)
 - Source of Funding by Town and amount
 - Source of Funding by other (e.g., grant) and amount
 - Prior Year Expenditures (cumulative through end of current budget year, actual expenditures plus estimated expenditures for remaining months in current budget year)
 - Next Budget Year Projected Expenditure (Year 1)
 - Each of the Years (2-6) and consolidated future years > 6 years Projected Expenditures
 - Total Capital Expenditure for the Project
 - Yearly Operating Expense as a result of the Capital Project once implemented
- Individual Project Detail Sheets (Attachment A)

TOWN COUNCIL APPROVAL OF CIP

Once the Town Manager has delivered the proposed CIP and the Town Council and public have reviewed the material submitted, the Town Council will ultimately adopt a final CIP for that year. A resolution will be used for adoption, as depicted in Attachment B (sample resolution).

PERIODIC REVIEW OF CAPITAL PROJECT STATUS

Capital projects that have been authorized for the budget year will be reviewed by Town Council on a semi-annual basis. The Town Manager will prepare a document summarizing project status that will include, as a minimum;

- Expenditures
- Schedule adherence
- Issues that the Town council needs to be aware of

**Town of Cape Charles
Project Detail Sheet**

DEPARTMENT						Criteria	Priority	LEVEL
PROJECT TITLE								
PROJECT DESCRIPTION:								
JUSTIFICATION:								
TOWN COUNCIL STRATEGIC INITIATIVE:								
PROJECT ALTERNATIVES CONSIDERED					OPERATING IMPACT/OTHER COMMENTS			
PROJECT STATUS								
	Prior to July ____	Next fiscal year (Yr 1)	Year 2	Year 3	Year 4	Year 5	Year 6	Future Years (7+)
CAPITAL COST BREAKDOWN								
Planning & Engineering	\$ -							
Equipment								
Construction								
Other								
Yearly Project Cost	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Prior to July ____	Next fiscal year (Yr 1)	Year 2	Year 3	Year 4	Year 5	Year 6	Future Years (7+)
FUNDING SOURCE(S)								
General Fund	\$ -							
Yearly Funding Source	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Project Cost Estimate (Actuals + Forecast)							\$	

The Town of Cape Charles

Resolution of the Town Council to Amend and Adopt the Capital Improvement Program as presented.

WHEREAS, a Capital Improvement Program (CIP) involves the scheduling of the cost of public equipment and infrastructure over several years,

WHEREAS, a well thought out and comprehensive CIP serves as a valuable municipal tool designed to anticipate and meet the needs of the community, while at the same time scheduling the costs in a deliberate approach,

WHEREAS, on xx, xx, 2019, the first official Capital Improvement Plan was adopted by the Town Council,

WHEREAS, on xx, xx, xxxx, the Cape Charles Town Council conducted a public hearing to consider the Five (or Six??) Year Capital Improvement Plan for the years xxxx through xxxx;

WHEREAS, the Town Council has considered the input of the public and the recommendations of its staff and has determined it to be in the public interest to adopt the (or Six??) Five-Year CIP for years xxxx through xxxx;

WHEREAS, the proposed updated CIP represents municipal projects to be addressed over the next six year implementation period.

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Cape Charles hereby amends and adopts the Town of Cape Charles' CIP as presented.

Submitted by: XXX –Town Manager

Submitted: xx, xx, 20xx

[This is only a sample resolution]

Responses to draft Capital Improvements Program Comments (1/2/20)

	Submitter	Comment	Response
1	Cela	Page 4 - any particular reason for 6 year window?	Most plans typically have entering fiscal year plus future 5 years projection although the table can be extended even further.
2	Cela	Page 4 - Fiscal policy; need to explore these further, but am not sure that we would want to limit using intergovernmental assistance for CIP and town priorities (not identified how those priorities are determined)	These limits and policies were extracted from other town/city programs as examples only with the intent for town staff to propose limits and/or policies, or alternatively, put them in a separate fiscal policy document, perhaps with other fiscal policy limitations proposed by Davenport. Per discussions at TC, have removed these limits and added a sentence pointing to external fiscal policy document.
3	Debbie	Page 4 - I would add ' <i>and the comprehensive plan</i> ' at the end. The Town will use intergovernmental assistance to finance only those capital improvements that are consistent with the capital improvement plan <i>and the comprehensive plan</i>.	Per discussion with Deb P, phase has been removed entirely.
4	Cela	Page 5 – Debt Limits/policies - We need to further discuss and determine the proposed debt limits and debt policies. (I think the actual limit is 10% of assessed value of taxable property.)	See response to comment 2 above.
5	Debbie	Page 5 – Debt Limits/policies - more research needed on debt ratio percentages, etc. See Bob's comments.	See response to comment 2 above.
6	Steve	Page 5 – Debt limits/policies – seems to be a lot of competing policies. Do we need all of these?	See response to comment 2 above.
7	Steve	Page 6 – <i>Capital items under \$20,000 are generally included in the various operating budgets</i> . Can this be \$30k?	Yes, this can be changed pending TC discussion. Per separate discussion with Treasurer, \$20,000 appears appropriate for our size budget.
8	Steve	Page 6 – <i>Purchase of major equipment and vehicles valued in excess of \$20,000 All exceed this.</i>	See response to comment 7 above.
9	Cela	Page 6 - Q: Is \$20k a capital item dollar value that just we use or is it a standard?	Various CIPs used different values and usually depended on the size of their budgets. See comment 7 above.
10	Debbie	Page 6 - 6 The definition of a capital project , This definition may mean different things to council and to the audit/accounting world. It is dollar amount driven in the accounting world, and that dollar amount	See response to comment 7 above. Per discussion with our Treasurer, the current \$5,000 will need to be changed in our office policies.

Responses to draft Capital Improvements Program Comments (1/2/20)

		becomes part of the procurement policy. The current amount is \$5,000, with a useful life of several years. The capital project threshold drives whether or not a purchase/expenditure is expensed or amortized over the useful lifetime of the item. This is less important to the general fund as we expense it all and just keep a separate schedule for amortization – however it is very important to the enterprise funds. We must book depreciation expense and amortize the item using GAAP. Therefore, we should choose a dollar amount and general description (\$20,000 and a useful life of 5 years or more.)	
11	Debbie	Page 6 – Definition of capital project: We purchase a new police vehicle almost every year, but since they cost \$35K, they really are a capital expenditure by accounting definition (page 6 Definition of a capital project, item # 4) . They MAY be excluded from the CIP, however, with an annotation in the CIP document about recurrent purchases that were previously approved, such as with a stated replacement policy.	Per discussion with our Treasurer, we can include a recurring purchase of the vehicle in operating budget but will still have to depreciate annually accordingly.
12	Debbie	Page 6 – Definition of capital project; I don't understand this line: Capital projects can also be defined to accumulate funds in a capital reserve fund to spread the cost of a large future purchase over several years and/or eliminate or reduce the cost of a bond	Deleted.
13	Cela	Page 7 - Excellent section of limitation of a CIP.	Condensed down to a sentence per other comments.
14	Steve	Page 8 – reference is made to <i>Board</i>. Should be Council. Change town council to Town Council.	Correction made.
15	Cela	Page 9 - In the process, we may also want to include Planning Commission review and recommendation (in concert with the Comp Plan), per Virginia Code 15.2-2239.	[§ 15.2-2239. Local planning commissions to prepare and submit annually capital improvement programs to governing body or official charged with preparation of budget. A local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive

Responses to draft Capital Improvements Program Comments (1/2/20)

			plan of the locality for a period not to exceed the ensuing five years.....] Per our recent discussions at TC, this responsibility may be turned over to PC in some future date with further discussion.
16	Steve	Page 10 – Change <i>Board</i> to Council.	Correction made
17	Cela	Page 11 - good point that impact on operating budget should be considered when funding capital projects	No response required.
18	Cela	Page 12 - Same note as item #15	See response in item 15.
19	Bob P	Attached is a Word Track redline (provided to P Grossman) of the proposed CIP document, containing my recommended revisions and some questions/commentary. Overall, I think it is an excellent and comprehensive document. Some parts could be a bit redundant; might benefit from some additional editing after other comments are considered. No comments on the item detail sheet. It is a good refinement of what we have used in the past Debt limits/Fiscal policies – suggestions are provided for this section.	Accepted all comments.

Paul Grossman

December 27, 2019

November 2019 Treasurer's Report

Page 1 – Cash Position

- Interest of \$2,153 was transferred from the US Bank VRA debt reserve account to the operating account. The bank periodically sends the town a check in this manner to reduce the balance to the amount required by the bond documents to be reserved.

Page 2 – Revenue vs. Expenditures

- The increase in net revenue in the general fund is due to tax collections for November.

Page 3 – Capital Projects

- Advertising for the Trail Project Phase 3 cost \$555.
- \$9,893 was paid for stormwater drain mapping and repairs.
- \$2,240 was expended for the Breakwater project.
- \$5,825 was paid to Langley and McDonald for plans, specs, and cost estimate for inner harbor rehab project
- The harbor wi-fi upgrade project has begun. \$1,019 was expended in November.

Page 4 – Tax Collection Rate

- No comments.

Page 5 – Tax Revenue Trends

- Planning and Building Permits and Fees has replaced Short Term Rental Tax in the Tax Revenue Tracking Chart. These fees increased 77.9% over fiscal year 2019.
- Transient Occupancy, Sales and Meals taxes continue to steadily increase.

MUNICIPAL CORPORATION OF CAPE CHARLES
TREASURER'S REPORT
November 30, 2019

<u>Cash on Hand</u>	<u>\$43,769</u>	<u>\$43,799</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Checking Account	\$474,407	\$1,168,922	\$694,515
Atlantic Union Bank Money Market Account	\$979,588	\$980,594	\$1,006
LGIP Account 1 - Unrestricted	\$103,167	\$103,321	\$154
LGIP Account 2 - Unrestricted	\$298,273	\$298,761	\$488
Total Cash On Hand	\$1,855,434	\$2,551,597	\$696,163

<u>Restricted and Reserved Cash Balances</u>	<u>\$43,769</u>	<u>\$43,799</u>	<u>Increase/ (Decrease)</u>
Atlantic Union Bank Savings Account - Facility Fees Rsrvd (Utilities)	\$783,893	\$783,893	\$0
Atlantic Union Bank Checking Account - Police Funds	\$431	\$431	\$0
LGIP Account 2 - Restricted for USDA loans	\$29,643	\$29,643	\$0
PNC SNAP Account- 2013 Bond Proceeds - Principal	\$544,367	\$544,367	\$0
PNC SNAP Account- 2013 Bond Proceeds - Interest	\$43,815	\$44,736	\$921
Atlantic Union Bank Checking Acct - E-Summons Revenue Rsrvd	\$2,626	\$2,687	\$61
US Bank - Reserved per VRA Interest Free Loan Requirements	\$260,061	\$257,909	-\$2,153
Wells Fargo 2010 Debt Service pass through account #300	\$2,849	\$2,853	\$4
Wells Fargo 2010 Debt Service pass through account #308	\$637	\$638	\$1
Total Cash Held in Reserve	\$1,668,323	\$1,667,157	-\$1,166
Total Cash - All Accounts	\$3,523,757	\$4,218,754	\$694,997

DEBT SERVICE

Net Debt as of Current Reporting Month End \$7,329,255

MUNICIPAL CORPORATION OF CAPE CHARLES

TREASURER'S REPORT

November 30, 2019

REVENUE VS. EXPENDITURES

FUND	CURRENT MONTH	PRIOR YEAR-TO-DATE	CURRENT YEAR-TO-DATE	INCREASE/ (DECREASE) YTD	ANNUAL BUDGET	% REALIZED/ EXPENDED FY19
GENERAL						
REVENUE - Operating	\$869,292	\$1,556,018	\$1,629,778	\$82,421.34	\$3,580,706	45.52%
EXPENDED - Operating	\$168,472	\$1,020,055	\$1,041,209	\$21,154.10	\$2,805,563	37.11%
NET	700,820	535,963	588,569	52,605	775,143	
REVENUE - CAPITAL GRANTS & LOANS	1,094	22,402	2,042	(20,360)	813,867	0.25%
EXPENDED - CAPITAL PROJECTS & DEBT SVC	13,781	291,441	185,512	(105,929)	1,589,010	11.67%
TOWN CONTRIB. & PENDING GRANTS	(12,687)	(269,039)	(183,470)	85,569	(775,143)	
PUBLIC UTILITIES						
REVENUE - Operating	134,648	683,413	725,201	41,788	1,689,134	42.93%
EXPENDED - Operating	48,974	417,726	301,125	(116,600)	1,146,690	26.26%
NET	85,673	265,687	424,076	158,389	542,444	
REVENUE - CAPITAL GRANTS, LOANS, & FACILITY FEES	21,800	53,000	162,468	109,468	169,600	95.79%
EXPENDED - CAPITAL PROJECTS, DEBT SVC, & FACILITY FEES	21,800	321,368	360,863	39,495	712,044	50.68%
TOWN CONTRIB. & PENDING GRANTS	0	(268,368)	(198,395)	69,973	(542,444)	
HARBOR						
REVENUE - Operating	54,542	360,744	370,213	9,468	1,060,080	34.92%
EXPENDED - Operating	48,709	350,316	351,461	1,145	692,473	50.75%
NET	5,833	10,428	18,752	8,324	367,607	
REVENUE - GRANTS & LOANS	0	14,813	0	(14,813)	375,765	0.00%
EXPENDED - Capital Projects, Debt Svc	9,084	47,381	131,712	84,331	743,372	17.72%
TOWN CONTRIB. & PENDING GRANTS	(9,084)	(32,569)	(131,712)	(99,143)	(367,607)	
SANITATION						
REVENUE	16,309	81,127	84,515	3,388	214,546	39.39%
EXPENDED	17,074	64,111	69,579	5,468	214,546	32.43%
NET	(765)	17,016	14,936	(2,081)	0	

FY 2020 Capital Improvement Project Tracking Report

As of:
11/30/2019

	FY19 Status or Start Date	Percent of Completion	FY20 Budgeted	FY20 QTR 1 Expended	FY20 QTR 2 Expended	FY20 QTR 3 Expended	FY20 QTR 4 Expended	FY20 YTD Expended	(Over)/Under Budget
General Fund									
Wayfinding Signs	Pending	0%	\$ 68,000	\$ -	\$ -	\$ -	\$ -	\$ -	68,000
Parking lot Improvements	Pending	0%	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	10,000
Repair Exterior of Library Building Phase 2	Complete	100%	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ -	50,000	-
Library Upper Floor office study and prep; ADA entrances, water damage repair and ventilation Library exterior excess, at Municipal Center	remainder pending	11%	\$ 300,000	\$ 33,665	\$ -	\$ -	\$ -	33,665	266,335
Beach Sand Replenishment	Pending	0%	\$ 20,000	\$ -	\$ -	\$ -	\$ -	\$ -	20,000
Fishing Pier Upgrade Phase 1	Pending		\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	10,000
Storm Drain CCTV & Mapping	In process	39%	\$ 30,000	\$ -	\$ 11,846	\$ -	\$ -	\$ 11,846	\$ 18,154
Multi- Use Trail phase 2 closeout	Completed FY19, but sidewalk was damaged	3%	\$ 200,000	\$ 5,000	\$ -	\$ -	\$ -	5,000	195,000
Multi- Use Trail phase 3 Construction	Engineering	1%	\$ 750,000	\$ -	\$ 4,749	\$ -	\$ -	\$ 4,749	\$ 745,251
FY19 Rebuild Entrance to Tazewell Alley & Park Row	Complete	100%	\$ 10,930	\$ 10,929	\$ -	\$ -	\$ -	10,929	0
subtotal			\$ 1,448,930	\$ 99,594	\$ 16,594	\$ -	\$ -	\$ 116,189	\$ 1,332,741
Water Fund									
No projects budgeted		#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
subtotal			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
Sewer Fund									
4 New Mixers (Upgrades)	Complete	100%	\$ 30,000	\$ -	\$ 31,936	\$ -	\$ -	31,936.00	(1,936)
Odor Reduction at Mason & Bay Ave	Pending	0%	\$ 13,000	\$ -	\$ -	\$ -	\$ -	\$ -	13,000
Washington Ave Pump Station Upgrade Phase I - electrical	Pending	100%	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	30,000
subtotal			\$ 73,000	\$ -	\$ 31,936	\$ -	\$ -	\$ 31,936	\$ 41,064
Harbor Fund									
Inner Harbor Rehab.	In Process	17%	\$ 125,000	\$ 15,475	\$ 5,825	\$ -	\$ -	21,300	103,700
In-shore Breakwater/Wave Attenuator	Engineering	5%	\$ 500,000	\$ 24,250	\$ 2,240	\$ -	\$ -	26,490	473,510
Wi-Fi Upgrade & Server	Planning Phase	14%	\$ 7,500	\$ -	\$ 1,019	\$ -	\$ -	1,019	6,481
Shade Sail	Pending	0%	\$ 8,000	\$ -	\$ -	\$ -	\$ -	\$ -	8,000
Fuel Pump Repair/Upgrade from FY19 FWD	Complete	100%	\$ 47,897	\$ 47,897	\$ -	\$ -	\$ -	47,897	-
subtotal			\$ 688,397	\$ 87,622	\$ 9,084	\$ -	\$ -	\$ 96,706	\$ 591,691
Sanitation Fund									
Trash Can Replacements	225 cans received, paid for in Jan.	50%	\$ 10,042	\$ -	\$ -	\$ -	\$ -	\$ -	10,042
subtotal			\$ 10,042	\$ -	\$ -	\$ -	\$ -	\$ -	10,042
TOTAL			\$ 2,220,369	\$ 187,217	\$ 57,614	\$ -	\$ -	\$ 244,831	\$ 1,975,538

*ITEMS WITH CURRENT MONTH ACTIVITY ARE IN BOLD PRINT

MUNICIPAL CORPORATION OF CAPE CHARLES
November 30, 2019

YTD 2019 Real Estate Tax Collections

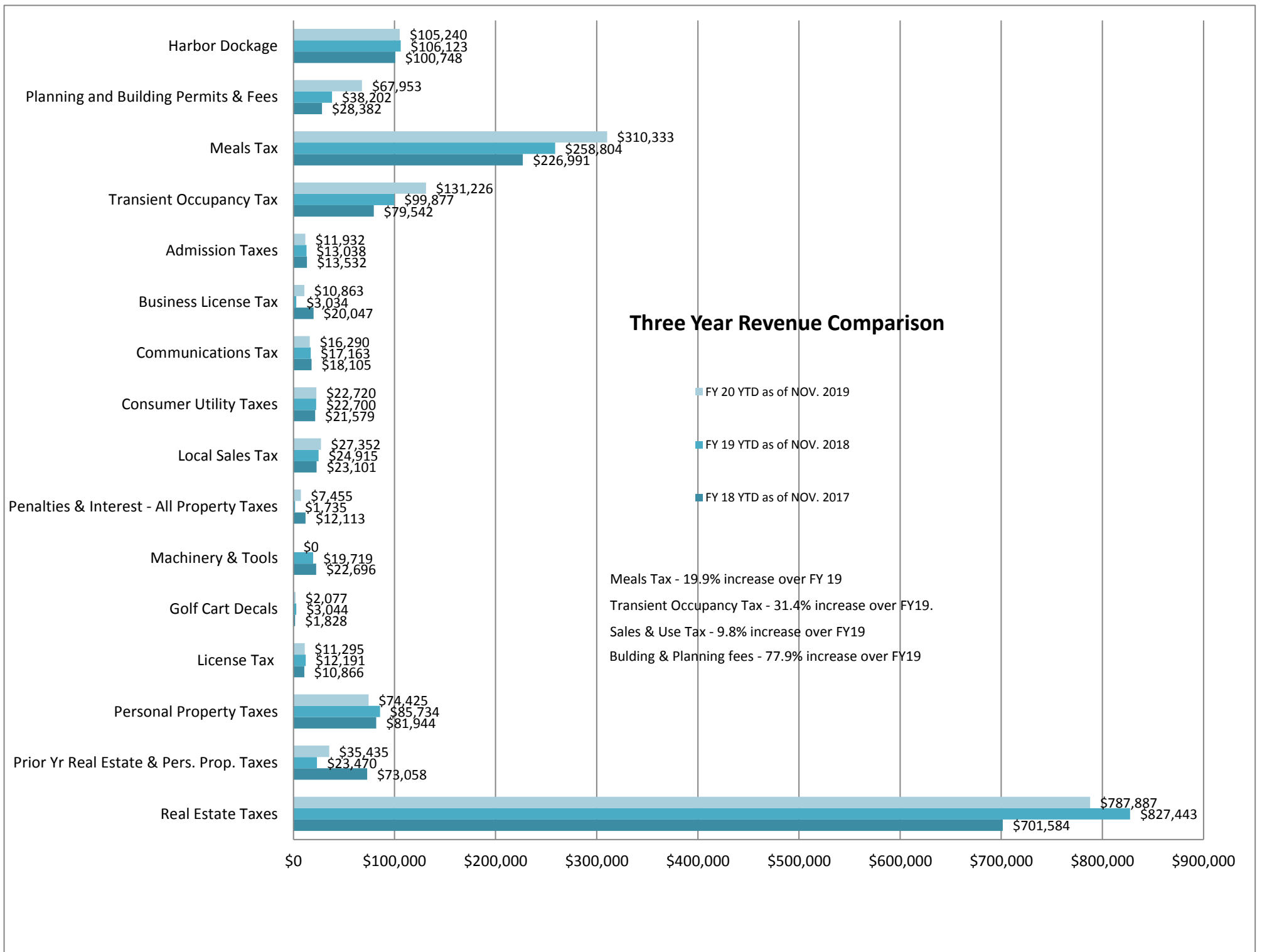
Total Taxable Land Value	\$	160,149,400	
Total Improvement Value	\$	260,882,300	
Exemptions	\$	(5,731,435)	
Additional Assessments (SCC Utility)	\$	3,672,005	
Total Real Estate Value (taxable)	\$	418,972,270	
Total Budgeted	\$	1,155,000	
Total Tax Billed	\$	1,233,840	
Total Adjustments	\$	6,986.12	
Total Collected YTD (percent of billed)	\$	<u>787,887</u>	64%
Amount Due per Accounts Receivable	\$	452,938.91	

**YTD 2019 Personal Property Tax, Machinery and Tools Tax
& 2019 License Tax Collections**

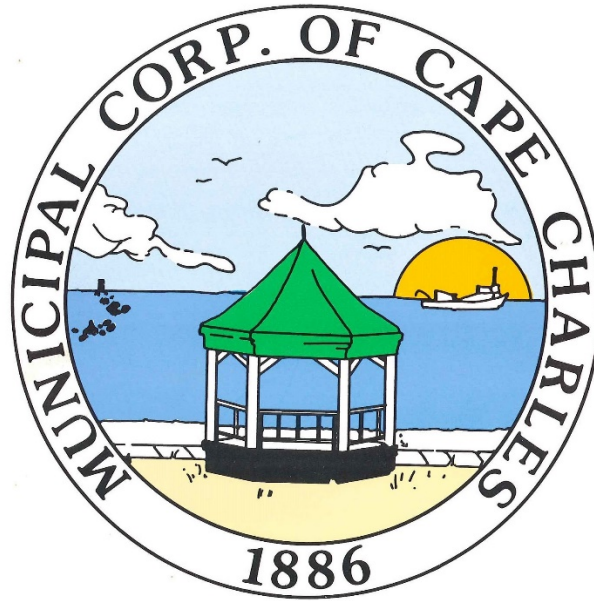
Total Personal Property Value	\$	14,452,600	
2019 Initial Assessment Exonerations	\$	(154,500)	
Personal Property Value, billed	\$	14,298,100	
Total Budgeted	\$	130,000	
Total Tax Billed less PPTRA	\$	213,122	
Total Adjustments & Additional Exonerations	\$	(4,187)	
Total Collected YTD (percent of billed)	\$	<u>85,720</u>	41%
Amount Due per Accounts Receivable	\$	123,215.12	

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

Total Budgeted	\$	154,500	
Total Collected (percent of budget)	\$	<u>42,890</u>	28%
Amount Due Per Budget	\$	111,610	



**Item #8D
1/16/2020
Town Council
Regular Meeting**



Monthly Department Reports

Community Relations

January 2020

The Grand Illumination was well attended. Public Works did a sensational job getting all the lights up for the event. The Tidewater Council Band did a great job playing and singing Christmas carols. Everyone enjoyed the Lighted Golf Cart Parade. Santa made his grand entrance by horse and carriage. Emmanuel Episcopal supplied hot chocolate and there were delicious cookies from Coastal Bakery.

Town Staff enjoyed being part of the Cookie Trail for another year. Staff received a letter from the Food Pantry thanking everyone for their generous donations and filling their shelves.

The Dropping of the Crabpot was a huge success this year. Guests were able to enjoy music by the Sonic Yukes this year. The children enjoyed the snow that fell as the crabpot made its descent.

Staff has sent out July 4 vendor forms as well as Civic Center, Beach and Central Park use of facility forms for annual, weekly and monthly events.

Cape Charles Memorial Library Monthly Report, December 2019

- **Youth Programs**

Toddler Storytime - 4 programs	15
--------------------------------	----

Festive Fridays -3 programs	276
-----------------------------	-----

Total 291

- **Library Services**

- Book order of 38 books.
- Two driving tests were taken at the Library.
- Our meeting room was used 18 times.

- **Meetings**

- Attended Friends of the Library meeting.
- Attended ESPL Trustee Meeting.
- Attended Library Board Meeting
-

- **Marketing & Communication**

- Flyers were made for upcoming programs.
- Book displays featured holiday books for children and adults.
- Staff decorated the library using the theme Candyland, complete with A gingerbread house and lollipop decorations.

- **Facility**

- The windows were washed this month.

- **Technology**

- Received another AWE computer purchased with the Friends money. The AWE computers have learning programs for children; this one is set for ages up to 14. We now have 3 AWE computers.

- **Family Programs**

- Presented 3 programs for Festive Fridays. Two programs were craft programs presented by the library and the final program was presented by the Coastal Reserve Board, with oysters and information about the coast.

- **Youth Services**

- Toddler Storytime and Preschool Storytime were held at 10:30am on Thursday.

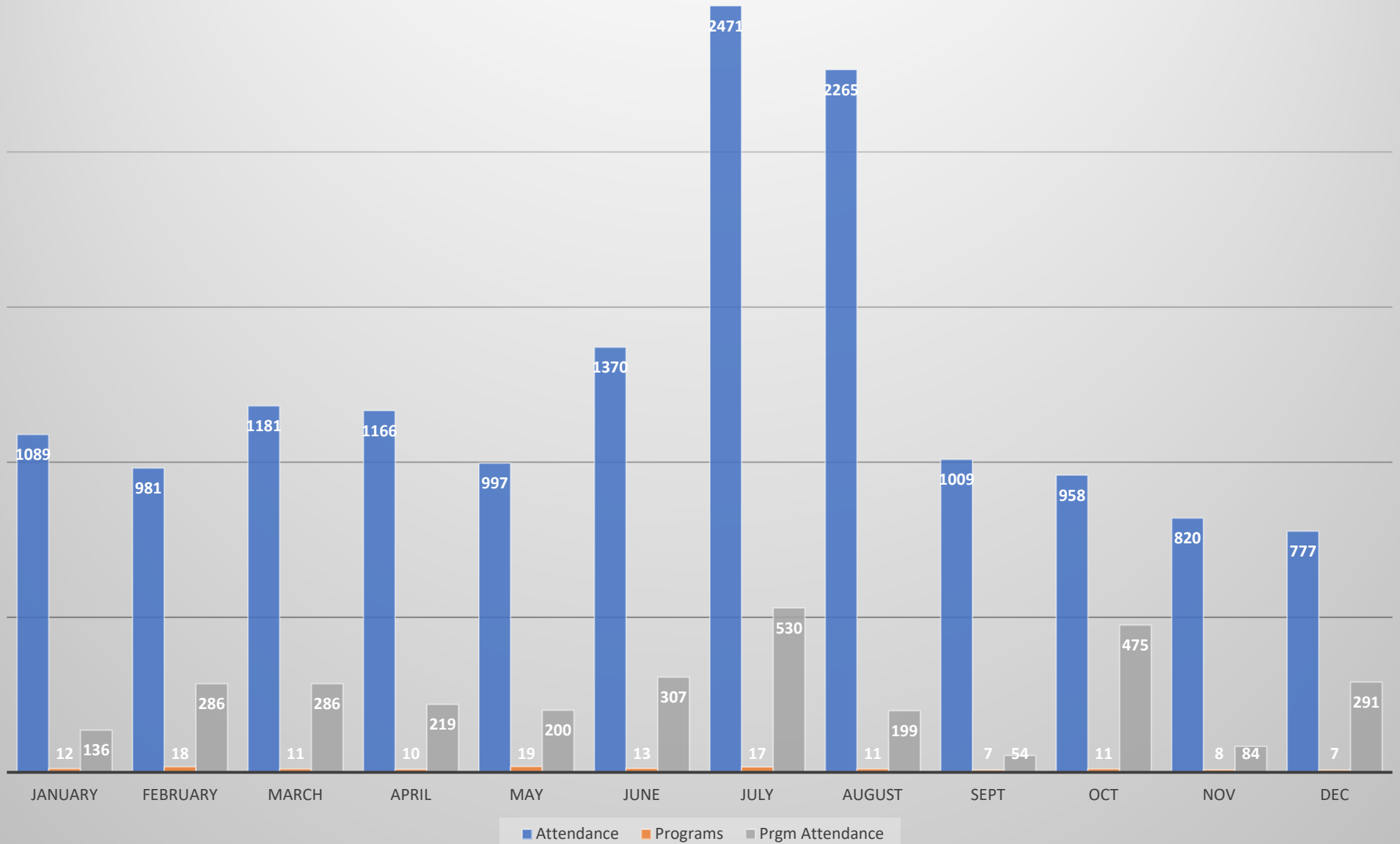
Page 2

- **Friends of Cape Charles Memorial Library**
 - Computer Tutor help is provided by the Friends. This help is free and they will accommodate your schedule.
- **Volunteers**
 - We had 35 volunteer hours.

Upcoming Events

- Friends of Library Meeting, 1/6, 5:00.
- Eastern Shore Public Library Trustee Meeting, 1/14, 3:00.
- Library Board Meeting, 1/8 at 5:00.
- Friends Fundraising Dinner, 2/8.

2019 Attendance



	CAPE CHARLES MEMORIAL LIBRARY 2019													
	January	February	March	April	May	June	July	August	September	October	November	December	YTD	
INCOME:														
Copier/Prt	\$63.40	\$43.45	\$50.10	\$55.00	\$60.15	\$38.50	\$58.50	\$50.00	\$43.75	\$54.80	\$33.50	\$33.40	\$584.55	
Faxes	\$17.50	\$22.50	\$36.00	\$28.50	\$24.10	\$12.50	\$12.50	\$16.00	\$11.00	\$21.50	\$15.00	\$23.00	\$240.10	
TOTAL	\$80.90	\$65.95	\$86.10	\$83.50	\$84.25	\$51.00	\$71.00	\$66.00	\$54.75	\$76.30	\$48.50	\$56.40	\$824.65	
Total 2018	\$54.80	\$102.05	\$97.35	\$130.00	\$102.60	\$117.05	\$78.70	\$96.60	\$75.65	\$78.50	\$62.25	\$64.50	\$1,060.05	
BOOK CIRC-ADLT														
Fiction	549	444	461	466	513	495	604	561	470	540	482	534	6119	
Non-fiction	268	118	171	139	91	98	134	130	114	124	112	90	1589	
DVDs	333	320	265	211	178	177	290	286	143	272	300	263	3038	
TOTAL 2019	1150	882	897	816	782	770	1028	977	727	936	894	887	8714	
Books Circ. 2018	873	983	980	1013	857	1125	1140	1214	959	1111	430	872	11557	
BOOKS CIRC-JUV														
Fiction	397	367	422	352	305	491	506	557	346	458	319	245	4765	
Non-Fiction	23	53	102	64	79	87	56	86	76	99	54	29	808	
DVDs	74	87	93	89	45	82	128	136	55	94	60	70	1013	
TOTAL 2019	494	507	617	505	429	660	690	779	477	651	433	344	6586	
Books Circ 2018	420	475	637	623	597	1088	1070	768	593	694	840	552	6271	
TOTAL 2019	1644	1438	1514	1321	1211	1430	1718	1756	1204	1587	1327	1231	17381	
Total Circ. 2018	1293	1458	1617	1636	1454	2213	2210	1982	1552	1805	1270	1424	19914	
ATTENDANCE 2019	1089	981	1181	1166	997	1370	2471	2265	1009	958	820	777	15084	
Attendance 2018	709	816	1027	977	1154	1568	2133	1798	993	1298	1214	1107	14794	
PROGRAMS 2019	12	18	11	10	19	13	17	11	7	11	8	7	144	
Programs 2018	4	10	10	11	14	10	18	9	11	14	9	8	128	
PROG. ATTEND 2019	136	286	286	219	200	307	530	199	54	475	84	291	3067	
Prog. Attend 2018	27	132	102	177	203	220	433	196	160	395	257	236	2538	
AWE Usage	53	86	83	72	31	83	125	191	10	53	47	15	849	
Computer Assistance	1	6	3	5	6	20	12	5	10	11	10	6	95	
Driver Improvement	1	1	2	3	2	2	0	0	0	0	0	2	13	
Program Room	7	8	4	6	13	13	5	5	18	27	24	18	148	
INTERNET USE 2019	235	234	272	263	279	298	317	440	286	308	251	286	3469	
Internet use 2018	158	186	183	152	162	178	246	341	209	242	264	178	2499	
LIBRARY CARDS 2019	18	13	10	10	11	13	26	23	15	14	10	3	166	
Library cards 2018	10	18	17	8	20	23	17	25	24	15	13	5	195	
Volunteer Hours 2019	44.50	55.00	61.00	111.00	151.00	82.00	36.00	144.00	56.00	80.00	17.00	35.00	872.50	
Volunteer hours 2018	148.5	143.5	166.5	92.5	124.5	163	150.5	168.5	22	259	153.25	147.50	1739.25	



PLANNING AND ZONING DEPARTMENT MONTHLY REPORT

Prepared By: Zach Ponds – Town Planner
Date: January 6, 2020
Subject: December 2019 Monthly Report
Attachments: None

Planning Commission:

The Planning Commission held their regular meeting on December 3 to set public hearings for three items: update to parking and loading regulations; a conditional use permit for an accessory dwelling unit at 333 Madison Avenue; a conditional use permit for an accessory dwelling unit at 636 Carousel Drive. The Commission held their work session on December 16 to discuss the comprehensive plan update. The comprehensive plan survey has been completed, with over 200 surveys turned in to the Planning and Zoning Department.

Historic District Review Board:

The Historic District Review Board work session was held on December 6 to review and discuss possible updates to the Historic District Guidelines. The Board held its regular meeting on December 17 to hear two applications for Certificates of Appropriateness. There were two pre-application meetings for a possible Certificates of Appropriateness application this month. There are currently two openings for Board members on this Board.

Harbor Area Review Board:

The Harbor Area Review Board met on December 11 to hear an application for a Harbor Development Certificate for 1100 Bayshore Road. The application was recommended approval with conditions to Town Council. The Board also heard a presentation by staff regarding a possible procedure update related to the harbor area.

Board of Zoning Appeals:

The Board of Zoning Appeals met on December 17 to hear an application for a variance from the side yard setback requirements for a proposed single-family home, which was denied.

Wetlands and Coastal Dune Board:

The Wetlands and Coastal Dune Board did not meet.

Items of Interest:

- The grant for 48 Willow Oak trees and six benches along Washington Avenue was approved, and the trees and benches have been delivered. The trees were installed on Monday, December 30.
- I completed my course with the University of Miami School of Architecture that helped prepare me for the Congress for New Urbanism Accreditation exam, and took the exam on December 3. I passed the exam, and am now CNU-A.

CAPE CHARLES POLICE DEPARTMENT

MONTHLY STATISTICS

December 2019

The following information is the monthly statistics regarding law enforcement activities for the Cape Charles Police Department.

- Calls for service in Cape Charles: 40
- Calls for service outside of Cape Charles (assist) : 12
- Felony arrests: 1
- Misdemeanor Arrests: 1
- Traffic Summons: 0
- Traffic Warnings: 5 (written& verbal):
- Parking tickets: 0
- Building Checks: 20
- Assisted Northampton County Sheriff's Office: 8
- Assisted Virginia State Police: 4
- Assisted Federal Agencies: 0
- Assisted Fire& Rescue: 4
- Foot Patrol Hours: 22
- Bay creek patrol hours: 21

The following took place in December:

- All officers completed annual firearm qualifications
- Officer Spencer completed FTO (field training officer school)

Arrests:

1. Assault & Battery family member
2. Strangulation

Cape Charles Police Department statistics

January 2019 - December 2019

- Calls for service in Cape Charles: 717
- Calls for service outside Cape Charles: 151
- Total calls for service: 868
- Felony Arrests: 6
- Misdemeanor Arrests: 44
- Traffic Warnings: 155
- Traffic Summons: 125
- Parking tickets: 61
- Building Checks: 404
- Foot Patrol hours in town: 379.5
- Baycreek Patrol hours: 281.5

- Community service training/participation hours: 50

Christian school

Kiptopeake elementary

Trinity Methodist church

CC business assoc.

Catholic church

Northampton high school

Main street

wounded warriors (freedom hunters)

Halloween

PUBLIC UTILITIES

December 2019



Production Summary

- Miss Utility Tickets: 15
- Sludge Tons 10
- *Water: Total Production : 3,489,484 Gallons
- High: 146,670 Gallons
- Low: 77,805 Gallons

Average	Raw Water	Finished Water
Hardness	418	110.4
Iron	7.29	.01
Manganese	.514	.007

All Data in PPM

- *Waste Water: Average Flow 170,600 gpd
- Maximum 266,300 Gallons
- Total for Month 5,118,000 Gallons
- Nutrients:
- Phosphorus Average .04 Limit .3 mg/l annual average
- YTD .085
- Nitrogen Average .66 Limit 4 mg/l annual average
- YTD .41

(*Numbers are from previous month)

Personnel

○ Water

Regular Staff:

- Scottie Neville Operator Class 3 Water, Operator in Charge
- Freddie Meditz Operator Class 4 Water

Available as needed:

- Patrick Christman Operator Class 3 Water,
- Dan Dabinett Operator Class 3 Water, Maintenance

○ Waste Water

Regular Staff:

- Patrick Christman Operator Class 2 WW, Operator in Charge
- Dan Dabinett Operator Class 2 WW, Maintenance
- Billy Powell Maintenance Supervisor
- Gerald Elliott Maintenance
- Ralph Bowen Maintenance

Public Utilities

Available as needed:

- Freddie Meditz Operator Class 3 WW

Current Projects

- Water plant: Replacing softener media and under drain piping in softener
- Repaired water lateral leak in 700 Block of Tazewell

Capital Projects

- Wastewater:
 - New mixers for the WWTP \$30K
 - Installed
 - All mixers at the WWTP have been upgraded from the original 4620 Model to the more robust 4630 Model
 - First Model 4630 was installed January 2017 with no issues thus far
 - Washington Ave Pump Station upgrade \$30K.
 - ANEC engineering 3 phase power to station
 - Mason Avenue Odor Reduction \$13K

- Water

None

PUBLIC WORKS
December 2019



Personnel

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

Continuing Projects

1. CCTV on Storm Drains
2. Awarded contract for grounds maintenance
3. Installed Christmas lights and banners
4. Repaired electrical items at Fig Street welcome sign
5. Inspected municipal building roof
6. Banners on Mason Avenue

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional use permit to allow an accessory dwelling unit at 333 Madison Avenue – Set Public Hearing		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Conditional use permit to allow an accessory dwelling unit at 333 Madison Avenue		ITEM NUMBER: 8E
	ATTACHMENTS: (1) Application and Documents; (2) Location Map		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds, Town Planner	REVIEWED BY: Mayor William “Smitty” Dize	

ITEM SPECIFICS:

The applicant would like to construct an accessory dwelling unit on the currently vacant lot, with the dwelling unit located on the second floor and a garage located on the first floor. The applicant has stated they would use the accessory dwelling unit as a guest house. There will be a home constructed on the lot at the same time as the accessory dwelling unit. A Certificate of Appropriateness was approved for the proposed project at the October 15 Historic District Review Board meeting.

The Planning Commission recommended approval of the request at their January 7 regular meeting.

STAFF ANALYSIS:

Accessory Dwelling Unit Regulations:

One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:

A. Physical characteristics.

1. Accessory dwellings shall be located in an accessory building.
2. Accessory dwellings shall not have a floor area exceeding 45 percent of the floor area of the main building.
3. Accessory dwellings shall have one kitchen and one bathroom.
4. Accessory buildings containing an accessory dwelling shall maintain the exterior appearance of an accessory building and shall not have the appearance of a single-family dwelling.

B. Occupancy characteristics.

1. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Article IV, Section 4.3.F.
2. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.

C. Other requirements.

1. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
2. The lot on which an accessory dwelling is located shall have the required minimum lot area for

- the district in which it is located.
3. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1 C. 6. (Table of Parking Standards) using both on and off-street parking areas. An accessory dwelling unit must have one off-street parking space per dwelling unit bedroom.
 4. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic District Overlay.

The proposed project meets all of these provisions.

Section 4.3 of the zoning ordinance states “conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:

1. 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. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
3. Be in conflict with the purpose of the comprehensive plan of the town. In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

The proposed project meets all of these provisions.

Section III-A.5.1.2 of the Comprehensive Plan discusses the overall policies for Cape Charles neighborhoods, specifically promoting compatible infill development and renovation within established neighborhoods. The Comprehensive Plan states to “promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options.”

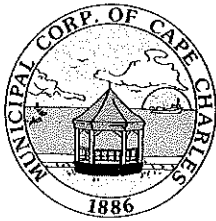
The proposed project meets the Comprehensive Plan goal of promoting accessory dwelling units within established neighborhoods.

Section 4.2.J.C.3 of the zoning ordinance states “parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6 (Table of Parking Standards) using both on and off-street parking areas.” Section 4.5.1.C.6 requires a minimum of one space per accessory dwelling unit bedroom.

The proposed project meets the requirements of the zoning ordinance. There will be two parking spaces located in the garage, along with additional off-street parking on the concrete driveway.

RECOMMENDATION:

Staff recommends Town Council set a public hearing date for February 20, 2020 for the proposed project.



CONDITIONAL USE PERMIT APPLICATION

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

CONDITIONAL USE PERMIT CHECKLIST - all documents can be emailed to the above email

- ☒ Completed application (if applicable, attach accessory dwelling checklist and documents)
- ☒ Letter of intent clearly explaining project
- ☒ Existing site plan or survey
- ☒ Proposed site plan or survey (if applicable)
- ☐ Names and addresses of adjacent property owners
- ☒ Payment of Fees (single-family detached residential \$600; all other \$800)

PROJECT INFORMATION

Name of Project: _____
Property Address: 333 MADISON AVE
Brief Description of Project: GARAGE W/APT (SINGLE FAMILY HOME)
Zoning District: _____ Current Use: Ø Proposed Use: GARAGE W/APT

OWNER INFORMATION

Name and Company: EDMUND J & AMY L SABO
Mailing Address: 11912 STONEHEDGE DR FREDERICKSBURG 22407
Phone Number: E: 540 905 2237 Email: E: edmund.sabo@gmail.com
A: 540 220 0216 A: a.l.w.sabo@gmail.com

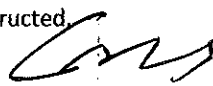
APPLICANT INFORMATION

☒ check here if applicant is owner

Name: _____
Mailing Address: _____
Phone Number: _____ Email: _____

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 Applicant:  Date: 10.29.19



Town of Cape Charles Planning & Zoning Department
2 Plum St. • Cape Charles, VA 23310 • 757-331-2036 • capecharles.org

333 Madison Ave Conditional Use Permit

Overview:

The garage at 333 Madison Ave will have a small studio apartment on the second floor. The second floor is approximately 340 sq ft and will be used as guest space for family and friends. The first floor of the building will be used as a garage. The property is on a corner lot, with parking available on both Madison Ave and Peach Street. The garage also has a concrete pad connecting the driveway cut and the garage.

Materials:

Two car garage 20x24 (480 sq. ft) with 341 sq. ft second floor
2 bays with raised paneled doors
12/12 gable roof
30-year shingles to match home
Siding to match home
18' shed dormer facing south
Windows and doors to match home
Exterior stairs on West side
 P/T materials
 4x4 landing

SURVEYORS 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.



OWNERS CONSENT AND DEDICATION.

THE PROPERTY LINE VACATION & CREATION OF PARCEL A AS SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

EDMUND J. SABO, II - EDMUND J. SABO, II AND AMY L. SABO FAMILY TRUST DATE

COUNTY OF _____ STATE OF _____ TO WIT:

I, _____ A NOTARY PUBLIC IN, AND FOR

THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT EDMUND J. SABO, II WHOSE NAME IS SIGNED TO THE FOREGOING WRITING, BEARING DATE ON THE _____ DAY OF _____, 20____ HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY COUNTY AND STATE AFORESAID, GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

AMY L. SABO - EDMUND J. SABO, II AND AMY L. SABO FAMILY TRUST DATE

COUNTY OF _____ STATE OF _____ TO WIT:

I, _____ A NOTARY PUBLIC IN, AND FOR

THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT AMY L. SABO WHOSE NAME IS SIGNED TO THE FOREGOING WRITING, BEARING DATE ON THE _____ DAY OF _____, 20____ HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY COUNTY AND STATE AFORESAID, GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20____.

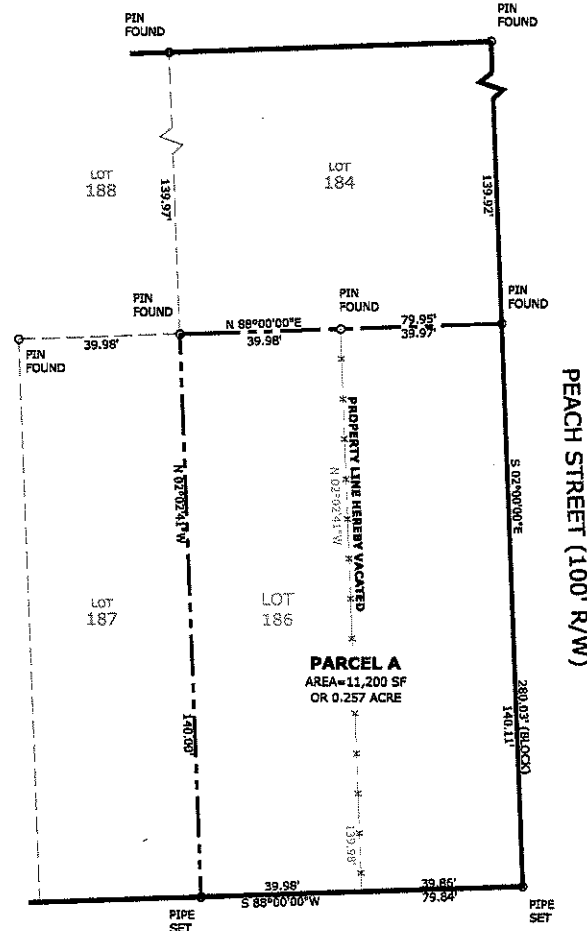
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

APPROVALS

_____, DATE: _____
TOWN OF CAPE CHARLES

JEFFERSON AVENUE (70' R/W)

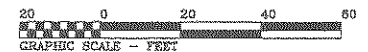


MADISON AVENUE (70' R/W)

PLAT OF SURVEY
SHOWING
PROPERTY LINE VACATION
BETWEEN LOTS 183 & 186
MAP OF THE TOWN OF
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
APRIL 15, 2019

GENERAL NOTES:

- OWNERS: EDMUND J. SABO, II AND AMY L. SABO FAMILY TRUST
- TAX PARCEL: 83A1-1-183 & 83A1-1-186
- SOURCE OF TITLE: INST. 150000818
- A SURVEY WAS PERFORMED ON THIS PROPERTY IN APRIL 2019 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
- 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.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 5111C0295F, 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 HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED 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.
- PLAT REFERENCES:
D.B. 41, P. 484 (PLAT)
- THIS PROPERTY IS ZONED R-1. (BSL-BUILDING SETBACK LINES) FRONT SETBACK IS 30' (OR EQUAL TO ADDITION) SIDE SETBACKS ARE 5' REAR SETBACKS ARE 25' ACCESSORY ARE 5'



**ACCOMACK-NORTHAMPTON
SURVEYING & MAPPING PLLC**

36308 Lankford Highway, Belle Haven, Virginia 23308
Mail Address: 11403 Haron Drive, Machipongo, Virginia 23405
Phone: (757) 709-4192

DRAWN BY: 2995	SCALE: 1" = 20'
CHKD BY: JBL	BACK TRAV. BY: MBP
FIELD BOOK:	JOB NUMBER: 915

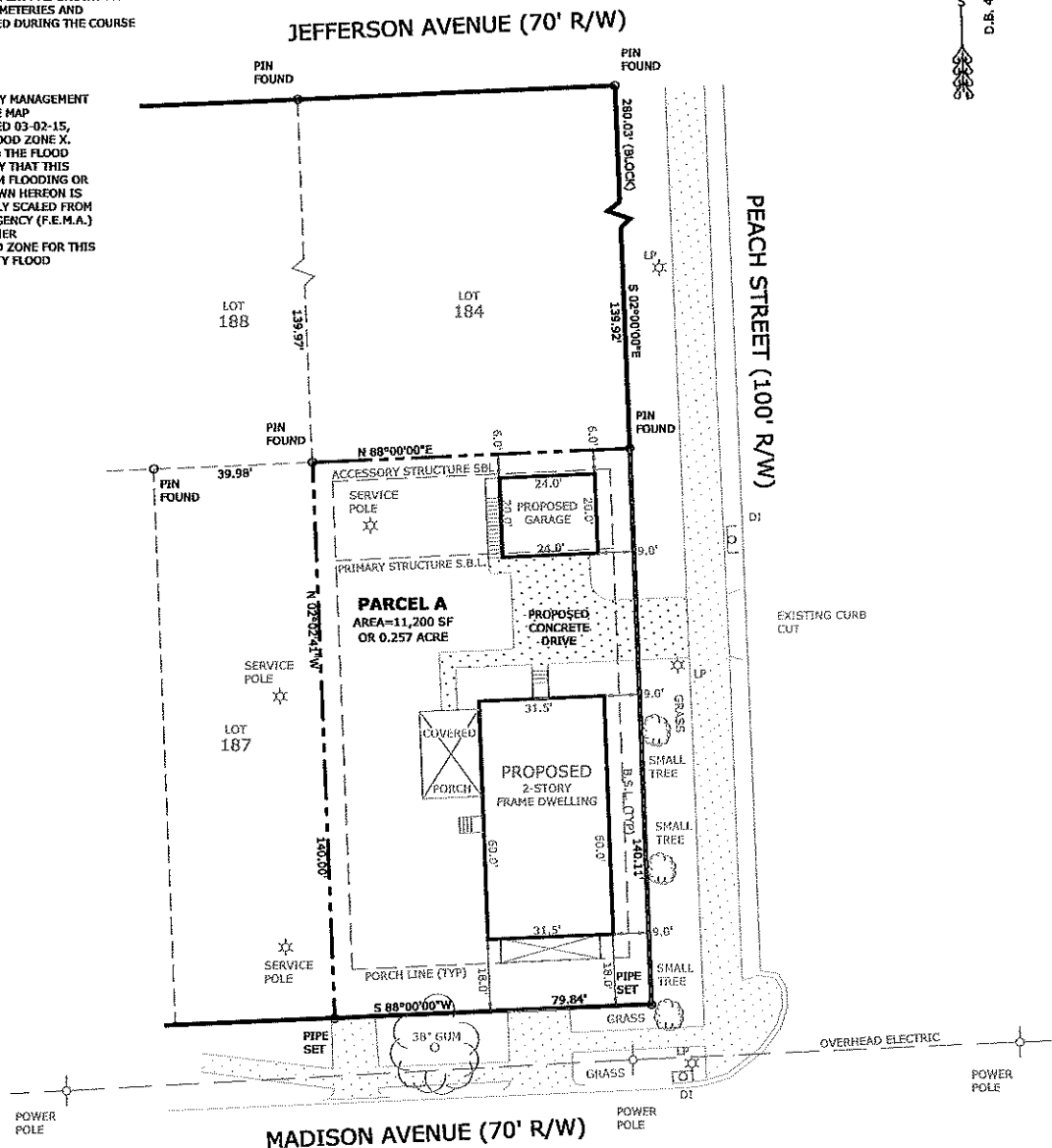
GENERAL NOTES:

- OWNERS: EDMUND J. SABO, II AND AMY L. SABO FAMILY TRUST
- TAX PARCEL: 83A1-1-183 & 83A1-1-186
- SOURCE OF TITLE: INST. 150000818
- A SURVEY WAS PERFORMED ON THIS PROPERTY IN APRIL 2019 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
- 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. 51131C0295F, 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 HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED 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'

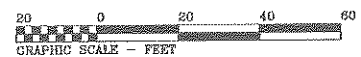


SURVEYORS CERTIFICATION

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.



SITE PLAN
SHOWING PROPOSED IMPROVEMENTS TO
PARCEL A
MAP OF THE TOWN OF
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
APRIL 20, 2019
REVISED: SEPTEMBER 20, 2019



ACCOMACK-NORTHAMPTON SURVEYING & MAPPING PLLC

38308 Lankford Highway, Belle Haven, Virginia 23306
Mail Address: 11403 Heron Drive, Machipongo, Virginia 23405
Phone: (757) 709-4192

DRAWN BY: 2995	SCALE: 1" = 20'
CHKD BY: JBL	BACK TRAV. BY: MBP
FIELD BOOK	JOB NUMBER: 915

APPROVALS

TOWN OF CAPE CHARLES

DATE: _____

LOT 188

LOT 184

PIN FOUND

PIN FOUND

PIN FOUND

39.98'

N 88°00'00"E

ACCESSORY STRUCTURE SBL

SERVICE POLE

24.0' 20.0' 24.0' 20.0' PROPOSED GARAGE

PRIMARY STRUCTURE S.B.L.

PARCEL A
AREA=11,200 SF
OR 0.257 ACRE

PROPOSED CONCRETE DRIVE

SERVICE POLE

LOT 187

N 02°02'41"W

140.00'

COVERED PORCH

31.5' 60.0' 60.0' 31.5' PROPOSED 2-STORY FRAME DWELLING

B.S.L. (TYP) 140.11'

9.0' GRASS SMALL TREE

SMALL TREE

SERVICE POLE

PORCH LINE (TYP)

9.0'

SMALL TREE

S 88°00'00"W

79.84'

PIPE SET

38" GUM

GRASS

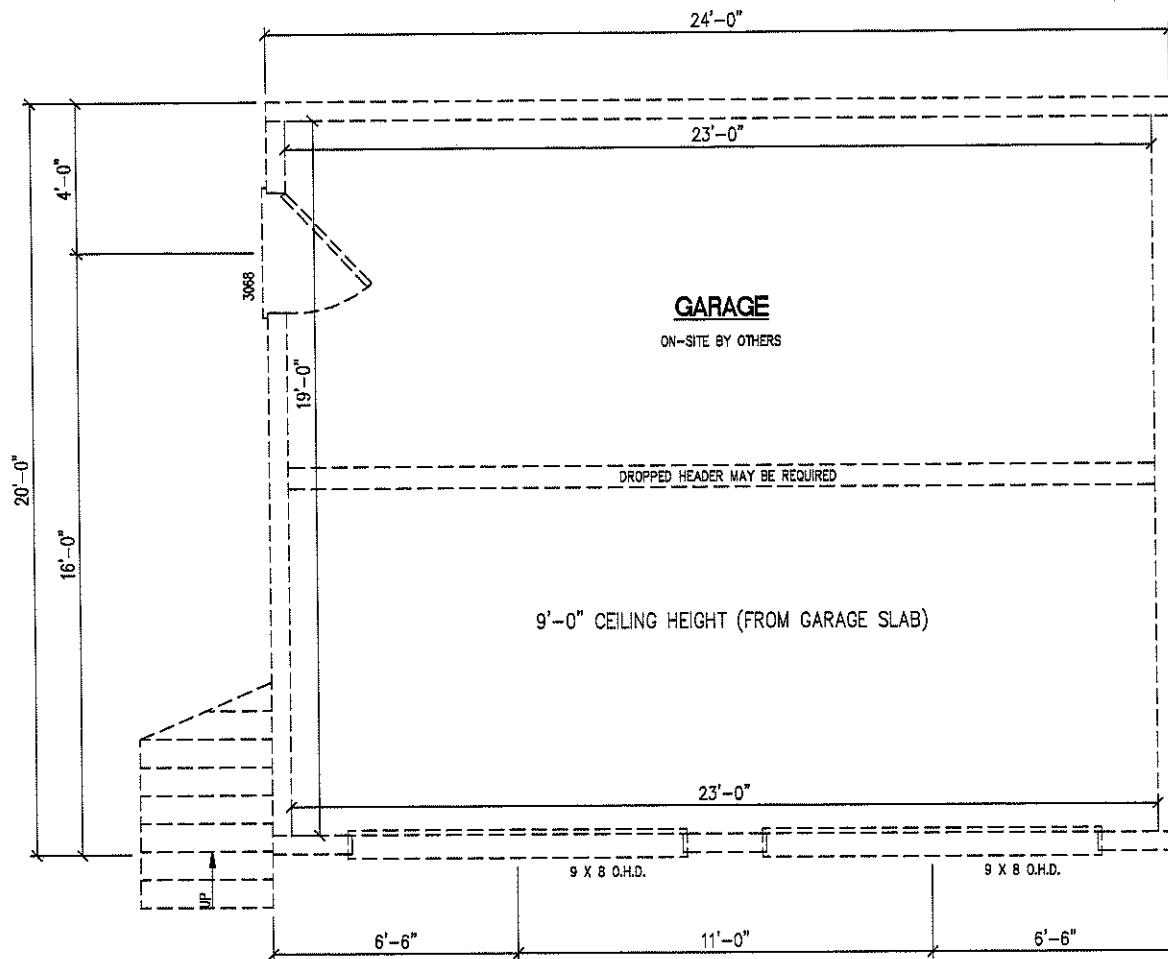
GRASS

POWER POLE

LP

DI

70' D.W.



NOT PROVIDED BY
ICON LEGACY CUSTOM
MODULAR HOMES, LLC ("ICON")

FOUNDATION DRILLS, FOOTING LULLY COLUMNS,
ANCHOR BOLTS, SILL PLATE, PILES AND GRAVELSPACE
VENTILATION.
HEATING SYSTEM.
TANKING MACHINE & DRIVER.
HANDPUMP STATION & DRILLING AND/OR HANDPUMP.
CHIT FLOOR COVERING AREA.
REFRIGERATOR, RANGE, & DISHWASHER.
PORCH ROOF, HANDRAIL, PIERCE, RAILING, FLOOR & SLAB.
DOCKTOP, WALL OVER & MOUNTING.
COUNTERTOPS, SINKTOPS AND KITCHEN DRINKS.
PALETTE FANS.
CROWN MOULDING IN BATH &L.
DOOR DOOR.
INTERIOR FINISH OF PROPOSED 2ND FLOOR.
CEILING BRACKETS.
OUTSIDE BRACKETS.

jea

SCALE: 1/8" = 1'-0"

048379

PAGE 2

CROSS SECTION / DETAIL #5

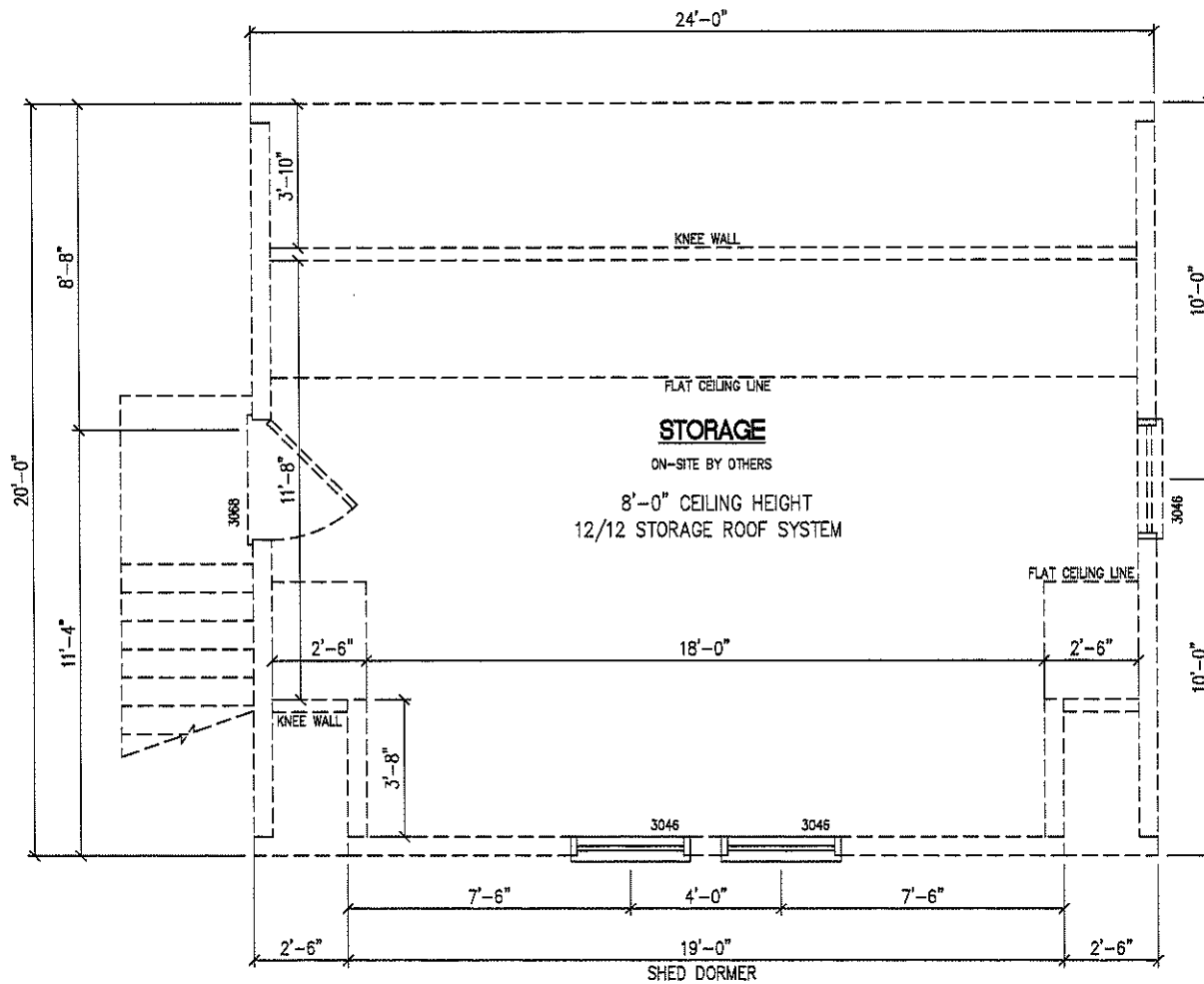
SE3

ADDRESS			
VILLAGE BUILDERS ON THE BAY			
CITY	STATE	ZIP	ZIP
CAPE CHARLES	VA	23310	23310
COUNTY	ZIP	ZIP	ZIP
NORTHAMPTON	40	40	40
INCHES	FEET	FEET	FEET
83.79	1.947	1.947	1.947
FEET	FEET	FEET	FEET
0.8379	0.8379	0.8379	0.8379

DATE	REVISION	BY
3/12/19	PRELIM	DRP
4/5/19	REV. PRELIM	DRP



246 SAND HILL ROAD
SELINS GROVE, PA 17870
PHONE: (570) 374-3280
FAX: (570) 374-1122
WWW.ICONLEGACY.COM



NOT PROVIDED BY
ICON LEGACY CUSTOM
MODULAR HOMES, LLC (ICON)

FOUNDATION (WALL, FOOTING, LALLY COLUMNS,
ANCHOR BOLTS, SILL PLATE) PERMS AND GRASS/PAVE
VENTILATION
HEATING SYSTEM
INSURING MACHINE & DRYER
WARRANTY STOPS & BAILING AND/OR HANDRAIL
DRAFT FLOOR COVERING AREAS
REFRIGERATOR, RANGE & DISHWASHER
PORCH ROOF, HOUSE, POSTS, BAILING FLOOR & SILL
COUNTY, WALL OVER A MEMORABLE
COUNTERTOPS, BATHROOMS AND KITCHEN SINKS
PUZZLE FANS
SHOWERS AND TUBS IN BATH #2
DOOR DOOR
INTERIOR FLOOR IF PROPOSED 2ND FLOOR
CEILING SHOWER
OUTSIDE SHOWER

GARAGE IS TO BE ON-SITE BY OTHERS AND IS TO BE USED AS A REFERENCE ONLY

ICON LEGACY
MODULAR HOMES, LLC

SCALE: 1/4" = 1'-0"

0#8379

DATE: 3/12/19

SE4

DATE	REVISION	BY
3/12/19	PRELIM	DRP
4/5/19	REV. PRELIM	DRP

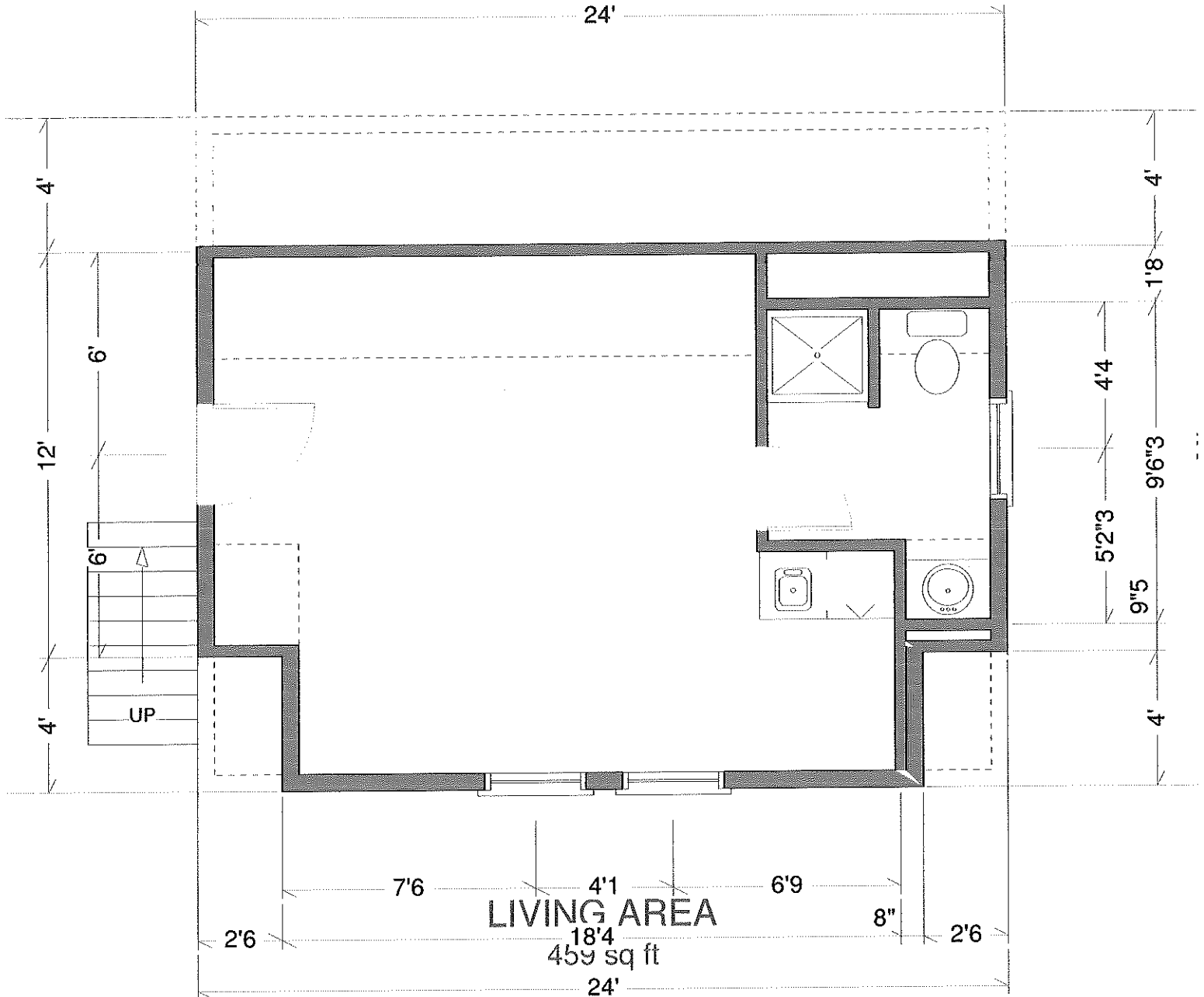
PROJECT NAME VILLAGE BUILDERS ON THE BAY		CITY CAPE CHARLES		STATE VA	ZIP 23310
ADDRESS NORTHAMPTON		COUNTY NORTHAMPTON		SHOW LOAD (PSF) 40	WIND SPEED (MPH) 120
ORDER NO 8379		SERIAL NO		SOFT 1.947	TYPE CAPE
FILE NAME 0#8379					

CROSS SECTION / DETAIL #4

246 SAND HILL ROAD
SELINGSGROVE, PA 17870
PHONE: (570) 374-3280
FAX: (570) 374-1122
WWW.ICONLEGACY.COM



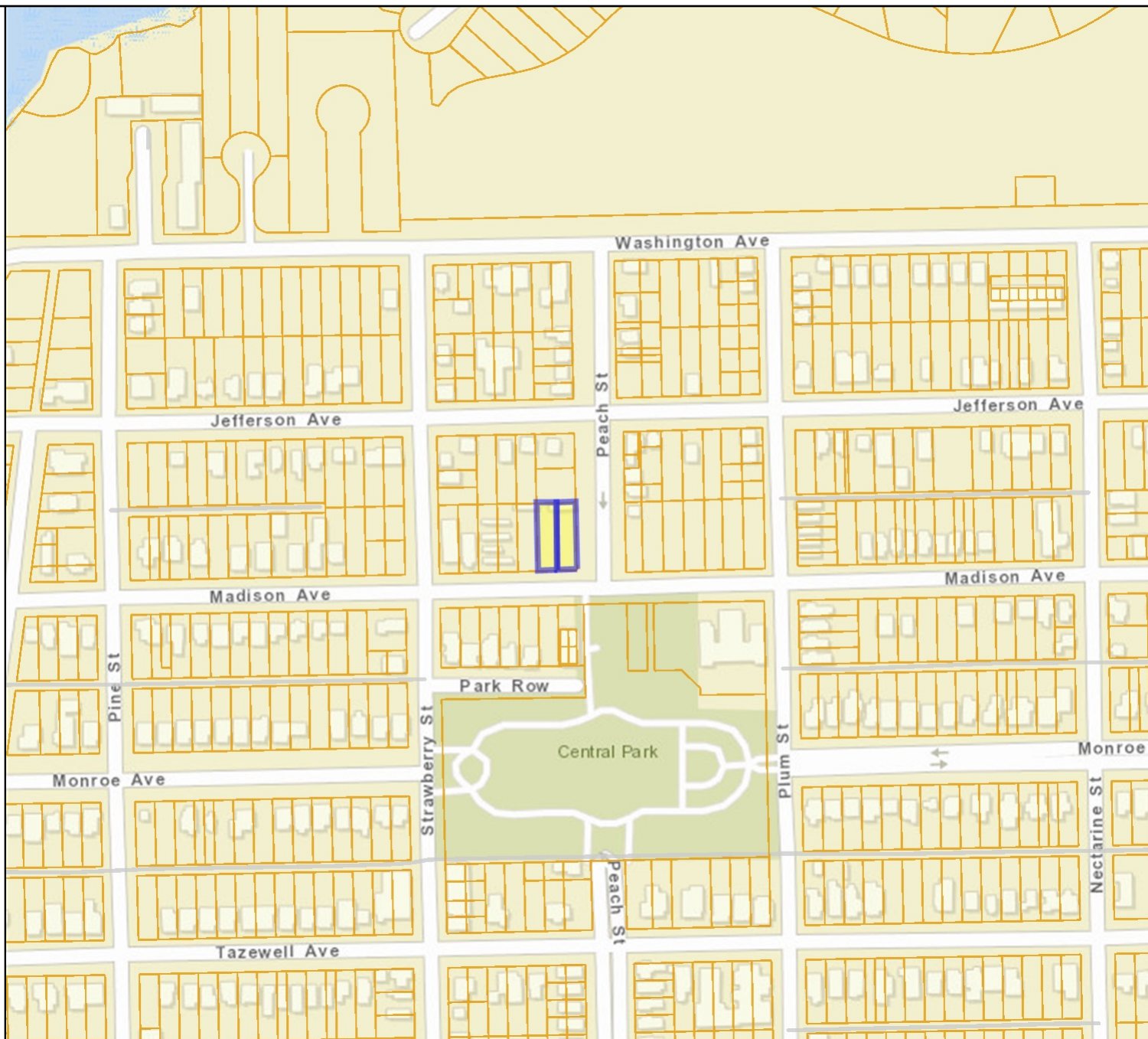
333 MADISON AVE
PROPOSED SECOND FLOOR
GARAGE



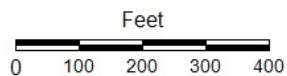
Northampton County, Virginia

Legend

- Parcels
- Driveways



Map Printed from Northampton
<http://northampton.mapsdirect.net/>



Title: 333 Madison Ave

Date: 11/25/2019

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.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional use permit to allow an accessory dwelling unit at 636 Carousel Place – Set Public Hearing		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Conditional use permit to allow an accessory dwelling unit at 636 Carousel Place		ITEM NUMBER: 8F
	ATTACHMENTS: (1) Application and Documents; (2) Location Map		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds, Town Planner	REVIEWED BY: Mayor William “Smitty” Dize	

ITEM SPECIFICS:

The applicant would like to construct an accessory dwelling unit on a lot that currently has a new single-family detached home under construction, with the dwelling unit located on the second floor and a garage located on the first floor of the accessory structure. The applicant has stated they would use the accessory dwelling unit as a guest house. There will be a home constructed on the lot at the same time as the accessory dwelling unit.

The Planning Commission recommended approval of the request at their January 7 regular meeting.

STAFF ANALYSIS:

Accessory Dwelling Unit Regulations:

One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:

A. Physical characteristics.

1. Accessory dwellings shall be located in an accessory building.
2. Accessory dwellings shall not have a floor area exceeding 45 percent of the floor area of the main building.
3. Accessory dwellings shall have one kitchen and one bathroom.
4. Accessory buildings containing an accessory dwelling shall maintain the exterior appearance of an accessory building and shall not have the appearance of a single-family dwelling.

B. Occupancy characteristics.

1. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Article IV, Section 4.3.F.
2. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.

C. Other requirements.

1. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
2. The lot on which an accessory dwelling is located shall have the required minimum lot area for

- the district in which it is located.
3. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1 C. 6. (Table of Parking Standards) using both on and off-street parking areas. An accessory dwelling unit must have one off-street parking space per dwelling unit bedroom.
 4. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic District Overlay.

The proposed project meets all of these provisions.

Section 4.3 of the zoning ordinance states “conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:

1. 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. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
3. Be in conflict with the purpose of the comprehensive plan of the town. In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

The proposed project meets all of these provisions.

Section III-A.5.1.2 of the Comprehensive Plan discusses the overall policies for Cape Charles neighborhoods, specifically promoting compatible infill development and renovation within established neighborhoods. The Comprehensive Plan states to “promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options.”

The proposed project meets the Comprehensive Plan goal of promoting accessory dwelling units within established neighborhoods.

Section 4.2.J.C.3 of the zoning ordinance states “parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6 (Table of Parking Standards) using both on and off-street parking areas.” Section 4.5.1.C.6 requires a minimum of one space per accessory dwelling unit bedroom.

The proposed project meets the requirements of the zoning ordinance. There will be two parking spaces located in the garage, along with additional off-street parking on the concrete driveway.

RECOMMENDATION:

Staff recommends Town Council set a public hearing date for February 20, 2020 for the proposed project.



CONDITIONAL USE PERMIT APPLICATION

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

CONDITIONAL USE PERMIT CHECKLIST - all documents can be emailed to the above email

- ☐ Completed application (if applicable, attach accessory dwelling checklist and documents)
- ☐ Letter of intent clearly explaining project
- ☒ Existing site plan or survey
- ☐ Proposed site plan or survey (if applicable)
- ☒ Names and addresses of adjacent property owners
- ☐ Payment of Fees (single-family detached residential \$600; all other \$800)

DR. + MRS. Robert Brown 638 Carousel Pl
Dave + Karla Beaudoin 634 Carousel Pl

PROJECT INFORMATION

Name of Project: Bay Creek Lot # 118
Property Address: 636 Carousel Place Bayside Village
Brief Description of Project: Single family Residential w detached garage + ROG
Zoning District: _____ Current Use: _____ Proposed Use: _____
* ROG with kitchenette for only family use & will not be RENTABLE!

OWNER INFORMATION

Name and Company: SIMPSON BUILDERS Inc (Howard + Mary-Dee Simpson)
Mailing Address: PO Box 14550
Phone Number: 757-640-1124 Email: howard@simpsonbuildersinc.com
757-718-0486

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: same as above
Mailing Address: _____
Phone Number: _____ Email: _____

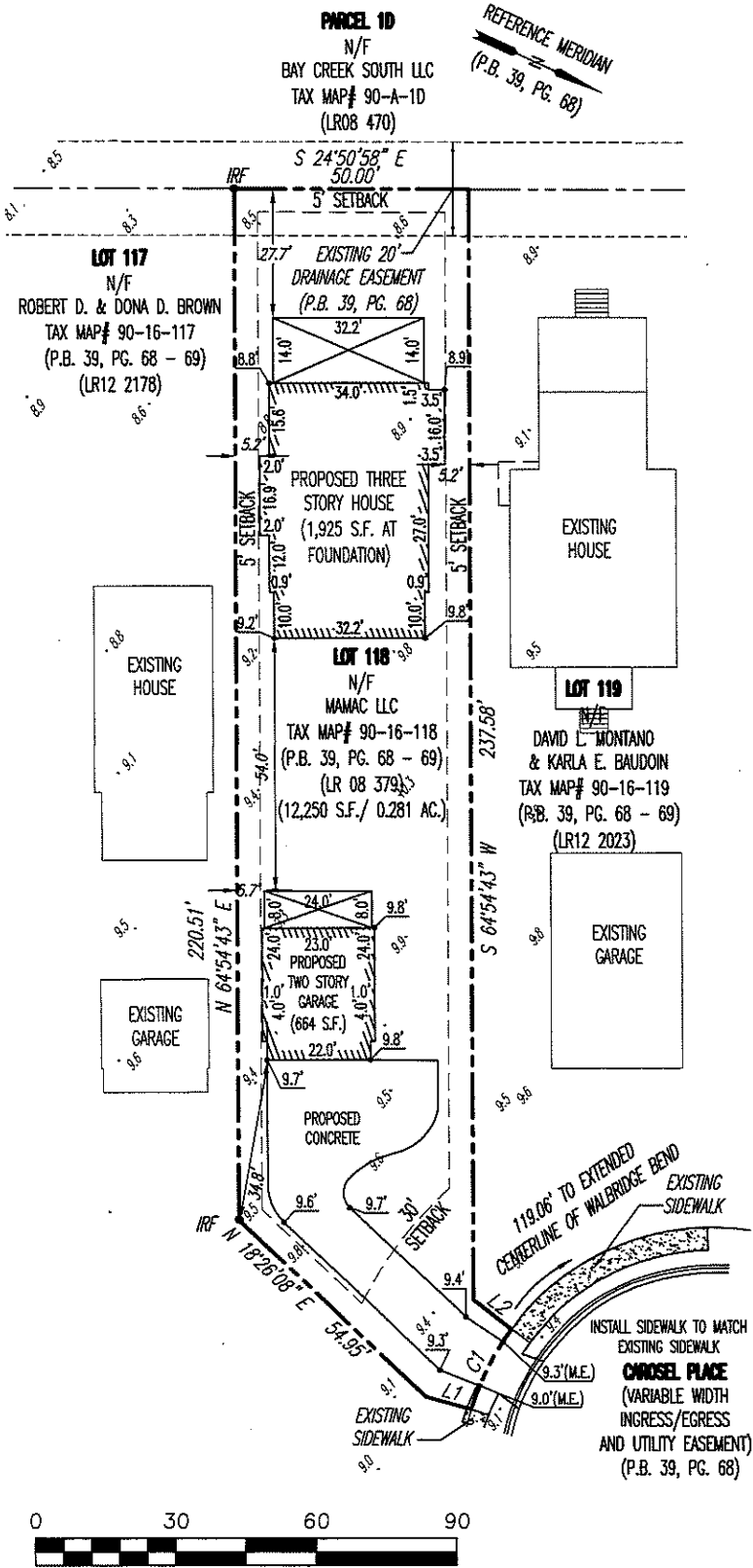
CERTIFICATION OF APPLICANT

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 Applicant: Mary-Dee Simpson Date: 11/14/19

NO.	RADIUS	ARC LENGTH	CH. LENGTH	CH. BEARING	DELTA
C1	53.50'	19.43'	19.32'	N 88°47'52" W	20°48'19"

NO.	BEARING	DISTANCE
L1	N 09°12'01" W	10.00'
L2	S 11°36'18" W	10.00'



636 CAROUSEL PLACE

MAS-LD
MidAtlantic Surveying and Land Design
5305 Cleveland Street, Suite 102
Virginia Beach, VA 23462
757-557-0888
WWW.MAS-LD.COM
ADMIN@MAS-LD.COM

PROJECT # 17069.0 DRAWN BY: ANM/OSL

1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
2. THE MERIDIAN SOURCE FOR THIS SURVEY IS BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 1983/1993 (HARN) AS SHOWN ON THE REFERENCES OBTAINED.
3. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
4. THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONES X AS SCALED FROM FEMA - NFIP COMMUNITY PANEL 51131C0410F DATED MARCH 2, 2015. FLOOD DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE. FLOOD ZONE DATA SHOWN HEREON SHOULD NOT BE CONSTRUED AS A DETERMINATION OF FLOOD INSURANCE REQUIREMENTS ON ANY PROPERTIES SHOWN HEREON OR ON ADJACENT PROPERTIES.

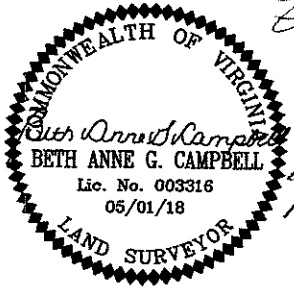
PROPERTY AND SURVEY INFORMATION

TAX ID: 90-16-118
ZONING: PUD
SET BACKS:
FRONT 25'
SIDE 5'
REAR 5'
OWNER: MAMAC LLC
REFERENCES: P.B. 39, PG. 68
DATE OF FIELD SURVEY: 07-01-17
FINISHED FLOOR = 13.0'
FINISHED FLOOR GARAGE = 10.0'

APPROVED

LEGEND AND ABBREVIATIONS

- IRF = IRON ROD FOUND
- CONC. = CONCRETE
- P.B. = PLAT BOOK
- L.S.A. = LANDSCAPED AREA
- PG. = PAGE
- S.F. = SQUARE FEET
- AC. = ACRES
- WV = WATER VALVE

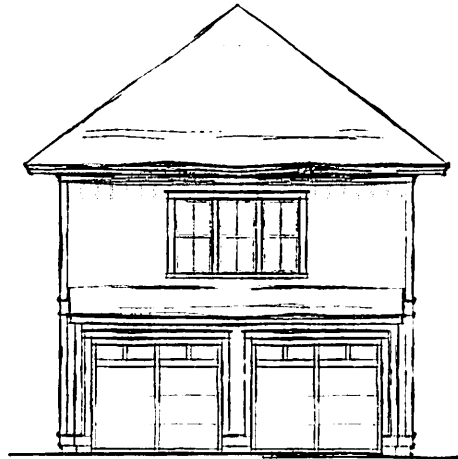


Handwritten signatures and dates:
ZONING ADMINISTRATOR
8/17/18
M. King
8/17/18

SITE PLAN OF
OF
LOT 118 "VILLAGE M"
ALSO KNOWN AS
BAYSIDE VILLAGE
(MAP BOOK 39, PAGE 68)
FOR
SIMPSON BUILDERS
CAPE CHARLES, VIRGINIA
MAY 1, 2018
1" = 30'

Bay Creek

Lot 118



**SOMMER
DESIGN
STUDIOS**

ARCHITECTURE AND INTERIOR DESIGN

1001 Westwood Blvd. Suite 100, Virginia Beach, VA 23462

434.337.8322

It is the responsibility of the architect to prepare the following before beginning any construction:

1. Contractor or builder must verify all dimensions prior to any construction.
2. Contractor or builder must verify each of final building permits and submittals to the city where the project is to be constructed.

3. Contractor or builder must verify the existing local building department of the city or the jurisdiction. Local building department of the city or the jurisdiction may have other rules and regulations having authority to enforce the construction documents.

If one of the above conditions are not to be met, Sommer Design Studios, L.L.C. must be notified for the necessary documents to ensure compliance prior to any additional construction of the construction project.

Changes or alterations are to be made in the project as it is in effect the original design of the project as shown in the construction documents. A clear copy of the original design documents must be provided to the architect.

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DESIGN BY:

DATE:

CHECKED BY:

FOR CONSTRUCTION

6/13/18

RELATIVE

MATERIAL LEGEND	
SECTION / DETAIL	ELEVATION
RIGID INSULATION	STEEL
BATT INSULATION	CONCRETE
PLYWOOD	BRICK
TILE	GLASS
EARTH	C.M.U.
WOOD FRAMING	MORTAR / STUCCO
FINISH WOOD	GRAVEL
	WOOD BLOCKING
	SCREEN
	BRICK
	GLASS
	STUCCO
	STONE
	SHAKE SHINGLES
	ARCH. SHINGLES

INDEX TO DRAWINGS	
AL.01	FOUNDATION, FLOOR, AND ROOF PLANS
AL.02	EXTERIOR ELEVATIONS
AL.03	BUILDING SECTIONS & DETAILS
EL.01	ELECTRICAL PLANS
NOTES	

SQUARE FOOTAGE	
CONDITIONED SPACE	UNCONDITIONED SPACE
GUEST APARTMENT 576 SF	GARAGE 664 SF
576 SF	PORCH 184 SF
	DECK 122 SF
	970 SF
TOTAL SQUARE FOOTAGE UNDER ROOF	
1,240 SQFT	

Bay Creek
Lot 118

Page:
Clarification
Virginia

SYMBOL KEY	
detail no. direction of view page no. ELEVATION CALLOUT	detail no. page no. DETAIL CALLOUT
detail no. page no. direction of view SECTION CALLOUT	NORTH ARROW
detail no. page no. INTERIOR ELEVATION CALLOUT	ELEVATION CALLOUT
DINING ROOM LABEL CORRESPONDS TO ROOM NO. ON FRESH SCHEDULE	MATCH LINE

BUILDING CODE SUMMARY	
PROPOSED USE:	RESIDENTIAL
CONTACT PERSON:	JENNIFER SOMMER 810-881-8091
CODE ENFORCEMENT JURISDICTION:	CITY OF CAPE CHARLES
BUILDING DATA	
NON-RESIDENTIAL CONSTRUCTION	VIRGINIA RESIDENTIAL CODE 2013
BUILDING CODE:	3 STORIES
NUMBER OF STORIES:	
I CERTIFY THAT THE DESIGN PLANS AND SPECIFICATIONS FOR THIS CONSTRUCTION ARE IN COMPLIANCE WITH THE CRITERIA ESTABLISHED BY THE INTERNATIONAL RESIDENTIAL CODE 2013.	I UNDERSTAND THAT ANY CHANGES IN DESIGN OR SPECIFICATIONS MUST BE SUBMITTED IN WRITING BY ME TO THE BUILDING DEPARTMENT.

A0.00
COVER SHEET

FOUNDATION NOTES:

1. ALL CONSTRUCTION INFORMATION SHOWN FOR REFERENCE PURPOSES ONLY. GENERAL CONTRACTOR SHALL HAVE A LOCAL LICENSED STRUCTURAL ENGINEER (P.E.) REVIEW THE SITE CONDITIONS AND DESIGN ALL STRUCTURAL ELEMENTS SUCH AS FOOTINGS, REINFORCEMENT, FOUNDATION WALLS, PILES AND SLAB.

2. GENERAL CONTRACTOR SHALL INSPECT SITE AND EXCAVATED CONDITIONS PRIOR TO STARTING ANY CONSTRUCTION. GENERAL CONTRACTOR SHALL NOTIFY THE OWNER OR P.E. OF ANY NON-TYPICAL CONDITIONS REGARDING SOILS, CROCODING WATER, OR ANY OTHER ISSUE WHICH MAY REQUIRE ADDITIONAL OR SPECIAL ENGINEERING DESIGN.

3. GENERAL CONTRACTOR IS TO REVIEW THE PLANS, ELEVATIONS AND DETAILS FOR CORRELATION OF FRESH FLOOR GRADE AND FRESH GRADE. GENERAL CONTRACTOR SHALL ADVISE THE OWNER OF ANY DISCREPANCIES REGARDING INFORMATION TO THE DESIGN INTENT INDICATED ON PLANS, SECTIONS OR EXTERIOR ELEVATIONS, I.E., NUMBER OF STEPS FROM FRESH GRADE TO THE FIRST FLOOR, NUMBER OF STEPS BETWEEN THE GARAGE FLOOR TO THE FIRST FLOOR OF THE HOUSE.

4. INSTALL ALUMINUM SHEET METAL TERMITES SHIELDS CONTINUOUS BETWEEN ANY WOOD SURFACES THAT ARE EXPOSED TO CONCRETE SURFACES.

5. ALL CONCRETE WORK SHALL CONFORM TO ACI 308. ALL DETAILING, FABRICATION, ACCESSORIES AND PLACEMENT OF REINFORCEMENT SHALL CONFORM TO THE ACI MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES. ANCHOR BOLT FOR SLAB PLATE ATTACHMENT TO CONFORM TO ASTM A307.

6. CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS.

7. ALL CONSTRUCTION ON FILL SOILS SHALL BE DESIGNED BY A P.E.

8. PROVIDE 12" MINIMUM COVER OVER FOOTING UNLESS LOCAL DEPTH WARRANTS A GREATER DEPTH. FOOTINGS WILL BE BELOW THE LOCAL FROST LINE.

9. INSTALL "TIGRO" 15 MIL VAPOR BARRIER BELOW ALL FLOOR SLABS (WWW.STOCONCRETEUS.COM)

FRAMING NOTES:

1. ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO THE NATIONAL DESIGN SPECIFICATIONS FOR WOOD CONSTRUCTION, PUBLISHED BY THE NATIONAL FOREST PRODUCTS ASSOCIATION (NFPA).

2. ALL STRUCTURAL INFORMATION SHOWN ARE FOR REFERENCE PURPOSES ONLY. ALL STRUCTURAL DESIGN SHALL BE DESIGNED TO THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND/OR LOCAL BUILDING CODES.

3. THE GENERAL CONTRACTOR SHALL HAVE A LOCAL PROFESSIONAL ENGINEER (P.E.) REVIEW THE STRUCTURAL DESIGN AND SITE CONDITIONS, AND DESIGN ALL FRAMING ELEMENTS SUCH AS JOISTS, BEAMS, CORNERS, HEADINGS, COLLARS AND PARTS. CONSTRUCTION SHALL NOT BEGIN WITHOUT SAID REVIEW OF A P.E.

4. THE CONTRACTOR SHALL REVIEW THE PLANS, ELEVATIONS AND DETAILS, AND ADVISE THE OWNER AND ARCHITECT SHOULD ANY CONDITIONS REQUIRE MODIFICATIONS TO THE DESIGN INTENT SHOWN ON THE PLANS, SECTIONS OR EXTERIOR ELEVATIONS.

5. IF DIMENSIONED LUMBER OR TRUSSES WILL BE USED, THEY WILL BE DESIGNED AND APPROVED BY A P.E., AND MANUFACTURED BY A TYPED MEMBER.

6. INSTALL SOLID BRACING, OR EQUAL, AT ALL OUTSIDE CORNERS.

7. PROVIDE DOUBLE JOISTS UNDER ALL NON-LOAD BEARING PARTITIONS PARALLEL TO THE SPAN OF THE FLOOR JOISTS.

8. SHEATH ALL EXTERIOR WALLS WITH A MINIMUM 1/2" STRUCTURAL GRADE OR PLYWOOD OR MINIMUM 1/2" OSB.

9. PROVIDE DIAGONAL OR SOLID BRACING AT 10' O.C. MAXIMUM IN ALL FLOOR JOISTS, AND SOLID BRACING BETWEEN FLOOR JOISTS UNDER WALLS THAT ARE PERPENDICULAR TO THE FLOOR JOISTS.

10. STRUCTURAL LUMBER SHALL BE SOUTHERN PINE #2 OR EQUAL, UNLESS OTHERWISE NOTED.

11. INSTALL A CONTINUOUS ALUMINUM TERMITES SHIELD BETWEEN ANY WOOD AND CONCRETE SURFACES.

12. ALL STRUCTURAL WOOD USED IN THE CONSTRUCTION OF STEPS, PORCHES AND DECKS, SHALL BE PRESERVE TREATED OR EQUAL.

13. ALL WOOD IN CONTACT WITH CONCRETE SHALL BE PRESERVE TREATED.

14. INSTALL HURRICANE CONNECTIONS AS REQUIRED BY LOCAL CONDITIONS AND BUILDING CODES.

15. ALL KNEE WALL CONSTRUCTION TO BE DIAGONALLY BRACED AT 10' O.C. MAXIMUM.

16. STUD WALL SUPPORTING TWO FLOORS, CEILING AND ROOF LOADS SHALL BE 2 X 6 AT 16' O.C.; ALL OTHER WALLS TO BE 2 X 4 AT 16' O.C. UNLESS OTHERWISE NOTED. STUD WALLS UP TO 8' TALL TO BE BLOCKED SOLID AT MID-HEIGHT. TALLER WALLS TO BE BLOCKED SOLID AT THREE POINTS.

17. BALCONY FRAME ALL TWO-STORY WALLS WHERE LATERAL FRAMING DOES NOT PROVIDE MID-HEIGHT BRACING. IF TWO-STORY WALLS HAVE EXCESSIVE OPENINGS, USE VERTICAL STEEL PLATE-PLATES AND/OR 2 X 2 FRAMING.

18. ALL HEADERS AND BEAMS TO BE SUPPORTED BY SITS EQUAL TO THE WIDTH OF THE BEAM OR SOLID COLUMNS AS SHOWN ON THE PLANS. SUPPORT IS TO BE CONTINUOUS TO THE FOUNDATION OR OTHER SUPPORT BELOW.

19. ROCKET DOORS SHALL BE FULL SIZE BOLLDOOR DOORS HANG ON HEAVY TRACK CENTERED IN A 2X6 WALL FRAMED BY THREE-STRAND LUMBER.

20. TYPICAL HEADER TO BE (2) 2X12 W/ 1/2" PLYWOOD GLEED 3 NAILS, U.N.O.

ROOF NOTES:

1. TYPICAL ROOFING SYSTEM SHALL BE AS FOLLOWS: ASPHALT ROOF SHINGLES, ROOFING FELT / SELF ADHERED ROOFING UNDERLAYMENT OVER ROOF SHEATHING.

2. ROOFING FELT SHALL BE UL RATED 30 LB ASPHALT SATURATED ORGANIC FELT.

3. TYPICAL SELF ADHERED ROOFING UNDERLAYMENT SHALL BE W/3 GRADE FOR WATER RESISTANCE. INSTALL AT FOLLOWING LOCATIONS: 1) ALONG EAVES EXTENDING A MINIMUM OF 36" HORIZONTALLY UP ROOF BEYOND THE INSULATED WALL LINE. 2) 36" SHEET WIDTH ALONG VERTICAL WALLS. 3) 36" SHEET WIDTH AT WALLS. 4) 36" SHEET WIDTH AT ROOF WALL INTERSECTIONS. 5) ALL AROUND CHIMNEYS, BRICKLINTS AND OTHER ROOF PENETRATIONS. 6) COMPLETELY AT ALL ROOF LINES DRAIN 4:12 PITCH. 7) 36" SHEET AT ROOF PITCH TRANSITIONS. 8) OTHER AREAS AS REQUIRED BY CODE.

4. INSTALL CONTINUOUS W/3 GRADE "TATAM" SELF ADHERED ROOFING UNDERLAYMENT UNDER FLAT BOLDED BEAMED COPPER WHERE METAL PANS ARE INDICATED. IF FIELD DRAINING IS REQUIRED, PLACE 3 LAYERS ROOFING FELT UNDER BEAM LOCATIONS TO PROTECT UNDERLAYMENT.

5. INSTALL PRE-FINISHED METAL Drip FLASHING ALONG ALL EAVES AND RAKS EXPOSED TO HAVE MINIMUM 6" FLANGE OVER ROOF SURFACE.

6. INSTALL PRE-FINISHED METAL VALLEY FLASHING WITH 1" V-CRIMP, 12" MINIMUM UP EACH SIDE OF VALLEY.

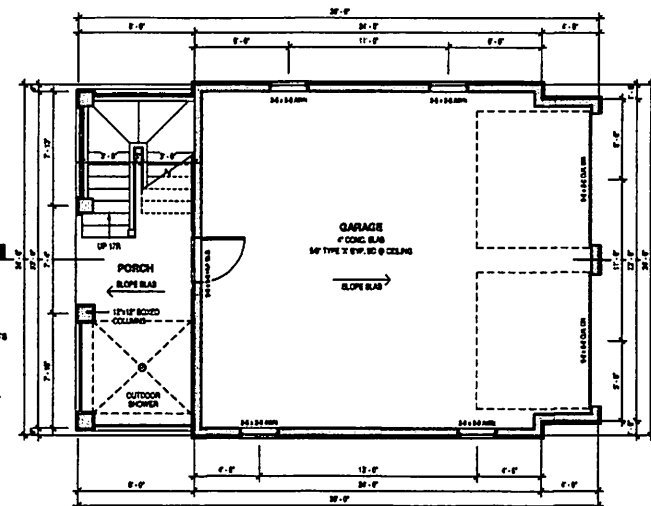
7. INSTALL PRE-FINISHED METAL FLASHING AT ROOF PITCH TRANSITIONS.

8. INSTALL PRE-FINISHED METAL STEP FLASHING ALONG ROOF / WALL INTERSECTIONS AND ALONG ROOF / CHIMNEY INTERSECTIONS.

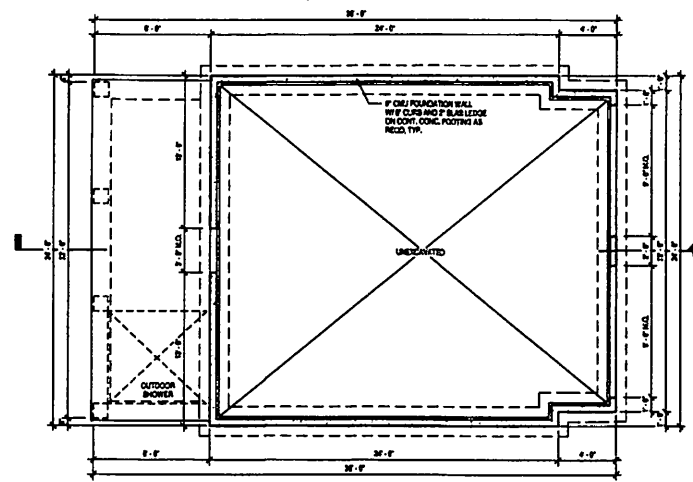
9. CONFORM WITH "SMASH" ARCHITECTURAL SHEET METAL MANUAL, 5TH EDITION, 1993 WITH ADDENDUM NO. 1, OCTOBER 21, 1997 FOR ALL METAL ROOFING, FLASHING AND ROOF PENETRATION SYSTEMS.

10. ROOF VENTS TO BE HIGH PROFILE, PLASTIC TYPE, SHINGLE OVER VENT SYSTEM (COR-A-VENT V-028 SERIES OR EQUAL). INSTALL CONTINUOUSLY ALONG RIDGES.

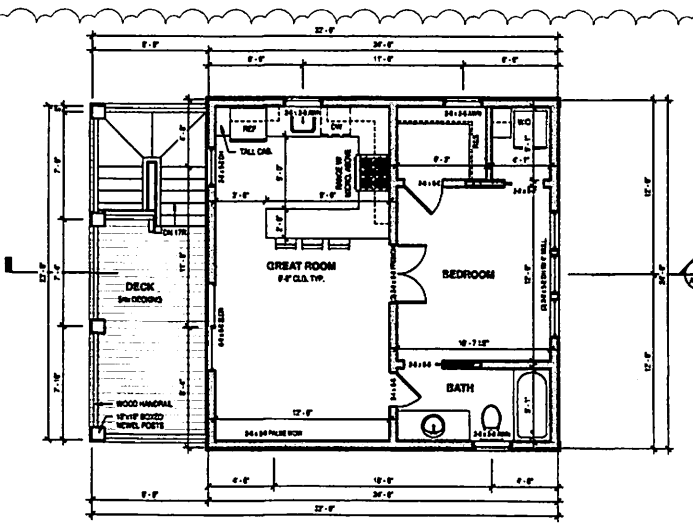
11. INSTALL ROOF TO WALL VENTS (COR-A-VENT ROOF-3 WALL VENT OR EQUAL) WHERE INDICATED ON DRAWINGS.



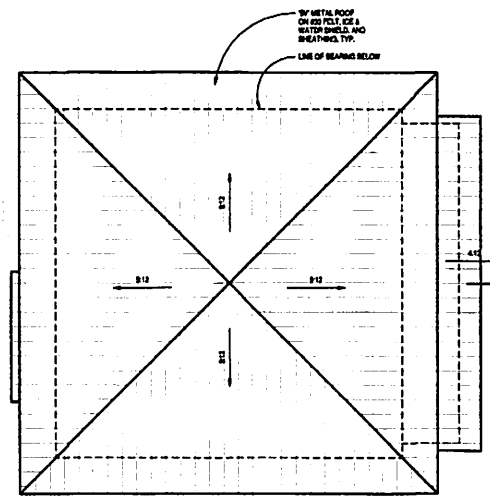
FIRST FLOOR PLAN
1/4" = 1'-0"



FOUNDATION PLAN
1/4" = 1'-0"



SECOND FLOOR PLAN
1/4" = 1'-0"



ROOF PLAN
1/4" = 1'-0"

Bay Creek
Lot 118

10750 Woodloch Lane, Suite 100, Fairfax, VA 22030

(703) 261-1234

www.sommerdesignstudios.com

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SOMMER DESIGN STUDIOS

ARCHITECTS AND INTERIORS

1001 N. 1st St., Suite 100
Tampa, FL 33602
813.251.1001

It is the responsibility of the architect to provide the following notes regarding any construction:

1. Construction of building must comply with all applicable codes and regulations.
2. Construction of building must comply with all applicable codes and regulations.
3. Construction of building must comply with all applicable codes and regulations.
4. Construction of building must comply with all applicable codes and regulations.
5. Construction of building must comply with all applicable codes and regulations.

If any of the above conditions are not met, the architect shall be responsible for the necessary changes to the construction documents to reflect the actual conditions. The architect shall be responsible for the necessary changes to the construction documents to reflect the actual conditions. The architect shall be responsible for the necessary changes to the construction documents to reflect the actual conditions.

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DRAWN BY:

6/13/18

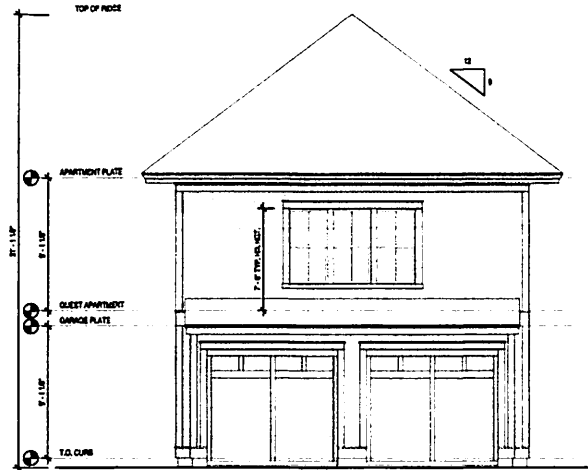
CHECKED BY:

6/13/18

FOR CONSTRUCTION

6/13/18

REVISIONS:



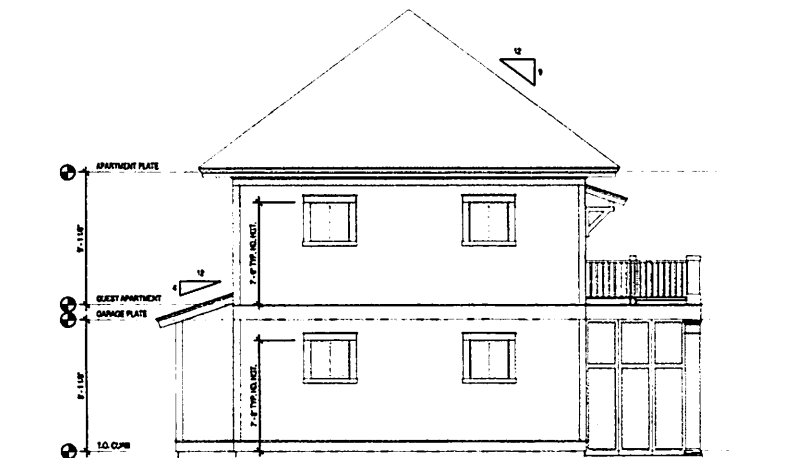
A FRONT ELEVATION
1/4" = 1'-0"



B LEFT ELEVATION
1/4" = 1'-0"



C REAR ELEVATION
1/4" = 1'-0"



D RIGHT ELEVATION
1/4" = 1'-0"

Bay Creek

Lot 118

Lape Thorne,
Virginia

A2.01

EXTERIOR ELEVATIONS

SOMMER DESIGN STUDIOS

ARCHITECTURAL AND PLOT PLAN MARKING

10/27/2017 10:00 AM 11/15/2017 10:00 AM

It is the responsibility of the architect to indicate the following before beginning any construction:

1. Contractor or builder must verify all dimensions prior to any construction.
2. Contractor or builder must verify all dimensions prior to any construction.
3. Contractor or builder must verify all dimensions prior to any construction.
4. Contractor or builder must verify all dimensions prior to any construction.
5. Contractor or builder must verify all dimensions prior to any construction.

If any of the above conditions are not to be met, the architect shall be notified for the necessary corrections to ensure compliance prior to any additional construction on the non-compliance area.

No change or deviation is to be made or any portion as an effect the structural integrity of the project as shown in the construction documents without prior written approval from Sommer Design Studios, L.L.C.

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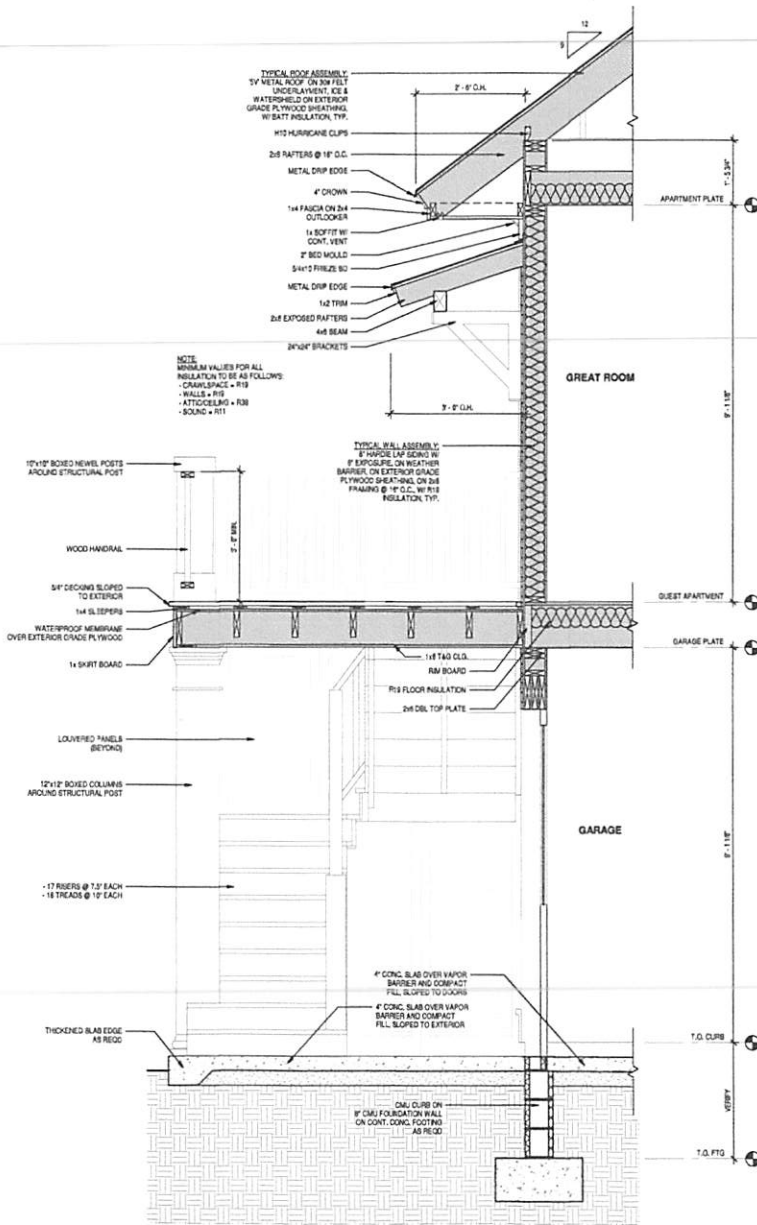
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EAD

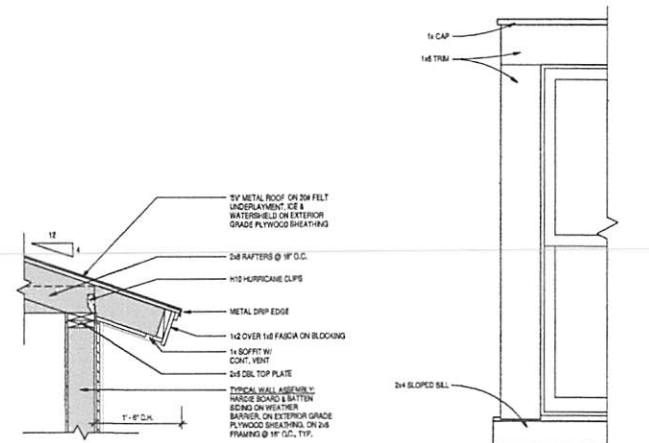
CHECKED BY:

6/13/18

RELEASES:

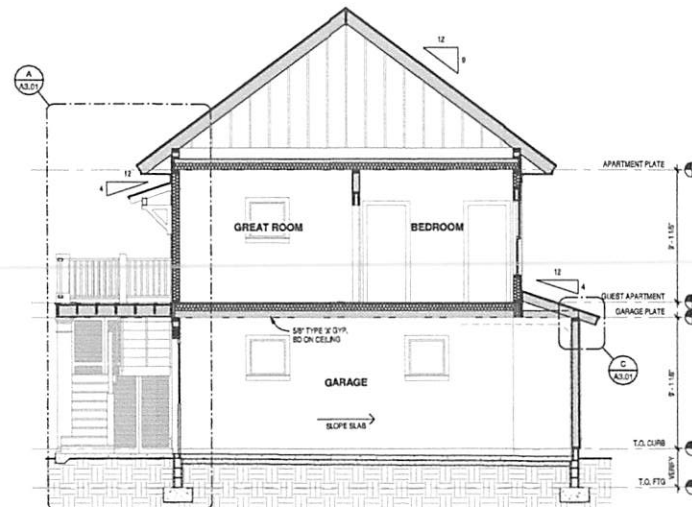


A WALL SECTION @ DECK
1/4" = 1'-0"



C CORNICES DETAIL @ SHED ROOF
1/4" = 1'-0"

D TYPICAL DOOR/WINDOW TRIM
1/4" = 1'-0"



B BUILDING SECTION
1/4" = 1'-0"

Bay Creek
Lot 118

Cape Charles,
Virginia

A3.01
BUILDING SECTIONS &
DETAILS

SOMMER DESIGN STUDIOS

ARCHITECTURE AND PLANNING

10150 Sunset Blvd. Suite 100, Los Angeles, CA 90067

TEL: (310) 205-1234 FAX: (310) 205-1235

It is the responsibility of the customer to maintain the following before beginning any construction:

1. Customer or builder must verify all dimensions prior to any construction.
2. Customer or builder must verify that all load bearing walls and columns are in the same place as shown on the drawings.
3. Customer or builder must verify the existing load bearing capacity of the soil or the foundation on which the structure is to be constructed.

If any of the above conditions are not in accordance with the drawings, the customer must be notified by the architect prior to any construction. It is the responsibility of the customer to maintain the following before beginning any construction:

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DRAWN BY: JAS

CHECKED BY: JAS

FOR CONSTRUCTION

6/13/18

REVISIONS:

Bay Creek

Lot 118

Cape Charles,
Virginia

E1.01

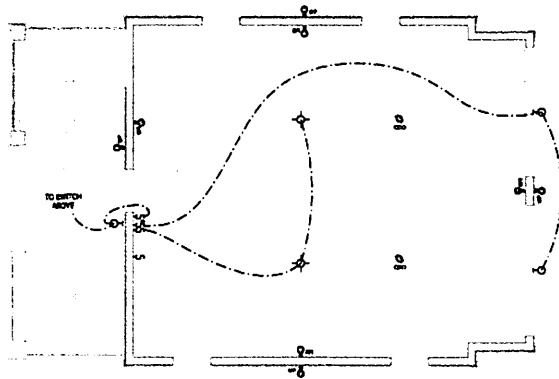
ELECTRICAL PLANS

ELECTRICAL SYMBOL KEY

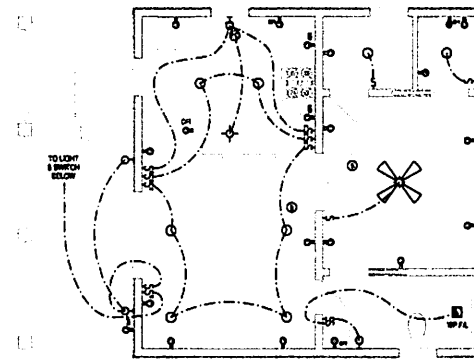
	LIGHT FIXTURE - CEILING MOUNTED		LIGHT SWITCH - SINGLE
	LIGHT FIXTURE - WALL MOUNTED		LIGHT SWITCH - 3-WAY
	LIGHT FIXTURE - RECESSED CAN		DUPLEX RECEPTACLE (OUTLET)
	CEILING FANLIGHT		DUPLEX RECEPTACLE - GROUND FAULT INTERRUPTER
	EXHAUST FAN		DUPLEX RECEPTACLE - WATER PROOF
	SMOKE/CO DETECTOR		DUPLEX RECEPTACLE - 220V
	FIRE EXTINGUISHER		DUPLEX RECEPTACLE - FLOOR MOUNTED
			DUPLEX RECEPTACLE - GARAGE DOOR OPENER

ELECTRICAL NOTES:

- THESE ELECTRICAL PLANS ILLUSTRATE SUGGESTED LIGHT FIXTURE LAYOUTS IN A DIAGNOSTIC MANNER. CANNOT MONITOR DETECTIONS AND OTHER CODE REQUIRED ELECTRICAL ITEMS ARE NOT INDICATED ON THESE PLANS. ELECTRICAL CONTRACTOR SHALL WORK WITH OWNER TO DEVELOP A DETAILED CODE COMPLIANT ELECTRICAL PLAN.
- MINIMUM RECEPTACLE LOCATIONS ARE INDICATED ON THESE PLANS. ELECTRICAL CONTRACTOR TO PROVIDE ADDITIONAL RECEPTACLE LOCATIONS AS REQUIRED TO MEET CODE.
- VERIFY LOCATIONS OF OUTLETS MOUNTED IN EXTERIOR WALLS AND OVERHEADS FOR LIGHT LOCATIONS IN OWNER.
- VERIFY LOCATIONS OF FLOOR OUTLETS, DIMMERS, AND EXTERIOR FLOOD LIGHTS IN OWNER.
- VERIFY TV PLACEMENT LOCATIONS FOR ELECTRICAL OUTLETS IN OWNER.
- PROVIDE UNDER-CABINET LIGHTS AND SWITCHES IN KITCHEN FOR OWNER.
- REVIEW ALL ELECTRICAL FIXTURE LOCATIONS AND ELECTRICAL SYSTEMS DESIGN IN OWNER.



A FIRST FLOOR ELECTRICAL PLAN
1/4" = 1'-0"

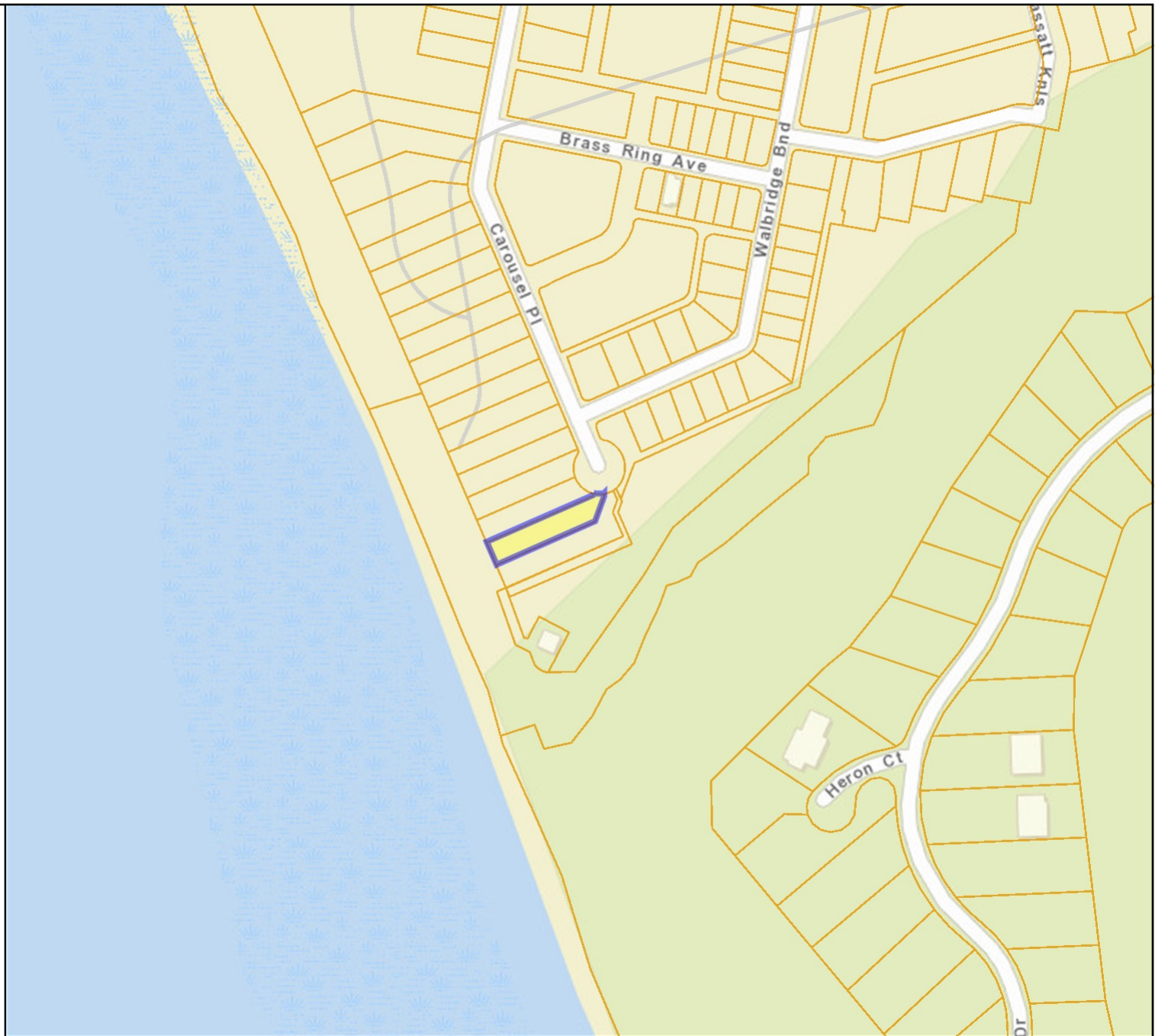


B SECOND FLOOR ELECTRICAL PLAN
1/4" = 1'-0"

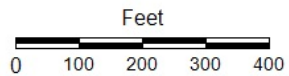
Northampton County, Virginia

Legend

- Parcels
- Driveways



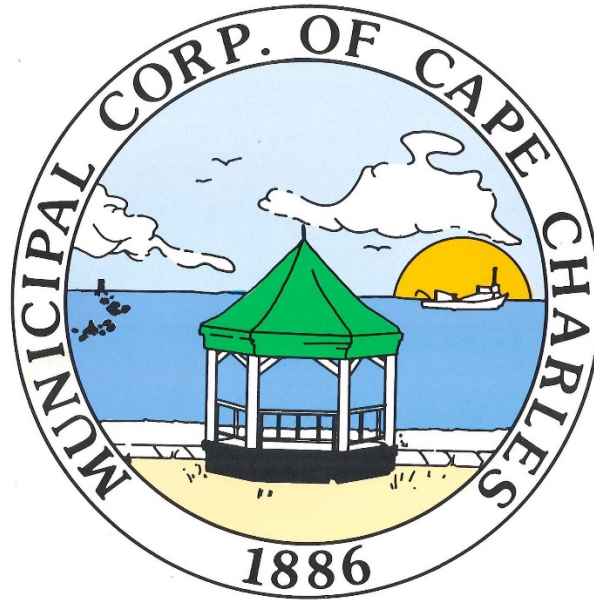
Map Printed from Northampton
<http://northampton.mapsdirect.net/>



Title: 636 Carousel Place

Date: 11/25/2019

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.



**Unfinished
Business
Agenda Items
#9A-9F**

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit for an Accessory Dwelling Unit at 501 Tazewell Avenue		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Conditional Use Permit for an Accessory Dwelling Unit at 501 Tazewell Avenue		ITEM NUMBER: 9A
	ATTACHMENTS: (1) Application and Documents; (2) Location Map		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds, Town Planner	REVIEWED BY: Mayor William "Smitty" Dize	

ITEM SPECIFICS:

The subject property has an existing single-family detached home with an accessory structure that is currently used for storage, located on the corner of Tazewell Avenue and Plum Street. There are two parking spaces which are accessed from the rear of the property by an alley. The applicant would like to convert the first story of the accessory structure into an accessory dwelling unit, with the dwelling unit located on the first floor and storage located on the second half-floor. The applicant proposes to build a bedroom, bathroom, and kitchenette, and has stated they would possibly rent the main house out or use the accessory dwelling as a guest house. There are no proposed changes to the exterior of the accessory structure.

The Planning Commission recommended approval of the request for an accessory dwelling unit at their November 5 regular meeting.

STAFF ANALYSIS:

Accessory Dwelling Unit Regulations:

One accessory dwelling may be maintained on a property in the R-E, R-1, R-2 and CR zoning districts, contingent upon approval as a conditional use in accordance with Section 4.3, and subject to the following:

A. Physical characteristics.

1. Accessory dwellings shall be located in an accessory building.
2. Accessory dwellings shall not have a floor area exceeding 45 percent of the floor area of the main building.
3. Accessory dwellings shall have one kitchen and one bathroom.
4. Accessory buildings containing an accessory dwelling shall maintain the exterior appearance of an accessory building and shall not have the appearance of a single-family dwelling.

B. Occupancy characteristics.

1. Length of stay – No accessory dwelling unit shall be occupied by any person or persons, whether paying a fee for such occupancy or not, for a period less than thirty (30) consecutive calendar days. Upon request from any building, zoning, finance, or public safety official acting on behalf of the Town of Cape Charles the owner of the subject lot of record upon which the accessory dwelling unit sits shall provide occupancy documentation and/or information as requested, either verbally or in writing. Failure to do so may result in the revocation by the Cape Charles Town Council of the conditional use status for the accessory dwelling unit according to Article IV, Section 4.3.F.
2. Inspections – All accessory dwelling units shall be inspected annually not later than fifteen (15) days from the anniversary date of the conditional use permit being approved by Town Council.

C. Other requirements.

1. Accessory dwellings located in accessory buildings may have a separate water meter from the principal dwelling.
2. The lot on which an accessory dwelling is located shall have the required minimum lot area for the district in which it is located.
3. Parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1 C. 6. (Table of Parking Standards) using

both on and off-street parking areas. An accessory dwelling unit must have one off-street parking space per dwelling unit bedroom.

4. Exterior elevations shall also be approved by the Historic District Review Board when required by Article VIII, Historic District Overlay.

The proposed project meets all of these provisions.

Section 4.3 of the zoning ordinance states “conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:

1. 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. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
3. Be in conflict with the purpose of the comprehensive plan of the town. In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

The proposed project meets all of these provisions.

Section III-A.5.1.2 of the Comprehensive Plan discusses the overall policies for Cape Charles neighborhoods, specifically promoting compatible infill development and renovation within established neighborhoods. The Comprehensive Plan states to “promote accessory dwelling units to add diversity of housing types, while maintaining the neighborhood character and providing affordable housing options.”

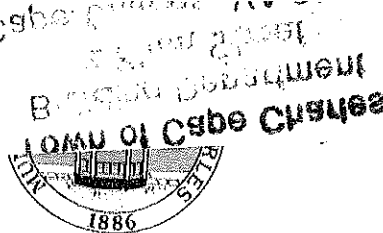
The proposed project meets the Comprehensive Plan goal of promoting accessory dwelling units within established neighborhoods.

Section 4.2.J.C.3 of the zoning ordinance states “parking shall be considered on a case-by-case basis as part of the conditional use permit application process, ensuring adherence to Section 4.5.1.C.6 (Table of Parking Standards) using both on and off-street parking areas.” Section 4.5.1.C.6 requires a minimum of one space per accessory dwelling unit bedroom.

The proposed project meets the requirements of the zoning ordinance. There will be two parking spaces located on the driveway.

RECOMMENDATION:

Staff recommends **APPROVAL** for a conditional use permit for an accessory dwelling unit at 501 Tazewell Avenue as proposed.



USE PERMIT APPLICATION

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

CONDITIONAL USE PERMIT CHECKLIST - all documents can be emailed to the above email

- ☒ Completed application (if applicable, attach accessory dwelling checklist and documents)
- ☐ Letter of intent clearly explaining project
- ☐ Existing site plan or survey
- ☒ Proposed site plan or survey (if applicable)
- ☐ Names and addresses of adjacent property owners
- ☐ Payment of Fees (single-family detached residential \$600; all other \$800)

PROJECT INFORMATION

Name of Project: FINISH THE INTERIOR OF THE CARRIAGE HOUSE
Property Address: 501 TAZEWELL AVE
Brief Description of Project: CONDITIONAL USE FOR THE MAIN HOUSE
Zoning District: R1 Current Use: STORAGE Proposed Use: LONG TERM RENTAL OR OVERFLOW FOR DOWNING

OWNER INFORMATION

Name and Company: NANCY CAMPBELL AND WILLIAM F. RAIVEL
Mailing Address: 501 TAZEWELL AVE
Phone Number: 302-542-3962 Email: nscomp36@gmail.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: NANCY S. CAMPBELL, TRUST
Mailing Address: 501 TAZEWELL AVE
Phone Number: 302-542-3962 Email: nscomp36@gmail.com

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 Applicant: Nancy S. Campbell Date: 8/23/2019

YOUR NAME

34734 Maritime Way Lewes DE 19958 | 302-542-3962 | nscamp36@gmail.com

August 23, 2019

Recipient
Town Planner
Town of Cape Charles
2 Plum Street
Cape Charles, VA 23310

Dear Mr. Ponds:

As to per conversation on Friday August 23, I am writing this letter of intent to request a Conditional Use Permit for the existing carriage house in back of our home at 501 Tazewell Avenue.

Since the exterior of the carriage house is complete, the contractor will make no adjustments to the outside of the carriage house. The contractor will completed the interior to include one bedroom, one bath and a combination kitchen and living area. There will be a pull down stairs in the bedroom for storage in the upper level.

There all ready exist off street parking for up to four vehicles and this parking can to access from the alley in the rear of the property.

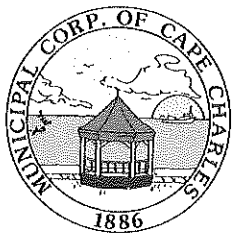
Please let me know what steps I need to complete to move this project forward.

Thank you for your help and professionalism when we met.

Sincerely,

Nancy S. Campbell

Sincerely,



PRE-APPLICATION INFORMATION FORM

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

CUP

APPLICANT INFORMATION

Name: Nancy S. Campbell / William F. Raivel
Mailing Address: 34734 Maritime Way Lewes, DE. 19958
Phone Number: 302-542-3962 Email: nscomp36@gmail.com

PROJECT SUMMARY

Address of Project: 501 Tazewell Ave. Cape Charles
Application Type (rezoning, variance, etc.): CUP
Total Acreage of Project: n/a

Detailed Description (Include proposed use(s) and square footage of floor area for each use):

Conditional Use Project for carriage house in back
of 501 Tazewell. Proposed long term (annually)
or use by owners (if needed)

Signature of Applicant: Nancy D. Campbell, TRUSTEE Date: 8/23/2019

For Internal Use Only:

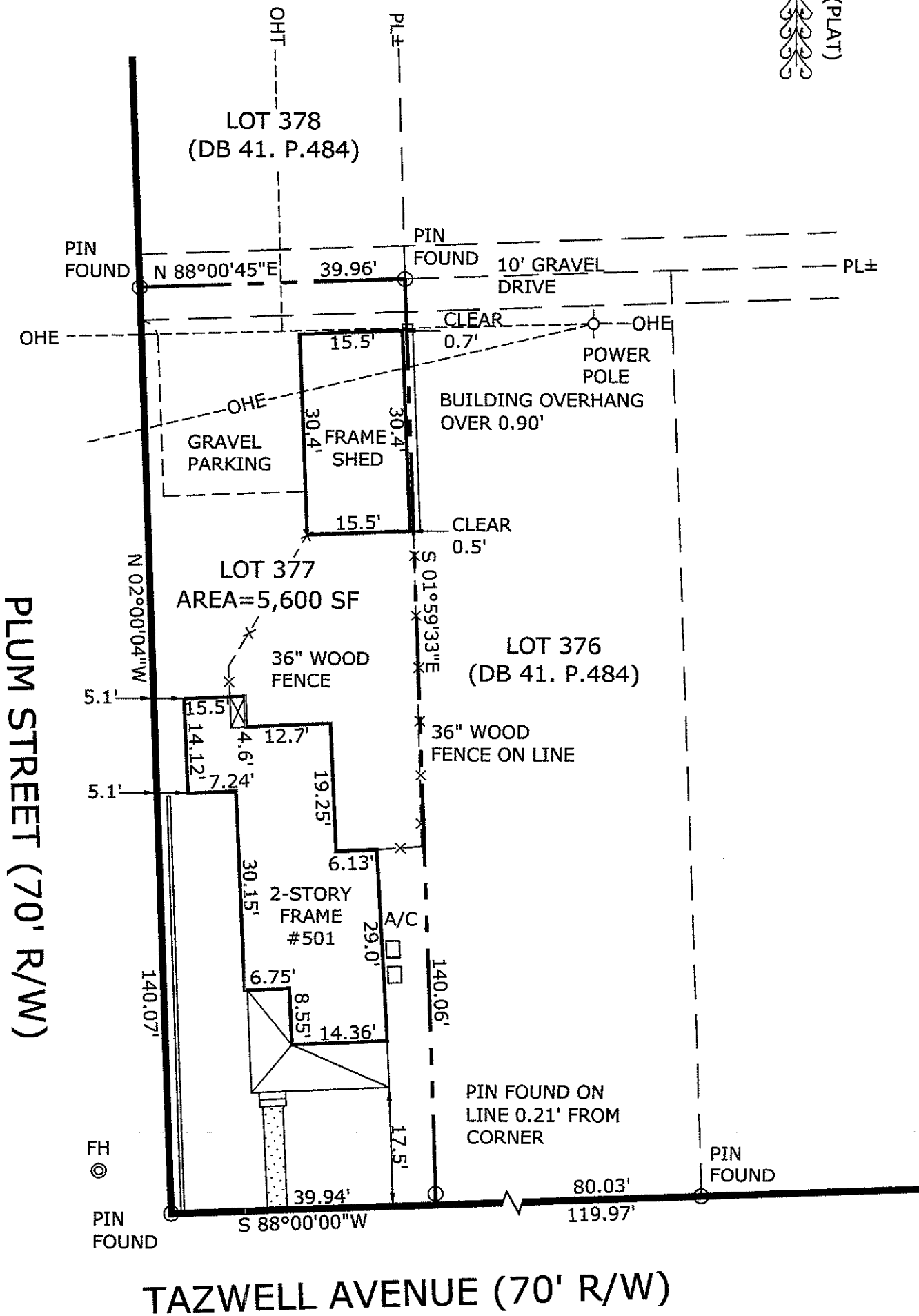
Pre-Application Meeting Date: 8/23/19
Staff Printed Name: ZACH PROSS Signed: [Signature]
HDRB Rep Printed Name: _____ Signed: _____

SURVEYORS 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:

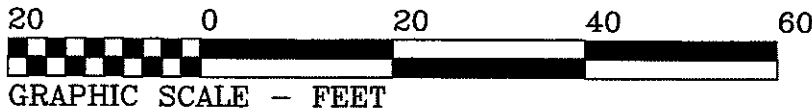
- 1. OWNERS:IAN D. McCREDIE & DEBORAH A. McCREDIE
- 2. TAX PARCEL: 83A3-1-377
- 3. SOURCE OF TITLE:
INST #120002183
- 4. A SURVEY WAS PERFORMED ON THIS PROPERTY IN DECEMBER 2018 WITH A BOUNDARY CLOSURE WHOSE PRECISION EXCEEDS 1:10,000.
- 5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE 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. 51131C0295F, DATED 03-02-15 , THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONES 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 HEREON IS NOT GUARANTEED AND WAS APPROXIMATELY SCALED 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. AREA: 5,600 SQ. FT.



SURVEY OF
#501 TAZWELL AVENUE
LOT 377

MAP OF THE TOWN OF
CAPE CHARLES
(DEED BOOK 41, PAGE 484)
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
DECEMBER 25, 2018

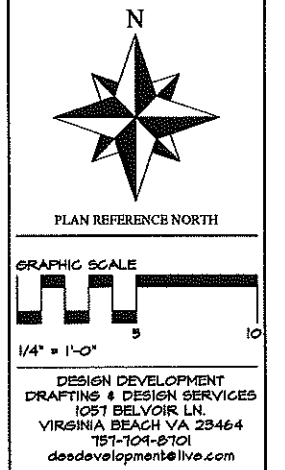
MADE FOR:
IAN D. McCREDIE & DEBORAH A. McCREDIE



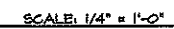
**ACCOMACK-NORTHAMPTON
SURVEYING & MAPPING PLLC**

36308 Lankford Highway, Belle Haven, Virginia 23306
Mail Address: 11403 Heron Drive, Machipongo, Virginia 23405
Phone: (757) 709-4192

DRAWN BY: PARKS	SCALE: 1" = 20'
CHK'D BY: PARKS	BACK TRAV. BY: JBL
FIELD BOOK:	JOB NUMBER: 876



SCALE: 1/4" = 1'-0"

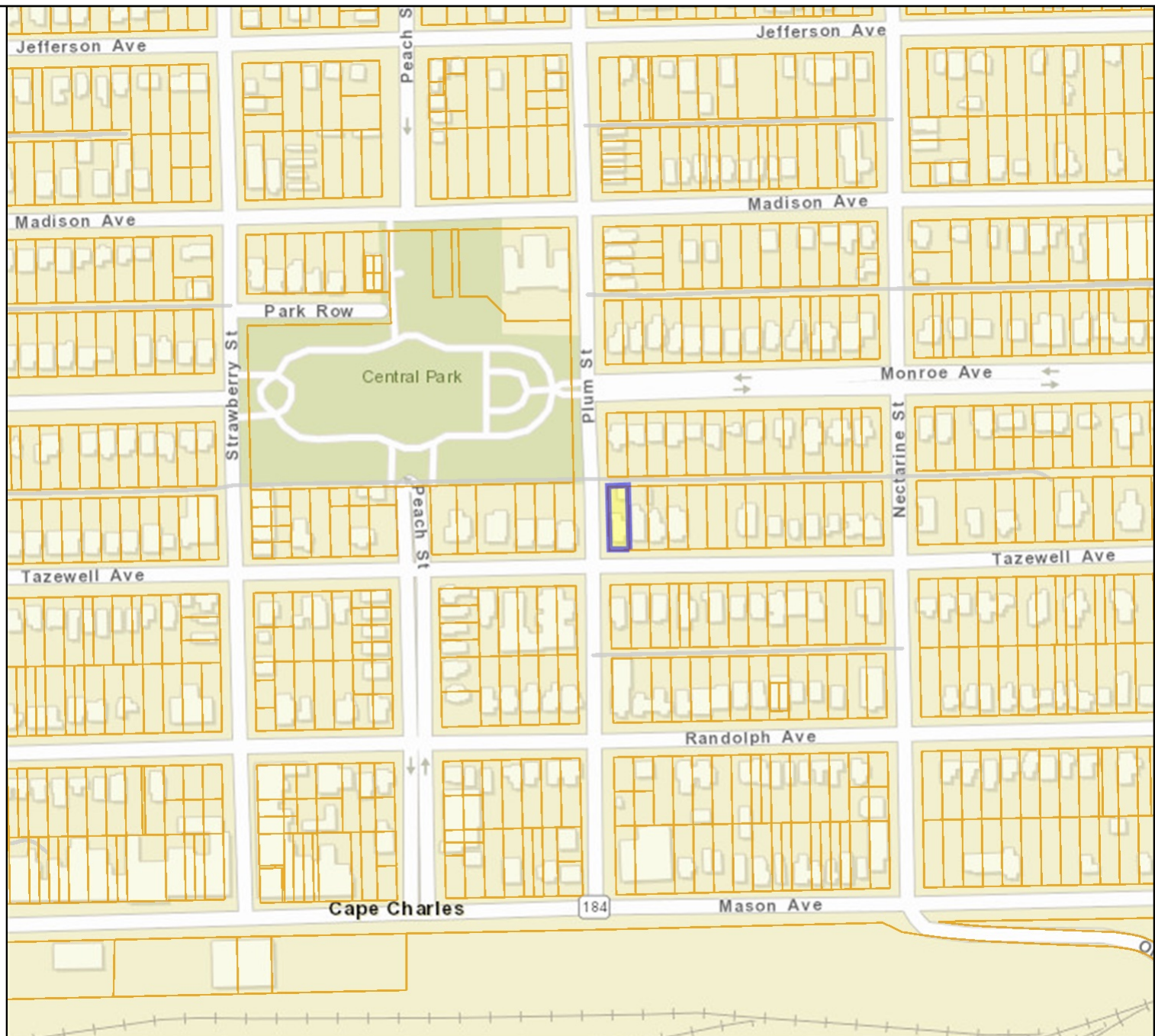


REAR ELEVATION

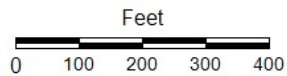
Northampton County, Virginia

Legend

- Parcels
- Driveways



Map Printed from Northampton
<http://northampton.mapsdirect.net/>



Title: 501 Tazewell Ave

Date: 8/26/2019

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.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Conditional Use Permit to Allow a Residential Dwelling Unit Above a Commercial Use in the C-1 Zoning District at 316B Mason Avenue		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Conditional Use Permit to Allow a Residential Dwelling Unit Above a Commercial Use in the C-1 Zoning District at 316B Mason Avenue		ITEM NUMBER: 9B
	ATTACHMENTS: (1) Application and Documents; (2) Copy of Survey Showing Easement; (3) Location Map		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds, Town Planner	REVIEWED BY: Mayor William "Smitty" Dize	

ITEM SPECIFICS:

The subject property is an existing commercial building on Mason Avenue with a commercial space downstairs (suite A) and an office/studio upstairs (suite B). The commercial space, which is located on the first floor, has an entrance located on Mason Avenue, as well as a door exiting to the rear of the property. The office/studio space, located on the second floor, only has access from the rear of the property. The rear of the property can be accessed from a gravel driveway off of Randolph Avenue as well as a gravel driveway off of Mason Avenue. There is no right-of-way allowing access to the rear of the property according to Northampton County GIS, but there is an ingress-egress easement from Mason Avenue to the rear of the property. A survey is attached (Attachment 2) that shows this easement. The applicant would like to convert the second story office/studio into an apartment. The current tenant will continue to rent the space and use it as an art studio, but they would also live in the space. The applicant would like to add a kitchen, as well as a shower to the existing bathroom. There is one parking space provided in the rear of the property as shown in the photos attached to this staff report.

The Planning Commission recommended approval of the request for a residential dwelling unit above a commercial use in the C-1 zoning district at their November 5 regular meeting.

STAFF ANALYSIS:

Section 4.3 of the zoning ordinance states "conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provision of this ordinance in the specific districts provided that the Town Council, upon recommendation by the Planning Commission, shall find that after duly advertised public hearing the use will not:

1. 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. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
3. Be in conflict with the purpose of the comprehensive plan of the town. In granting any conditional use permit, the Town Council shall designate such conditions as it determines necessary to carry out the intent of this ordinance.

The proposed project meets all of these provisions.

Section III-A.5.1.2 of the Comprehensive Plan discusses the overall policies for Cape Charles neighborhoods, specifically promoting mixed uses as the preferred form of development in the Commercial, Harbor, and Village Districts. The Comprehensive Plan states to "encourage the principle of incorporating mixed land uses, similar to the current land use patterns in the town such as: 1) allowing residential and retail/commercial uses within the same building; and 2) promoting residences within close proximity to commercial and retail centers." The Comprehensive Plan goes on to state "combined live-work structures should be encouraged in new development and in the Mason Avenue districts to better integrate housing with the shops and businesses of the new and existing centers."

The proposed project meets the goal of promoting mixed use as the preferred form of development in the commercial districts and allowing live-work units along Mason Avenue. The proposed project also meets the

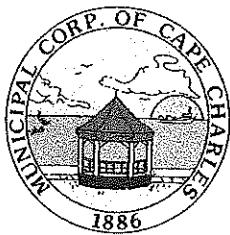
intent of the C-1 zoning district by enhancing the traditional mixed-use urban nature of Cape Charles commercial districts.

Section 4.5.B of the zoning ordinance states “new or change of use second and third floor units [in the Commercial District C-1] shall be required to conform to parking requirements as set forth herein.” Section 4.5.1.E.6 requires one space per one-bedroom dwelling unit, plus one additional space per 200 square feet of commercial gross floor area for mixed-use developments.

The proposal is to change a commercial building into a mixed-use building with a commercial space on the first floor and a residential/live-work unit on the second floor. Since the first story is not changing, the existing legal non-conforming building (in regards to parking) does not have to meet the parking regulations for the first floor. It does, however, have to meet the parking regulations for the second-floor change of use, which is one space per one-bedroom dwelling unit. The proposed project meets this requirement by providing one off-street parking space in the rear of the property.

RECOMMENDATION:

Staff recommends **APPROVAL** of a conditional use permit to allow a residential dwelling above a commercial use in the C-1 zoning district at 316B Mason Avenue.



CONDITIONAL USE PERMIT APPLICATION

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

CONDITIONAL USE PERMIT CHECKLIST - all documents can be emailed to the above email

- ☒ Completed application (if applicable, attach accessory dwelling checklist and documents)
☐ Letter of intent clearly explaining project
☐ Existing site plan or survey
☐ Proposed site plan or survey (if applicable)
☐ Names and addresses of adjacent property owners
☒ Payment of Fees (single-family detached residential \$600; all other \$800)

PROJECT INFORMATION

Name of Project: Residence over Retail Store
Property Address: 316 B MASON Avenue -
Brief Description of Project: Install shower in present Bathroom
Zoning District: C1 Current Use: office Proposed Use: Apartment
convert 1 room to kitchen
in upstairs unit

OWNER INFORMATION

Name and Company: BEQUAL, LLC
Mailing Address: 969 Leslie Court, Long Branch, N.J. 09780
Phone Number: 251-438-8494 Email: eddie@mypopular.com

APPLICANT INFORMATION

☒ check here if applicant is owner

Name: EDWARD TEBELE
Mailing Address: _____
Phone Number: _____ Email: _____

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 Applicant: Edward Tebele Date: 7/18/19

/

Edward Tebele
BEEWAL, LLC
969 Leslie Court
Long Branch, New Jersey 07740
July 26, 2019

City planning
Town of Cape Charles
2 Plum Street
Cape Charles, Virginia 23310

To Whom It May Concern:

We plan to convert the premises at 316 B (Upper Floor) into an apartment use. We plan to install a shower in the present bathroom and convert one room of the Premises into a kitchen. We intend to proceed through all the proper channels.

Thank you very much.

Very truly yours,


Edward Tebele
BEEWAL, LLC

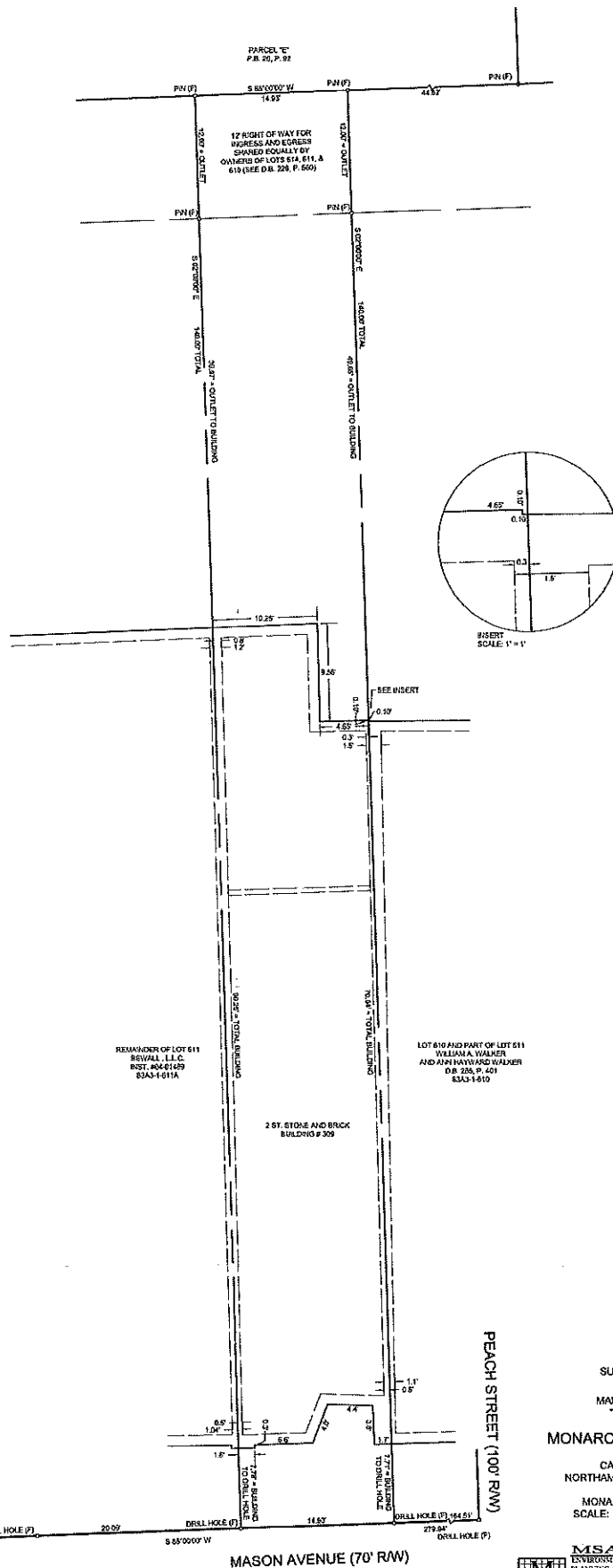
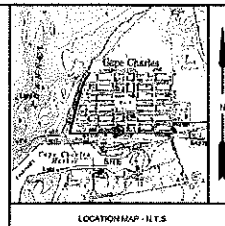






6) NORTH VERTEX: SHOWN HEREON IS BASED ON D.B. 41, P. 484 (PLAT).

I, JAMES B. LATIMER, A LICENSED LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME IN THE DIRECTION OF THE STATE 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 WITHIN 3 MONTHS OF PLAT RECORDATION 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, ENGINEERS AND LAND SURVEYORS. I HAVE REVIEWED THE PLAT FOR ACCURACY AND I APPROVE ARCHITECTS. THIS PLAT IS A PUBLIC DOCUMENT FILED FOR RECORD.



RANDOLPH AVENUE (70' R/W)

STRAWBERRY STREET (70' RW)

REMAINDER OF LOT 611
86WALL, L.L.C.
BOST. #04-01629
82A3-1-611A

LOT 810 AND PART OF LOT 811
WILLIAM A. WALKER
AND ANN HAYWARD WALKER
D.B. 285, P. 401
6212-5-510

2 ST. STONE AND BRICK

PEACH STREET (100' R.W.)

SURVEY OF PART OF
LOT 611
MAP OF THE TOWN OF
"CAPE CHARLES"
PROPERTY OF
MONARCH HOLDINGS, L.L.C.
CAPE CHARLES
CAPEVILLE DISTRICT
NORTHAMPTON COUNTY, VIRGINIA
MADE FOR
MONARCH HOLDINGS, L.L.C.
SCALE: 1" = 6' 16 JUNE 2008

MSA, P.C.
ENVIRONMENTAL SCIENCES • GEOSCIENCES
PLANNING • SURVEYING • ENGINEERING
LANDSCAPE ARCHITECTURE
36054 LANTFORD HIGHWAY, BELLE HAVEN, VA. 22610
757-414-0234 (OFF) 757-414-0464 (FAX)
www.msaonline.com
OFFICES IN VIRGINIA BEACH & BELLE HAVEN, VA

A horizontal graphic scale bar with alternating black and white segments. It is marked with the numbers 5, 0, 5, and 10. Below the bar, the text "GRAPHIC SCALE" is written, followed by the units "ft." and "m.".

JOB# 08734
SHEET 1 OF 1

AREA OF THIS PROPERTY IS 2,020 SQ. FT. (0.046 AC.)

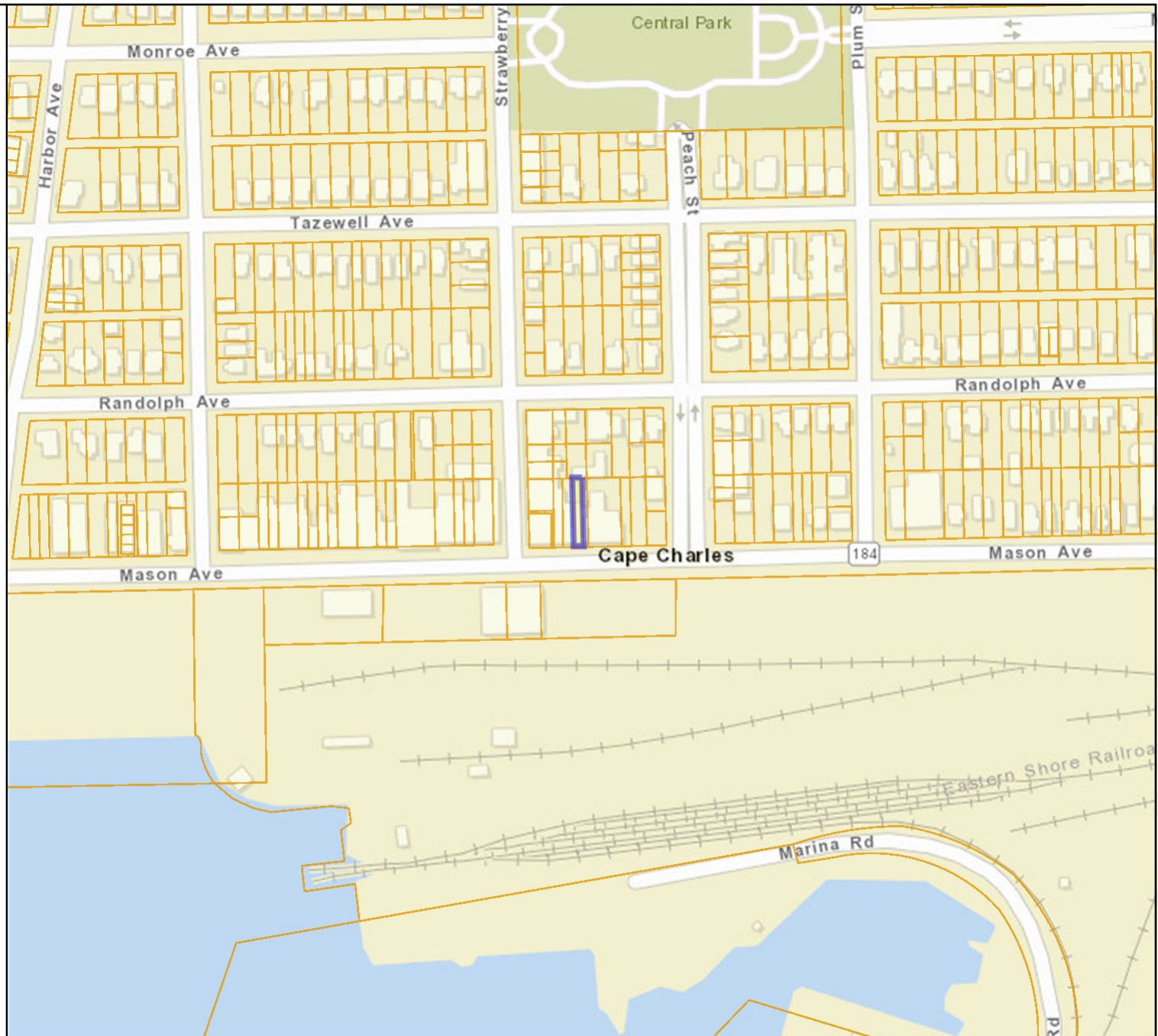
FR: Vol. P. 5
DRAWN BY: CPC
CHKD BY: JBL DATE: 05/16/05

309 Mason Ave.

Northampton County, Virginia

Legend

□ Parcels



Map Printed from Northampton
<http://northampton.mapsdirect.net/>

Feet
0 100 200 300 400

Title: 316B Mason Avenue

Date: 9/23/2019

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.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Text Amendments to Article II, Section 2.9		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Text Amendments to Article II, Section 2.9, to add two Definitions		ITEM NUMBER: 9C
	ATTACHMENTS: None		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Zach Ponds, Town Planner	REVIEWED BY: Mayor William "Smitty" Dize	

BACKGROUND:

All proposed amendments of the zoning ordinance shall be referred by the Town Council to the Town's Planning Commission for its recommendations after at least one advertised public hearing (Section 2.7.2).

Staff is recommending the addition of two new definitions to Article II, Section 2.9. At the July 2 Board of Zoning Appeals regular meeting, the Board reviewed the proposed definitions. The Board agreed that both definitions were appropriate and accurate, and had no recommended changes.

The two proposed definitions are as follows:

Hardship: A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights, and that which relates to the physical characteristics of the property, not the personal, financial, or self-imposed circumstances of the owner or user.

Variance: A modification of the specific provisions of this zoning ordinance granted when strict enforcement of the ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

ITEM SPECIFICS:

At the October 1 Planning Commission meeting, Chair Bill Stramm read the Code of Virginia's definition for *variance*. The Planning Commission agreed that staff should look further at the proposed definition and the code of Virginia's definition for *variance* to make sure the proposed definition and the state's definition are similar.

Existing Cape Charles Zoning Ordinance Definition for Variance:

VARIANCE means the permission to depart from the literal requirements of this zoning ordinance. A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, size of structure, or size of yards and open spaces. Establishments or expansions of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence (or existence) of nonconformities in the zoning district or adjoining districts.

Code of Virginia Definition for Variance:

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a

building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Proposed Definition for Variance:

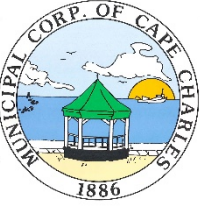
Variance: A modification of the specific provisions of this zoning ordinance granted when strict enforcement of the ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

STAFF ANALYSIS:

The existing definition for variance in the Cape Charles zoning ordinance is lengthy and details specifics that are already covered in Article II, Section 2.6.2.B for the requirements and procedures for the Board of Zoning Appeals for variance requests. A definition should be concise and only relate to the definition itself. The zoning ordinance text should then further detail what can and cannot be requested as a variance (height, bulk, setbacks, etc.). The proposed definition of *hardship*, used in conjunction with the proposed definition for *variance* and Section 2.6.2.B of the zoning ordinance, makes it clear that a variance has to do with a deviation from the zoning ordinance that only relates the physical characteristics of the property (shape, size, area, height, bulk, location), not the use (which is mentioned in the definition for variance in the Code of Virginia). Therefore, staff feels the two proposed definitions for *hardship* and *variance* are appropriate and help clarify and strengthen the zoning ordinance.

RECOMMENDATION:

Staff recommends **APPROVAL** of the text amendments to Article II, Section 2.9, as proposed.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Cape Charles Community Trail, Phase 3		AGENDA DATE January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Authorize construction contract award.		ITEM NUMBER: 9D
	ATTACHMENTS: None.		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek, Project Manager	REVIEWED BY: Smitty Dize, Mayor	

BACKGROUND:

Council adopted the Master Trail Plan on September 11, 2007. This multi-use trail is being constructed in phases. Eighty percent of the cost is funded by Federal grants under the Transportation Alternatives Program, administered by the Virginia Department of Transportation (VDOT) and twenty percent by the Town. To date, \$4.4M of grant funding has been awarded. About \$1M was utilized for the Master Plan and for design, engineering and construction of Phase 1 in Central Park. About \$1.6M was utilized for Phase 2, north Peach St. and Washington Ave. About \$0.8M is reserved for Phase 3, south Peach St., which will connect to Mason Avenue and Strawberry Street Plaza. Finally, \$1M was awarded for Phase 4, Bay Avenue.

For Phase 3, the trail will be on both the east and west sides of Peach St. and will connect to the paver walkway on the south side of Mason Ave. A head-in diagonal parking median and parallel curb-side parking will provide 29 spaces. Pedestrian lighting will be provided for both the trail and parking median. Two handicap accessible parking spaces will be created at the northwest corner of Peach and Mason. Improvements to the Central Park south entrance will correct problems at the intersection of the trail exiting the Park and the public alley, as well as providing a semi-pervious parking area. The design was approved by VDOT and the project advertised for construction bids. The work at the south entrance to the park was structured as a bid alternate.

DISCUSSION:

Two bids were received and opened on November 26, 2019. Excel Paving (Norfolk, VA) was the low bidder at \$722,225.90 for the base work (excluding the park entrance). Conrad Brothers (Chesapeake, VA) bid was \$120,343 higher. The bid alternate, park entrance, was closer with Excel at \$87,073 and Conrad at \$78,625. Unfortunately, the low bid for the base work was more than 24% higher than the Engineer's estimate of \$546,355. Much of the variance is associated with installation of a Jellyfish unit for storm water nutrient removal. As the available funding is insufficient, staff and VDOT have been focusing on a path to award the base work only.

The updated construction project estimate, reflecting the low bid for the base work is as follows:

Excel Paving	\$722,226
5% contingency	36,111
VDOT/CE&I	157,154
Total	\$915,491

The previous construction project estimate was \$879,354, resulting in a funding shortfall of \$36,137. However, this shortfall may not materialize for several reasons. First, \$21,909 was included in the base bid for contingent work should fuel oil tanks be disturbed during excavation. This is unlikely to occur. Second, it is unlikely that the full 5% contingency allowance will be utilized for this straightforward and compact project. Lastly, the VDOT/CE&I estimate is likely high.

VDOT indicated they will approve award of the construction contract if the Town commits to covering the shortfall in the approved project funding. After discussion with the Mayor, staff informed VDOT that the Town

is willing to do so. VDOT approval to award the contract is anticipated shortly.

If a funding shortfall does materialize during construction, much of it (80%) can subsequently be offset by transferring additional available TAP funds to the construction project. Staff is working with VDOT to either identify unexpended funds that can be reallocated from the Phase 3 design & engineering project, or from the yet to be initiated Phase 4 project.

The objective is to complete construction by the end of April/early May.

RECOMMENDATION:

Staff recommends that, contingent on VDOT approval, Council authorize award of the construction contract to Excel Paving Corporation in the amount of \$722,225.90, with a 5% contingency allowance.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Harbor Rehabilitation & Improvements		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Approve additional project initiation.		ITEM NUMBER: 9E
	ATTACHMENTS: Inner Harbor Sidewalk Scope of Work and Specifications		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Smitty Dize	

BACKGROUND:

Council included \$125,000 in the FY 2020 budget for rehabilitation of the inner harbor based on a phased approach proposed by the Harbormaster. Council requested additional definition and cost estimates for specific projects before proceeding with the work. A change order to the marine engineering services contract with Langley & McDonald was executed to provide design and cost estimating assistance. Additionally, the Mayor requested that estimates be developed to pave the parking lot turnaround with concrete and add light poles along the boardwalk between the bath house and the Shanty restaurant.

Cost estimates for all components of the work were provided at the December 19, 2019 meeting. Council approved the project to pave the parking lot turnaround and add light poles along the boardwalk (\$36.6K). Council requested additional design information for rehabilitation of the walkway around the inner harbor, Phases 1-3.

DISCUSSION:

Phase 1 is located in front of the Harbormaster's office and is used primarily for fueling of vessels. Phases 2 & 3 are on the north and east sides of the inner harbor and are primarily for commercial vessel use (offload of seafood catch and side to docking).

The work in these areas consists primarily of replacing the existing deteriorated wood boardwalk with a 10' wide concrete sidewalk. The design has been finalized. See the attached Scope of Work and Specifications that are part of the Invitation for Bids (IFB) package ready to be advertised.

Additional work for these phases includes:

- A. Replacement of broken electric & water pedestals. These will be replaced with several weatherproof 30/50 amp breakers/receptacles, LED explosion proof light fixtures, and water spigots mounted on the inboard side of the pilings. These are all standard components. Installation, wiring and plumbing will be bid out to local electricians and plumbers via separate IFBs. Existing electric and water supply will be utilized. PVC conduit for the wiring and piping will be laid by harbor staff before installation of the concrete sidewalk. This dockside lighting and water supply design was chosen as a more survivable option in the commercial areas.
- B. New area lighting. These will be the same style light poles and luminaries used for Phases 1-3 of the community trail and on Mason Ave. Manufacturer cut sheets and specifications are available from these projects and will be utilized on an "or equal" basis in a separate IFB. Specifications include LED light sources and Dark Sky Compliant fixtures. Installation will be bid out to local electricians, as was done for the additional lights in Central Park and new lights on Mason Avenue. Existing electric supply will be utilized. These will be combined in an IFB with the lights to be installed between the bath house and Shanty for economy of scale.
- C. New benches. These will be the same style bought by CCMS for Strawberry Street Plaza. They are available from multiple vendors. Assembly will be done by Harbor/Public Works staff.

Phases 1 - 3 of the walkway are in the worst condition and should be completed before the spring crabbing season; estimated at \$195K.

After the fee for engineering services and the estimate for the parking lot turnaround and lights, \$67.1K remains available this fiscal year. This is insufficient to do all the above work. An additional \$127.9K is required. Some elements of the work, e.g., benches and light poles, could be deferred to reduce the additional funding needed.

RECOMMENDATION:

That Council consider approving additional funding and rehabilitation Phases 1-3.

December 16, 2019

Town of Cape Charles
Inner Harbor Sidewalk
Scope of Work and Specifications

Scope of Work

Install concrete sidewalk as follows:

Base Bid –

- Phase 1 – Approximately 65' long and 7' wide, in front of Harbormaster's office.
- Phase 2A – Approximately 157' long and 10' wide, northwest side of basin.
- Phase 2B – Approximately 205' long and 10' wide, north side of basin.
- Phase 2C – Approximately 187' long and 10' wide, northeast side of basin. Build around existing life boat installation as marked in field.

Bid Alternate –

- Phase 3 – Approximately 266' long and 10' wide, east side of basin.

Refer to attached drawing for location of the above Phases.

Specifications

Foundation shall be shaped and compacted to provide an inboard slope of between 1% and 2% for finished concrete. VDOT #21A stone shall be added where necessary. Foundation shall be thoroughly moistened immediately prior to concrete placement.

Sidewalk shall be nominally 6" thick VDOT Class A3, 3000 psi, concrete.

The outboard side of the sidewalk will be constructed over a bulkhead approximately 22" wide. The bulkhead consists of corrugated sheet pile sandwiched between two timber whalers. Every other corrugation is open to the water below. Geotextile fabric sufficient to support the concrete until cured shall be placed over the bulkhead before installing the outboard forms. The fabric shall be 2' wide and stapled to the two whalers.

Outboard forms will remain in place against the piles. They shall be constructed of 4"x6"x16' dimensional southern yellow pine, treated to 2.5 pcf CCA, laid on the 4" face. Sections shall be joined with 45 degree angles at a pile. They shall be bolted to each pile and the outboard whaler at approximately 3' intervals using stainless steel lag bolts to be provided by Owner.

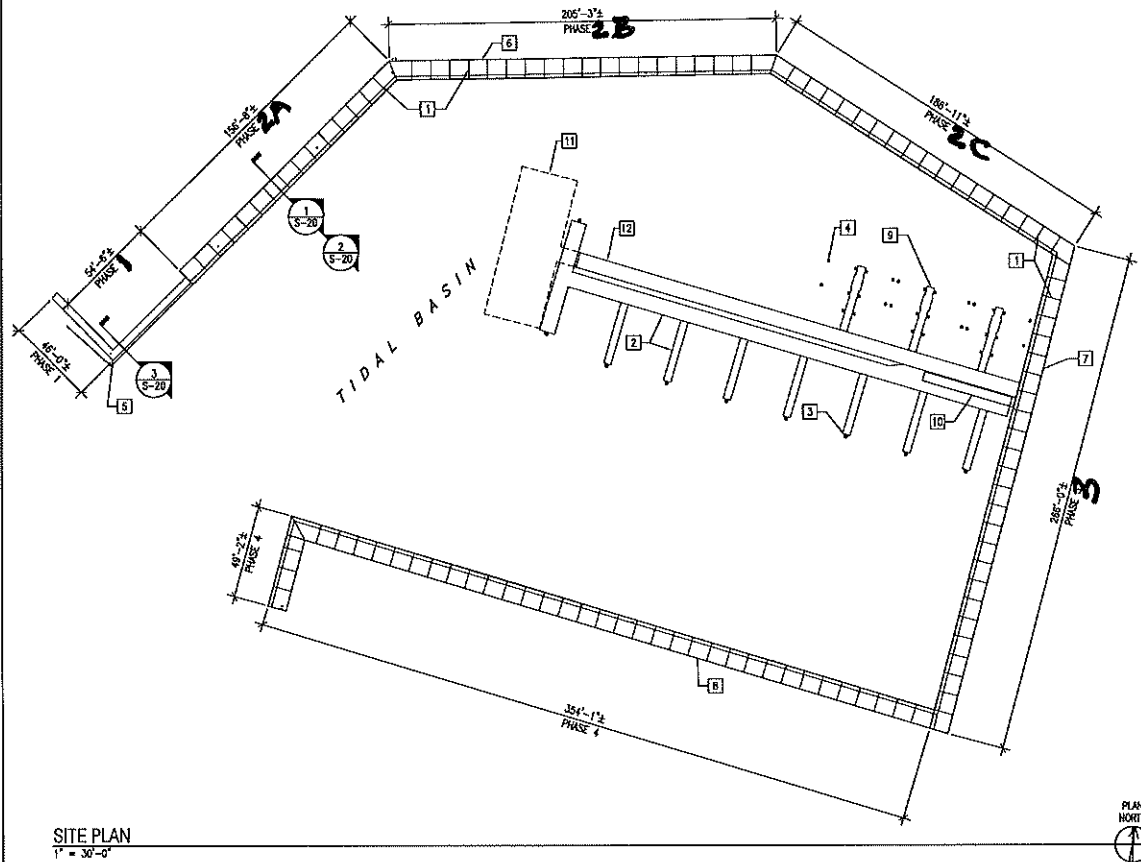
Inboard forms shall be straight, free from warp, extend the full depth of the concrete and of sufficient strength to resist the pressure of newly placed concrete without dislodging or springing. Forms shall be braced so that they will remain in true horizontal and vertical alignment until their removal. Forms shall be cleaned of foreign matter and coated with a releasing agent or thoroughly wetted with water immediately before concrete placement.

Concrete shall be placed in forms by methods that will prevent segregation of the mix. Concrete shall be spread full depth and width and brought to grade by screeding and straight edging. Concrete shall be spaded adjacent to forms to prevent a honeycomb appearance in the finished work. The surface shall be smoothed with a wooden float to produce a surface free from irregularities. The surface shall have a light broom finish. Outside edges of the slab and joints shall be rounded with an edging tool having a radius of $\frac{1}{4}$ inch.

Transverse expansion joints shall be constructed at the intersections of Phases and midway of each Phase, except for Phase 1. Slabs shall be separated by the installation of transverse preformed joint filler, $\frac{1}{2}$ inch in thickness, which shall extend from the bottom of the slab to approximately $\frac{1}{4}$ inch below the top surface.

The slab between expansion joints shall be divided into sections approximately 5' long by transverse control joints formed by a jointing tool or trowel. Control joints shall extend into the concrete at least $\frac{1}{4}$ of the depth and shall be approximately $\frac{1}{8}$ inch in width. For 10' wide slabs, control joints shall be formed longitudinally to obtain uniform blocks that are approximately 5' square.

The concrete shall be cured and protected immediately following finishing operations. Sidewalks shall not be opened to pedestrian traffic for the first 5 days after placement. Vehicular traffic shall be excluded for the first 14 days.



KEY NOTES:

- 1 PHASE 2, 3 & 4 - NEW CONCRETE DECK.
- 2 PHASE 5 - NEW FLOATING DOCK BY OTHERS.
- 3 PHASE 5 - 10" BUTT DIAMETER TIMBER ANCHOR PILES, 45'-0" BID LENGTH (9 PILES).
- 4 PHASE 6 - 10" BUTT DIAMETER PILE 45'-0" BID LENGTH (30 PILES) FOR BOAT LIFT.
- 5 PHASE 1 - REPLACE 100'-0" FUEL DOCK DECK WITH STRINGERS WITH NEW TIMBER DECK AND STRINGERS.
- 6 PHASE 2 - REPLACE 150'-0" TIMBER DECK AND STRINGERS WITH 6'-0" WIDE CONCRETE DECK.
- 7 PHASE 3 - REPLACE 283'-0" OF TIMBER DECK AND STRINGERS WITH 6'-0" WIDE CONCRETE DECK.
- 8 PHASE 4 - REPLACE 400'-0" OF TIMBER DECK AND STRINGERS WITH 6'-0" WIDE CONCRETE DECK.
- 9 PHASE 6 - INSTALL NEW BOAT LIFT PERS.
- 10 PHASE 5 - 50'-0" x 6'-0" PRE-MANUFACTURED GANGWAY, CONNECTIONS BY MANUFACTURER.
- 11 PHASE 5 - REMOVE EXISTING BARGE AND DEMOLISH END OF EXISTING FIXED PIER AS REQUIRED TO MAKE WAY FOR NEW WORK.
- 12 EXISTING FIXED DOCK.



REVISION:

DATE:

CAPE CHARLES HARBOR
MARINA IMPROVEMENTS

SITE PLAN

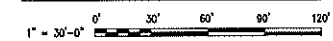
FOR
TOWN OF CAPE CHARLES

VIRGINIA

CAPE CHARLES

NOTE:
IF THIS DRAWING IS A REDUCTION, GRAPHIC SCALE
MUST BE USED.

GRAPHIC SCALE:



DESIGNED: GVG
DRAWN: RSC
CHECKED: GVG
SCALE: AS SHOWN
DATE: 10/02/2019
FILE: -

PROJ. # -
SHEET NO. S-10
OF X

 TOWN OF CAPE CHARLES	AGENDA TITLE: 2020 Capital Project Budget Transfer Request		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Harbor Boardwalk Project Funding Request		ITEM NUMBER: 9F
	ATTACHMENTS: N/A		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Deborah Pocock	REVIEWED BY: Smitty Dize, Mayor	

BACKGROUND:

The inner harbor wooden walkway rehabilitation project has been reviewed by Council. \$125,000 was budgeted for 2020, however this amount is less than the projected cost of the desired work for Phases I, II, and III.

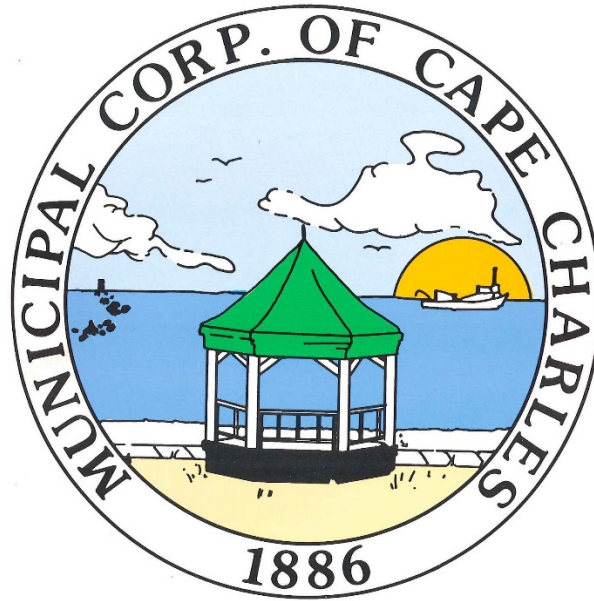
DISCUSSION:

The Town Manager is authorized by the budget resolution to transfer funding between accounts; however, the procurement policy requires Town Council approval for such a transfer for capital expenditures with a cost greater than \$50,000.

The project includes paving the parking lot turnaround, replacement of the inner harbor walkway, replacement of broken electric and water pedestals, new area lighting and benches.

RECOMMENDATION:

Staff recommends that Council vote to approve the Mayor's request to divert \$128,000 of the 2020 capital budget set aside for work on the second and third floors of the library to the Inner Harbor Rehabilitation Project.



New Business Agenda Items #10A-10B

 TOWN OF CAPE CHARLES	AGENDA TITLE: 2020 Tax Relief for Elderly and or Handicapped Individuals		AGENDA DATE: January 16, 2020
	SUBJECT/PROPOSAL/REQUEST: Proposal to increase the maximum annual combined income amount.		ITEM NUMBER: 10A
	ATTACHMENTS: Ordinance 20200116, Current tax credit application		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Deborah Pocock	REVIEWED BY: Smitty Dize, Mayor	

BACKGROUND:

The Town Code provides assistance in the form of real property tax credits to qualified persons who are elderly or who are physically disabled. Applicants must meet certain income and health status substantiations.

DISCUSSION:

The combined income (if married) of the applicant for elderly/disabled tax credits currently cannot be greater than \$22,000. In 2019, Northampton County increased this maximum to \$25,000. The town generally follows suit with such tax matters, and since it has been longer than 6 years since any cost of living or other adjustment has been made to this form it would be prudent to do so at this time.

Additionally, there are three typos in this code section which staff would like to correct. They are all the word “proceeding,” which should be spelled “preceding.”

RECOMMENDATION:

Staff recommends that Council adoption of Ordinance 20200116, by roll call vote, to amend the text of the Town Code to read as follows:

Sec. 66-118. - Eligibility for exemption.

Exemption shall be granted to persons subject to the following provisions:

- (1) The title to the property for which exemption is sought is held or partially held, on December 31, immediately ~~proceeding~~ **preceding** the taxable year by the person or persons seeking the exemption. If the ownership of the property for which application for exemption is made is not held solely by the applicant or jointly with the applicant's spouse, then the amount of the tax exemption hereunder, shall be in proportion to the applicant's ownership interest in the subject real property, as the ownership interest may appear.
- (2) The head of the household occupying the dwelling and owning title or partial title hereto is 65 years or older on December 31 of the year immediately ~~proceeding~~ **preceding** the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons seeking the exemption.
- (3) The total combined income of the owners during the year immediately ~~proceeding~~ **preceding** the taxable year shall be determined by the treasurer to be an amount not to exceed ~~\$22,000.00~~ **\$25,000.00**. Total

combined income shall include from all sources of the owners, spouses, and of the owners' relatives living in the dwelling for which exemption is claimed; provided, however, that the first \$3,000.00 of annual income of the owners' relatives living in the dwelling other than the spouses' shall be excluded in computing total combined income.

- (4) The net combined financial worth as of December 31 of the year immediately preceding the taxable year of the owners and of the spouse of any owner shall be determined by the treasurer to be an amount not to exceed \$80,000.00. Net combined financial worth shall include the value of all assets, including equitable interest of the owners and the spouse of any owner, excluding the fair market value of the dwelling and the land, not to exceed one acre, upon which it is situated and for which exemption is claimed.
- (5) The person or persons seeking the exemption must file annually with the treasurer an affidavit as hereinafter provided.

(Ord. No. 030805, 3-8-05; Ord. of 2-14-06

ORDINANCE 20200116

**UPDATING THE ELDERLY & HANDICAPPED INDIVIDUAL
TAX RELIEF CODE**

WHEREAS, the Town of Cape Charles currently provides assistance in the form of real property tax credits to qualified persons who are elderly or physically disabled; and

WHEREAS, the applicants must meet certain income and health status substantiations. Currently the combined income, if married, cannot exceed \$22,000; and

WHEREAS, the Northampton County offers a similar program and in 2019, increased the maximum combined income to \$25,000; and

WHEREAS, the Town generally follows suit with Northampton County with such tax matters; and

WHEREAS, the current Town Code Section 66-118 also contains a number of typographical errors that need to be corrected.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 16th day of January 2020, that Section 66-118 of the Cape Charles Town Code be revised per the attached, to become effective upon adoption.

Adopted by the Town Council of Cape Charles on January 16, 2020.

By: _____
Mayor

ATTEST:

Town Clerk

Sec. 66-118. - Eligibility for exemption.

Exemption shall be granted to persons subject to the following provisions:

- (1) The title to the property for which exemption is sought is held or partially held, on December 31, immediately preceding the taxable year by the person or persons seeking the exemption. If the ownership of the property for which application for exemption is made is not held solely by the applicant or jointly with the applicant's spouse, then the amount of the tax exemption hereunder, shall be in proportion to the applicant's ownership interest in the subject real property, as the ownership interest may appear.
- (2) The head of the household occupying the dwelling and owning title or partial title hereto is 65 years or older on December 31 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons seeking the exemption.
- (3) The total combined income of the owners during the year immediately preceding the taxable year shall be determined by the treasurer to be an amount not to exceed \$25,000.00). Total combined income shall include from all sources of the owners, spouses, and of the owners' relatives living in the dwelling for which exemption is claimed; provided, however, that the first \$3,000.00 of annual income of the owners' relatives living in the dwelling other than the spouses' shall be excluded in computing total combined income.
- (4) The net combined financial worth as of December 31 of the year immediately preceding the taxable year of the owners and of the spouse of any owner shall be determined by the treasurer to be an amount not to exceed \$80,000.00. Net combined financial worth shall include the value of all assets, including equitable interest of the owners and the spouse of any owner, excluding the fair market value of the dwelling and the land, not to exceed one acre, upon which it is situated and for which exemption is claimed.
- (5) The person or persons seeking the exemption must file annually with the treasurer an affidavit as hereinafter provided.



**TOWN OF
CAPE CHARLES**

AGENDA TITLE: Lease for Water Tower Space

AGENDA DATE:
January 16, 2020

SUBJECT/PROPOSAL/REQUEST: lease of space on the
water tower for Internet Antennas

ITEM NUMBER:
10B

ATTACHMENTS: Lease

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
William "Smitty" Dize

REVIEWED BY:

BACKGROUND:

In 2019 NeuBeam purchased Eastern Shore Communications, ESC has an internet antenna located on the water tower to provide customers with Wi-Fi. Charter Communication purchased Chesapeake Bay Communications and on January 14, 2020 Chesapeake Bay Communications will dissolve and NeuBeam is retaining their equipment which includes an antenna on the water tower.

On January 9, 2020, the Mayor signed a letter of intent with Neubeam to continue service without interruption until a lease agreement was approved by council.

DISCUSSION:

Chesapeake Bay Communications has a current lease with the town that runs through 2021. The town had received notice from CBC to opt out of their current lease which was signed on March 26, 2016. Eastern Shore Communications lease expired in July 2018.

If both leases were intact and it was just a matter of transferring the lease, no public hearing would be necessary. However, where ESC lease had expired, NeuBeam would like to combine both leases into one, which requires the town to hold a public hearing. Earlier this evening a public hearing was held.

The new lease is the same as the other two combined, which NeuBeam agrees to pay a yearly fee at the same rate for the ESC antenna and agrees to swap antenna space for internet services to all town owned facilities with the exception of town hall, which has fiber and will continue with Charter Communications.

RECOMMENDATION:

Staff Recommends that council approve the lease as presented.

LEASE AGREEMENT

THIS LEASE AGREEMENT ("**Agreement**"), dated as of the latter of the signature dates below (the "**Effective Date**"), is entered into by The Town Of Cape Charles, having a mailing address of #2 Plum Street, Cape Charles Va. 23310 (hereinafter referenced to as "**Landlord**") and Declaration Networks Group, Inc dba NeuBeam, having headquarters and mailing address of 8245 Boone Blvd, Suite 230, Vienna, VA 22182 (hereinafter referred to as "**Tenant**").

BACKGROUND

Landlord owns or controls that certain plot, parcel or tract of land, improved with a water tower structure, together with all rights and privileges arising in connection therewith, located at 2140 Stone Road, Cape Charles (Water Tower), Commonwealth of Virginia (collectively, the "**Property**"). Tenant desires to use a portion of the Property in connection with its commission, installation, operation and maintenance of Internet communications services, including assuming control of the currently existing equipment installed on the property by Eastern Shore Communications, LLC and Chesapeake Bay Communications. Landlord desires to grant to Tenant the right to use Property in accordance with this Agreement.

The parties agree as follows:

1. LEASE OF PROPERTY.

Landlord hereby leases to Tenant that portion of the Property described in **Exhibit A** attached hereto. The leased portion of the Property is referred to herein as the "Premises".

2. PERMITTED USE.

Tenant may use the Premises for the transmission and reception of communications signals and the installation, construction, maintenance, operation, repair, replacement and upgrade of its communication fixtures and related equipment, cables, accessories and improvements, which includes currently installed equipment from Eastern Shore Communications, LLC and Chesapeake Bay Communications and may include a suitable support structure, associated antennas, I beams, equipment shelters or cabinets and fencing and any other items necessary to the successful and secure use of the Premises (collectively, the "**Communication Facility**"), as well as the right to test, survey and review title on the Property; Tenant further has the right, but not the obligation, to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including, but not limited to, emergency 911 communication services, at no additional cost to Tenant or Landlord (collectively, the "**Permitted Use**"). For a period of ninety (90) days following the start of construction, Landlord grants Tenant, its licensees and sub-licensees, the right to use such portions of Landlord's Surrounding Property, as may reasonably be required during construction and installation of the Communications Facility. Tenant has the right to install and operate transmission cables from the equipment shelter or cabinet to the antennas, electric lines from the main feed to the equipment shelter or cabinet and

communication lines from the main entry point to the equipment shelter or cabinet, and to make Property improvements, alterations, upgrades or additions appropriate for Tenant's use ("**Tenant Changes**"). Tenant agrees to comply with all applicable governmental laws, rules, statutes and regulations, relating to its use of the Communication Facility on the Property. Tenant has the right to modify, replace or upgrade, the Communication Facility within the Premises at any time during the term of this Agreement. All Tenant Improvements and Tenant Changes shall be approved by the Landlord; said approvals shall not be unreasonably conditioned, withheld or delayed.

3. OPERATIONS.

(a) Tenant shall, at its sole cost and expense, operate and maintain the Communication Facility in accordance with good engineering practices, and all applicable FCC rules and regulations. Tenant's installation of the Communication Facility shall be in accordance with the Tenant Plans approved by Landlord. Any damage done to the Premises, or any other property of Landlord or any other person or property during installation or operation of the Communication Facility shall be repaired at Tenant's expense within 30 days after notification of damage. The Communication Facility shall remain the exclusive property of Tenant, and shall not be deemed fixtures. Tenant shall have the right to remove the Communication Facility at any time during the term of this Agreement, but shall remain liable for all other obligations under this Agreement, including rent, unless otherwise provided in this Lease.

(b) Maintenance, Improvement Expenses. All modifications to the Premises, and all improvements to Landlord's Property made for Tenant's benefit shall be at the Tenant's expense and such improvements shall be maintained in a good state of repair by Tenant at Tenant's sole expense. Except in the event of an emergency, Tenant shall provide written notice to Landlord not less than seventy-two hours before commencing any maintenance or other construction on Landlord's property and Tenant shall promptly restore Landlord's property after such work. No advertisements shall be placed on the Communication Facility.

(c) Replacements. Before Tenant may update or replace the Communication Facility, Tenant must notify and provide to Landlord a detailed proposal for any such replacement facilities and any other information reasonably requested by Landlord concerning the requested update or replacement, including but not limited to, a technical study consistent with any otherwise required under this Agreement, carried out at Tenant's expense.

(d) Drawings. Tenant shall provide Landlord with as-built drawings of the equipment and improvements installed on the Premises showing the actual location of the Communication Facility and of all other improvements installed on Landlord's Property by Tenant in connection with this Agreement. The drawings shall be accompanied by a complete and detailed inventory of all equipment, personal property, and antenna facilities to be placed on the Premises, or other property of Landlord in connection with this Agreement.

(e) No Interference. Tenant shall, at its own expense, maintain any equipment on or attached to the Premises in a safe condition, in good repair and in a manner suitable to Landlord so as not to conflict with the use of the Property by Landlord or any other person. Tenant shall not unreasonably interfere with Landlord's use of the Property.

(f) Additional Structures. Tenant acknowledges that Landlord may permit additional structures to be installed on the Property. Tenant shall permit such structures to be placed immediately adjacent to and reasonably spaced from Tenant's Premises.

(g) Damage To Landlord's Property. Upon completion of any installation and/or maintenance by Tenant at the Premises, Landlord shall conduct an inspection of the Communication Facility. In the event that Landlord's inspection determines that Tenant or its contractors have damaged the Property, then Landlord shall demand that Tenant correct such damage promptly, and if Tenant fails to do so, Landlord may repair such damage and charge Tenant for same as additional Rent, which shall be paid within thirty (30) days of notice and reasonable supporting documentation thereof from Landlord.

4. TERM.

The initial lease term will be five (5) years ("**Term**"), commencing on the Effective Date (the "**Term Commencement Date**"). The Term will terminate on the fifth (5th) anniversary of the Term Commencement Date.

5. RENT.

(a) Upon the Effective Date of this Agreement, Tenant will pay the Landlord "**Rent**" of \$2,400 annually, to be paid every Quarter in advance in the amount of \$600. Additionally, the Tenant will continue the provision of Internet Service in the same manner as was provided by the tenant under the CBC Lease (defined in section 23(d) below) to the Town of Cape Charles locations identified in **Exhibit B** free of charge for the Term.

(b) All charges payable under this Agreement such as utilities and taxes shall be paid by the Tenant. The provisions of the foregoing sentence shall survive the termination or expiration of this Agreement.

6. APPROVALS.

Landlord agrees that Tenant's ability to use the Premises is contingent upon the suitability of the Premises for Tenant's Permitted Use and Tenant's ability to obtain and maintain all Government Approvals. Landlord authorizes Tenant to prepare, execute and file all required applications to obtain Government Approvals for Tenant's Permitted Use under this Agreement and agrees to reasonably assist Tenant with such applications and with obtaining and maintaining the Government Approvals.

7. TERMINATION.

This Agreement may be terminated, without penalty or further liability, as follows:

(a) by either party on thirty (30) days prior written notice, if the other party remains in default of this Agreement after the applicable cure periods; or

(b) by Tenant upon written notice to Landlord, if Tenant is unable to obtain, or maintain, any required approval(s) or the issuance of a license or permit by any agency, board, court or oilier governmental authority necessary for the construction or operation of the

Communications Facility as now and hereafter intended by Tenant or if Tenant determines in its sole discretion that the cost of obtaining or retaining the same is commercially unreasonable; or

(c) by Tenant upon written notice to Landlord for any reason at any time prior to commencement of construction by Tenant; or

(d) By Tenant upon sixty (60) days prior written notice to Landlord for any reason or for no reason, so long as Tenant pays Landlord a termination fee equal to six (6) months Rent, at the then current rate; or

(e) Within thirty (30) days following written notice from the Landlord in the event of an emergency and upon one hundred eighty (180) days following written notice for non-emergency situations, Tenant shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of the Communication Facility on the Premises whenever the Landlord shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

(i) The construction, repair, maintenance or installation of any municipal facilities or other public improvement in or upon the Premise or Premises; or

(ii) The operations of the Landlord or other governmental entity in or upon the Premises.

In such case, Tenant shall be entitled to a reduction in rent if its Communication facility is not able to be used. Such reduction shall be in proportion to how much of the Communication Facility Tenant can use. If Tenant's use of the Communication Facility is materially affected by complying with the Landlord's notice for a period of greater than 30 days, Tenant may terminate this Agreement upon giving 15 days written notice to Landlord, subject to Tenant's duty to restore the premises as set forth in section 14.

8. INSURANCE.

Tenant will carry during the Term, at its own cost and expense, the following insurance: (i) "All Risk" property insurance for its property's replacement cost; (ii) commercial general liability insurance with a minimum limit of liability of One Million Dollars \$1,000,000 combined single limit for bodily injury or death/property damage arising out of any one occurrence; and (iii) Workers' Compensation Insurance as required by law. The coverage afforded by Tenant's commercial general liability insurance shall apply to Landlord as an additional insured, but only with respect to Landlord's liability arising out of its interest in the Property. Tenant shall furnish Landlord with proof of coverage annually or upon request by Landlord.

9. INTERFERENCE.

(a) Tenant's use of the Property shall be NONEXCLUSIVE, and Landlord specifically reserves the right to allow the Property to be used by other parties and to make additions, deletions, or modifications to its own facilities on the Property.

(b) Where there are existing radio frequency user(s) on the Property, the Landlord will provide Tenant with a list of all existing radio frequency user(s) on the Property to allow Tenant to evaluate the potential for interference. Tenant warrants that its use of the Premises will not interfere with existing radio frequency user(s) on the Property so disclosed by Landlord, as long as the existing radio frequency user(s) operate and continue to operate within their respective frequencies and in accordance with all applicable laws and regulations.

(c) Landlord will not grant, after the date of this Agreement, a lease, license or any other right to any third party for use of the Property, if such use may in any way adversely affect or interfere with the Communication Facility, the operations of Tenant or the rights of Tenant under this Agreement, and not install equipment within five (5) feet of the Tenant's equipment. Landlord will notify Tenant in writing prior to granting any third party the right to install and operate communications equipment on the Property.

(d) Landlord will not use, nor will Landlord permit its employees, tenants, licensees, invitees or agents to use, any portion of the Property in any way which interferes with the Communication Facility, the operations of Tenant or the rights of Tenant under this Agreement. Landlord will cause such interference to cease within twenty-four (24) hours after receipt of notice of interference from Tenant. In the event any such interference does not cease within the aforementioned cure period then the parties acknowledge that Tenant will suffer irreparable injury, and therefore, Tenant will have the right to elect to enjoin such interference or to terminate this Agreement upon notice to Landlord.

(e) For the purposes of this provision, "interference" may include, but is not limited to; any other use on the Property that causes electronic, physical or obstruction interference with, or degradation of the communications signals to and from Tenant's Communication Facility. Pre-existing facilities are expressly excluded. The Landlord will work with all parties that desire to co-locate on the Property and will have each perform an "Interference/Intermodulation" Study prior to installation. Landlord will ensure (1) that all wireless tenants shall be given this study prior to installation for review and notification, (ii) that any wireless provider/tenant and said facility will not cause interference electronic or otherwise, and (iii) that each tenant shall have quiet enjoyment of their leased area. The Landlord will provide solution(s) for any interference claim. No tenant shall interfere with the other tenants' rights to the ability to transmit or receive radio signals. Landlord reserves the right to cure under the local, state, and federal guidelines of a communications site manager/provider.

10. INDEMNIFICATION.

(a) Except to the extent attributable to the sole gross negligence or willful misconduct of Landlord, Tenant agrees and binds itself to indemnify, keep and hold the Landlord, its officers, agents, employees and volunteers free and harmless from any and all claims, causes of action, damages, costs (including reasonable attorney's fees), or any liability on account of any injury or damage of any type to any persons or property directly resulting from the acquisition, construction, reconstruction, erection, installation, use, maintenance, repair, extension or removal of the Communication Facility or Tenant's breach of any provision of this Agreement. In the event that any suit or proceeding shall be brought against the Landlord

at law or in equity, either independently or jointly with Tenant on account of anything set forth above, Tenant, upon notice given to it by Landlord, will defend the Landlord in any such action or other proceeding, at the cost of the Tenant; and in the event of any settlement or final judgment being awarded against the Landlord, either independently or jointly with Tenant, then Tenant will pay any such settlement or judgment or will comply with such decree, pay all reasonable costs and expenses of whatsoever nature and hold the Landlord, its officers, agents, employees and volunteers harmless therefrom.

(b) The Tenant shall protect, indemnify, and hold harmless the Landlord from any and all demands for fees, claims, suits, actions, causes of action, or judgments based on the alleged infringement or violation of any patent, invention, article, arrangement, or other apparatus that may be used in the performance of any work or activity arising out of the use of the Communication Facility the provision of telecommunications service by Tenant.

11. WARRANTIES.

(a) Tenant and Landlord each acknowledge and represent that it is duly organized, validly existing and in good standing and has the right, power and authority to enter into this Agreement and bind itself hereto through the party set forth as signatory for the party below.

(b) Landlord represents and warrants that: (i) Landlord solely owns the Property as a legal lot in fee simple, or controls the Property by lease or license and solely owns the structure; (ii) the Property is not encumbered by any liens, restrictions, mortgages, covenants, conditions, easements, leases, or any other agreements not of record, which would adversely affect Tenant's Permitted Use and enjoyment of the Premises under this Agreement; (iii) Landlord's execution and performance of this Agreement will not violate any laws, ordinances, covenants or the provisions of any mortgage, lease or other agreement binding on the Landlord.

12. HAZARDOUS MATERIALS.

While on or near Landlord's Property or easement or in its performance pursuant to this Agreement, Tenant shall not transport, dispose of or release any hazardous substance, material, or waste, except as necessary in performance of its work under this Agreement, and in any event Tenant shall comply with all federal, state, and local laws, rules, regulations, and ordinances controlling air, water, noise, solid wastes, and other pollution, and relating to the storage, transport release, or disposal of hazardous material, substances or waste. Regardless of Landlord's acquiescence, Tenant shall indemnify and hold Landlord, its officers, agents, employees and volunteers harmless from all costs, claims, damages, causes of action, liabilities, fines or penalties, including reasonable attorney's fees, resulting from Tenant's violation of this paragraph and agrees to reimburse Landlord for all costs and expenses incurred by Landlord in eliminating or remedying such violations. Tenant also agrees to reimburse Landlord and hold Landlord, its officers, agents, employees and volunteers harmless from any and all costs, expenses, attorney's fees and all penalties or civil judgments incurred by or obtained against any of them as a result of Tenant's use or release of any hazardous material, substance or waste onto the ground or otherwise, or into the water or air from, near or upon the Premises, or the Property.

13. ACCESS. At all times throughout the Term of this Agreement, and at no additional

charge to Tenant, Tenant and its employees, agents, and subcontractors, will have twenty-four (24) hour per day, seven (7) day per week pedestrian and vehicular access to and over the Property, for the installation, maintenance and operation of the Communication Facility and any utilities serving the Premises. Landlord grants to Tenant an easement for such access. Landlord agrees to provide Tenant with unlimited access to the ground portion of Tenant's lease area. Should the Tenant require access to its antennas, Tenant shall arrange such access with Landlord at least forty-eight (48) hours in advance for routine maintenance and as early as possible for emergency repairs.

14. REMOVAL/RESTORATION.

All portions of the Communication Facility brought onto the Property by Tenant will be and remain Tenant's personal property and, at Tenant's option, may be removed by Tenant at any time during the Term. Landlord covenants and agrees that no part of the Communication Facility constructed, erected or placed on the Premises by Tenant will become, or be considered as being affixed to or a part of, the Property, it being the specific intention of the Landlord that all improvements of every kind and nature constructed, erected or placed by Tenant on the Premises will be and remain the property of the Tenant and may be removed by Tenant at any time during the Term. If this Agreement is terminated or not renewed, Tenant shall have sixty (60) days from the termination or expiration date to remove its Communication Facility and related equipment, including structural steel, foundations and underground utilities, from the Premises, to restore the Premises to their condition prior to installation of the Communication Facility, ordinary wear and tear excepted. If Tenant fails to remove any or all of the Communication Facility, and/or fails to restore the Premises within sixty (60) days after the expiration or earlier termination of this Agreement, Tenant shall pay \$1,000.00 to Landlord.

15. MAINTENANCE/UTILITIES.

(a) Tenant will keep and maintain the Premises in good condition, reasonable wear and tear and damage from the elements excepted. Landlord will maintain and repair the Property and access thereto, in good and tenantable condition, subject to reasonable wear and tear and damage from the elements.

(b) Tenant will be responsible for paying on a monthly or quarterly basis all utilities charges for electricity, telephone service or any other utility used or consumed by Tenant on the Premises.

16. DEFAULT AND RIGHT TO CURE.

(a) The following will be deemed a default by Tenant and a breach of this Agreement: (i) non-payment of Rent if such Rent remains unpaid for more than thirty (30) days after receipt of written notice from Landlord of such failure to pay; or (ii) Tenant's failure to perform any other term or condition under this Agreement within forty-five (45) days after receipt of written notice from Landlord specifying the failure. No such failure, however, will be deemed to exist if Tenant has commenced to cure such default within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Tenant. If Tenant remains in default beyond any applicable cure period, Landlord will have the right to exercise any and all rights and remedies available to it under law and equity.

(b) The following will be deemed a default by Landlord and a breach of this Agreement: (i) Landlord's failure to perform any term, condition, or breach of any warranty or covenant under this Agreement within forty-five (45) days after receipt of written notice from Tenant specifying the failure. No such failure, however, will be deemed to exist if Landlord has commenced to cure the default within such period and provided such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Landlord. If Landlord remains in default beyond any applicable sure period, Tenant will have the right to exercise any and all rights available to it under law and equity, subject to the limitations set forth in Paragraph (c) hereof.

(c) The Landlord, its officers, agents, or employees shall not be liable to Tenant for any damages of any type or loss or interruption of any of Tenant's business or telecommunications services caused by any acts, omissions, or actions of Landlord, whether negligent or otherwise. Furthermore, if Landlord terminates this Agreement other than as of right as provided in this Agreement or by law, or Landlord causes interruption of the business of Tenant, or otherwise breaches this Agreement, to the extent Landlord may be held liable to Tenant, then, notwithstanding the foregoing, Landlord's liability for damages to Tenant shall be limited to only the actual and direct costs of equipment removal, and shall specifically exclude any recovery for value of the business of Tenant as a going concern, present or future expectation of profits, loss of business or profits, or any other related damages of Tenant.

18. NOTICES.

All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notice will be addressed to the parties as follows:

If to Tenant: **Declaration Networks Group, Inc**
 d/b/a NeuBeam
 8245 Boone Blvd, Suite 230
 Vienna, VA 2182
 Attn: President

If to Landlord: **Town of Cape Charles**
 2 Plum Street
 Cape Charles, VA 23310
 Attn: Town Manager

Either party hereto may change the place for the giving of notice to it by thirty (30) days written notice to the other as provided herein.

19. CONDEMNATION.

In the event Landlord receives notification of any condemnation proceedings affecting the Property, Landlord will provide notice of the proceeding to Tenant within forty-eight (48) hours. If a condemning authority takes all of the Property, or a portion sufficient, in Tenant's sole

determination, to render the Premises unsuitable for Tenant, this Agreement will terminate as of the date the title vests in the condemning authority. The parties will each be entitled to pursue their own separate awards in the condemnation proceeds, which for Tenant will include, where applicable, the value of its Communication Facility, moving expenses, prepaid Rent, and business dislocation expenses, provided that any award to Tenant will not diminish Landlord's recovery. Tenant will be entitled to reimbursement for any prepaid Rent on a pro-rata basis.

20. CASUALTY.

Landlord will provide notice to Tenant of any casualty affecting the Property within forty-eight (48) hours of the casualty. If any part of the Communication Facility or Property is damaged by fire or other casualty so as to render the Premises unsuitable, in Tenant's sole determination, then Tenant may terminate this Agreement by providing written notice to the Landlord, which termination will be effective as of the date of such damage or destruction. Upon such termination, Tenant will be entitled to collect all insurance proceeds payable to Tenant on account thereof and to be reimbursed for any prepaid Rent on a pro rata basis.

21. WAIVER OF LANDLORD'S LIENS.

The Communication Facility shall be deemed personal property for purposes of this Agreement, regardless of whether any portion is deemed real or personal property under applicable law, and Landlord consents to Tenant's right to remove all or any portion of the Communication Facility from time to time in Tenant's sole discretion and without Landlord's consent.

22. TAXES.

Landlord shall be responsible for payment of all ad valorem taxes levied upon the lands, improvements and other property of Landlord. Tenant shall be responsible for all taxes levied upon Tenant's leasehold improvements on the Premises. Landlord shall provide Tenant with copies of all assessment notices on or including the Premises immediately upon receipt, but in no event later than thirty (30) days after receipt by Landlord. Tenant shall have the right to contest, in good faith, the validity or the amount of any tax or assessment levied against the Premises by such appellate or other proceedings as may be appropriate in the jurisdiction, and may defer payment of such obligations, pay same under protest, or take such other steps as Tenant may deem appropriate. This right shall include the ability to institute any legal, regulatory or informal action in the name of Landlord, Tenant, or both, with respect to the valuation of the Premises. Landlord shall cooperate in the institution and prosecution of any such proceedings and may execute any documents required therefore, at no cost to Landlord. The expense of any such proceedings shall be borne by Tenant and any refunds or rebates secured as a result of Tenant's action shall belong to Tenant.

23. MISCELLANEOUS.

(a) **Amendment/Waiver.** This Agreement cannot be amended, modified or revised unless done in writing and signed by an authorized agent of the Landlord and an authorized agent of the Tenant. No provision may be waived except in a writing signed by both parties.

(b) **Memorandum/Short Form Lease.** Either party will, at any time upon fifteen (15) business days prior written notice from the other, execute, acknowledge and deliver to the

other a recordable Memorandum or Short Form of Lease. Either party may record this Memorandum or Short Form of Lease at any time, in its absolute discretion.

(c) **Bind and Benefit.** The terms and conditions contained in this Agreement will run with the Property and bind and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.

(d) **Entire Agreement; Prior Lease with Chesapeake Bay Communications.** This Agreement and the exhibits attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement. Tenant represents and warrants that, prior to the Effective Date, it has entered into an agreement with Chesapeake Bay Communications ("CBC") pursuant to which Tenant has assumed all of CBC's right, title, and interest in and to: (A) CBC's equipment and fixtures located on the Premises, and (B) the Lease Agreement effective as of March 28, 2016 under which Landlord leases the Premises to CBC (the "CBC Lease"). The CBC Lease is deemed terminated as of the Effective Date, except for those provisions that expressly survive termination or expiration thereunder. Tenant agrees and binds itself to indemnify, keep and hold the Landlord, its officers, agents, employees and volunteers free and harmless from any and all claims, causes of action, damages, costs (including reasonable attorney's fees), or liability asserted by CBC or anyone claiming by, through, or under CBC, or any of their respective successors or assigns.

(e) **Governing Law.** This Agreement will be governed by the laws of the Commonwealth of Virginia, without regard to conflicts of law.

(f) **Interpretation.** Unless otherwise specified, the following rules of construction and interpretation apply: (i) captions are for convenience and reference only and in no way define or limit the construction of the terms and conditions hereof; (ii) use of the term "including" will be interpreted to mean "including but not limited to"; (iii) whenever a party's consent is required under this Agreement, except as otherwise stated in the Agreement or as same may be duplicative, such consent will not be unreasonably withheld, conditioned or delayed; (iv) exhibits are an integral part of the Agreement and are incorporated by reference into this Agreement; (v) use of the terms "termination" or "expiration" are interchangeable; (vi) reference to a default will take into consideration any applicable notice, grace and cure periods; and (vii) to the extent there is any issue with respect to any alleged, perceived or actual ambiguity in this Agreement, the ambiguity shall not be resolved on the basis of who drafted the Agreement.

(g) **Estoppel.** Either party will, at any time upon twenty (20) business days prior written notice from the other, execute, acknowledge and deliver to the other a statement in writing (i) certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying this Agreement, as so modified, is in full force and effect) and the date to which the Rent and other charges are paid in advance, if any, and (ii) acknowledging that there are not, to such party's knowledge, any uncured defaults on the part of the other party hereunder, or specifying such defaults if any are claimed. Any such statement may be conclusively relied upon by any prospective purchaser or encumbrance

of the Premises. The requested party's failure to deliver such a statement within such time will be conclusively relied upon by the requesting party that (i) this Agreement is in full force and effect, without modification except as may be properly represented by the requesting party, (ii) there are no uncured defaults in either party's performance, and (iii) no more than one month's Rent has been paid in advance.

(h) **W-9.** Landlord agrees to provide Tenant with a completed IRS Form W-9, or its equivalent, upon execution of this Agreement and at such other times as may be reasonably requested by Tenant.

(i) **Severability** If any term or condition of this Agreement is found unenforceable, the remaining terms and conditions will remain binding upon the parties as though said unenforceable provision were not contained herein. However, if the invalid, illegal or unenforceable provision materially affects this Agreement then the Agreement may be terminated by either party on ten (10) business days prior written notice to the other party hereto.

(j) **Counterparts.** This Agreement may be executed in two (2) or more counterparts, all of which shall be considered on and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties. It being understood that all parties need not sign the same counterpart.

**[SIGNATURES APPEAR ON THE
NEXT PAGE]**

IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the last date written below.

WITNESS:

"LANDLORD"

TOWN OF CAPE CHARLES, VIRGINIA

Name: _____

By: _____ (SEAL)

Name: _____

Title: _____

Date: _____

WITNESS:

"TENANT"

DECLARATION NETWORKS GROUP, INC,
d/b/a NeuBeam

Name: _____

By: _____ (SEAL)

Name: _____

Title: _____

Date: _____

EXHIBIT A

DESCRIPTION OF PREMISES

The Premises are described and/or depicted as follows:

The Town of Cape Charles municipal water tower structure which is located on town owned property located at 2140 Stone Road.

EXHIBIT B
DESCRIPTION OF TOWN LOCATIONS
FOR PROVISION OF INTERNET SERVICE

Locations to be identified and included by Town

Harbor office building - 11 Marina Road. Office & security cameras, separate wireless network.

Harbor boat slip occupants - 11 Marina Road. Boat slip occupants, separate wireless network.

Water Plant - 2140 Stone Road

Sewer Plant - 500 Bayshore Road

Library – 201 Mason Avenue

Public Works Building – Fig Street behind Rayfields Pharmacy

Municipal Building Offices– 2 Plum Street (separate wireless network) We have fiber as well, but use the wireless for guests, etc.

Municipal Building Police Dept – 2 Plum Street downstairs (separate wireless network)

Civic Center – 500 Tazewell Ave