

TOWN COUNCIL

Regular Meeting

October 11, 2012

St. Charles Parish Hall

6:00 PM

1. Call to Order
 - A. Roll Call
 - B. Establish quorum
2. Invocation and Pledge of Allegiance
3. Public Comments (3 minutes per speaker)
4. Consent Agenda
 - A. Approval of Agenda Format
 - B. Approval of Minutes
5. Report Presentations
 - *A. Treasurer's Report
 - B. Town Manager Report
 - C. Planning Commission and Boards
 - D. Other Departmental Reports
6. Old Business
 - *A. Contract for Demolition of Wastewater Treatment Plant
 - B. PSA / Regional Wastewater System Update
 - *C. Resolution to Request VDOT Traffic Study
7. New Business
 - *A. Cape Charles Trail Project Agreement Amendment
 - B. Former Bank of America Building Update
 - C. Former Cape Charles School Update
 - *D. Water Plant Control Panel Change Order Request
 - *E. Friends of the Cape Charles Memorial Library Proclamation
8. Announcements
 - October 25, 2012 – Candidate forum @ 6PM – Palace Theater
 - October 27, 2012 – Trunk or Treat with Haunted Harbor @ 4PM
 - November 6, 2012 – Special Election
 - November 8, 2012 – Town Council Regular Meeting @ 6PM
9. Adjourn at 8:00 P.M.



DRAFT
TOWN COUNCIL
Public Hearing & Special Meeting
Cape Charles Fire Hall
August 23, 2012
6:00 PM

At 6:05 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Public Hearing and Special Meeting of Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Godwin, Sullivan, Veber and Wendell and Councilwoman Natali. Also present were Town Manager Heather Arcos and Town Clerk Libby Hume. There were about 120 members of the public in attendance as well as several Department Heads.

Mayor Sullivan announced the business for the evening would be to hear public comments regarding i) the proposed rezoning from Open Space to R-1 of the Old School Area as described in the public notice and on the agenda; and ii) the Conditional Use Permit application submitted by Echelon Resources, Inc. to rehabilitate and use the Old School Area for an adaptive reuse including the historic rehabilitation of the Old School Area for use as 17 residential apartments in accordance with applicable guidelines.

PUBLIC HEARING COMMENTS

Emily Cullen, 129 Churchill Downs

Ms. Cullen addressed the Council stating that she and her husband bought their property in Cape Charles in 2004 and had lived here full time since 2009. They loved Cape Charles and called the Town their home. Ms. Cullen stated that they were proud of the Town Council's fiscal responsible support and the development of places for people of young and old, residents of the Town and County and visitors to gather to enjoy the Town, the Harbor with the breakwaters, the fishing pier, the Town beach, and the Central Park. The ongoing support of these services was supported with their tax dollars. Ms. Cullen went on to state that they supported the Town Council's decision to rezone the high school property and surrounding grounds and to grant the special use permit to allow Echelon to restore the historic building and repurpose it into apartments. Ms. Cullen continued to state that they supported the Town Council in their decision to purchase the Bank of America building for the library and to repurpose the existing library building into a community center, staffed with volunteers, for seniors and children. This would be an affordable way to provide indoor community activities above and beyond what was already provided by the library. Ms. Cullen added that she applauded the Town Council for being stewards of the Town's fiscal health while providing safe and healthy options for entertainment for all the residents. Ms. Cullen concluded by stating that with the citizens' support, the Town Council would continue to improve the Town for all its residents.

Jim Mahaffy, 415 Tazewell Avenue

Mr. Mahaffy stated that he and his wife, Kathy, had been residents and property owners in Cape Charles for 13 years and added that he was in favor of the sale of the school property to Echelon Resources. Mr. Mahaffy stated that he would like to defer the remainder of his allotted time to Mr. Malcolm Hayward.

Kathy Fraas, 613 Jefferson Avenue

Ms. Fraas stated that she and her husband had owned property in Cape Charles for nine years and that she would like to defer the remainder of her allotted time to Ms. Susan Bauer.

Susan Bauer, 615 Jefferson Avenue

Ms. Bauer thanked the Mayor, Town Council and Town officials for the opportunity to support both the rezoning of the school property and the conditional use permit for the property. Ms. Bauer

stated that she did not support a multi-million dollar community center because the Town could not afford it nor did the Town need it. Ms. Bauer continued to state that when she looked at the school building in the middle of Town she saw it as a liability not an asset. She had heard much discussion and complaint that the Town gave away something of value but it was something that would cost a lot of money to tear down and haul away. Ms. Bauer stated that she thought it was appropriate and a good decision to allow Echelon to develop the building into an apartment building. Ms. Bauer went on to state that she heard from many people wanting to turn the school building into a community center but had yet to hear a single concrete argument on how the Town could possibly afford a multi-million dollar community center or sustain it with the cost of air conditioning, heating, security, landscaping, maintenance, staffing – all things that would cost the Town a lot of money to maintain an 18K square foot building. The Town had sufficient places for gatherings – the museum, the Palace Theatre, and outdoor forums. Ms. Bauer added that the museum and the Palace Theatre seemed to be hanging on by a thread and were constantly fund raising. To create a community center which would compete with the museum and the Palace Theatre made no sense. Ms. Bauer continued to state that she read something which stated that the community center could be used for bingo. Ms. Bauer went on to state that of all the places to go and things to do in Cape Charles such as the beach, jogging, bicycling, the park, she had not heard anyone say that there was not enough places to play bingo and added that she was not in favor of a million dollar bingo parlor. Ms. Bauer also stated that she had not heard any advocacy on behalf of the building stating that it had a unique architecture or some historic significance other than the fact that it was old. Old did not equal significance. Ms. Bauer stated that she did not think that most of the Town's taxpayers wanted to spend millions of dollars to support the fond memories that people had of the high school. The school building may have fond memories attached to it but it did not have a particularly illustrious past. It started as a segregated school which was later integrated. There had been no discussion about the colored school across the hump which did have historic significance. This building was once the cultural, educational and social center of the African-American community and there was no discussion about saving that building. Ms. Bauer stated that she came from her home in Maryland to attend this evening's meeting because she felt that most of the people in Town supported the development but were not jumping into the fight. Ms. Bauer went on to state that she was here because of the lack of civility that she had seen in this Town adding that the first amendment provided broad protections of free speech. The reprehensible conduct and disrespect that was shown to the duly elected Council and Mayor was shocking. Ms. Bauer stated that she hoped people could engage in robust political dissent without resorting to name calling, insults and particularly comments about public servants who were making the best decisions that they could and which were supported by the majority of the citizens. Ms. Bauer concluded by thanking the Mayor and Council for their appropriate action.

Patricia Buckley, 4 Perny Court

Ms. Buckley addressed Council stating that she had been a resident for 10 years and had also had the honor of serving as treasurer of the Town for three and a half years during which she wrote many checks to pay expenses for maintenance of the school building including a \$75K check for a new roof. The Town was very fortunate to have someone who could restore the building, preserve it and put it to productive use because, as a community, the Town did not have the need for that kind of space. The Town did have the need for better social and recreation programs and Ms. Buckley applauded the Mayor and Council for buying the bank building to expand the library. The current library location could be turned into a center to serve some of the unmet needs. Ms. Buckley went on to state that she supported the rezoning and conditional use permit to put the old school building to good use and added that the Town needed to be able to move on in finding the best possible fiscal answers to its needs.

Malcolm Hayward, 121 Strawberry Street

Mr. Hayward addressed the Mayor and Council stating that he was in favor of the Echelon development and explained his reasons stating that it had to do with the performance of Council over the past 10-12 years.

[Inserted upon request of Councilwoman Natali] Mr. George Southern took a photograph of Mr. Hayward at the podium. Mr. Hayward informed Mr. Southern that he preferred not to have any more photographs taken of him and continued his address to the Council. Mr. Southern proceeded to take several more photographs of Mr. Hayward who again requested that no more photographs be taken.

Mr. Hayward continued to address the Council stating that 10 to 12 years ago, Cape Charles was a disaster with hundreds of homes in a terrible state of disrepair which should have been condemned. About half of the homes in Town needed significant improvements and trash was everywhere. Mr. Hayward described specific houses in Town and added that the contractors back then were not licensed and the Town did not have any code enforcement or inspections. Crime was high and the Harbor was dirty. Mr. Hayward went on to state that now the contractors were required to be licensed, the trash had been cleaned up, the number of homes in terrible disrepair were down to about 10-20, the Code Enforcement Department was proactive, and crime was virtually nonexistent. The Town's achievements also included a great beach with annual sand replenishment, breakwaters to protect the beach and Harbor with more breakwaters planned, the Harbor was world class, Central Park was beautiful, new trails coming soon, a brand new wastewater treatment plant, our roads were in good shape and the sidewalks were being replaced. Mr. Hayward stated that this meant that this Council and the previous Council had achieved a balanced budget and moved the Town forward in a tremendous way. Mr. Hayward went on to list some of the previous Council members such as Messrs. John Burdjiss, Charles Brown, Gerald Elliott, Bruce Evans and Steve Bennett and the managers such as Heather Arcos, Joe Vaccaro, Cela Burge and Bob Panek who have played a role in the Town. Mr. Hayward stated that the Echelon development would be a continuation of this success. Echelon was a professional group that was going to restore the school building to its original glory and the Town would see increased revenue from taxes and utilities – both hookups and usage and added that the signs throughout Town were misleading and someone was feeding the residents bad information. The Council's responsibility was to manage the budget and the gigantic cost of maintaining the school building as a community center would ruin the chances of a balanced budget. It would also hurt the Arts Enter, the museum and the library. Mr. Hayward asked the real motivation of the "Community Center Yes" people and wondered whether it was for the Town to regress back to where it used to be. Mr. Hayward concluded by reiterating his support of the Echelon development and the rezoning to make it happen.

Joy Pelletier, 1 North Park Row

Ms. Pelletier stated that she was unprepared to speak and deferred her allotted time to the next speaker.

Deborah Bender, 300 Fulcher Street

Ms. Bender stated that she lived in the historic district of Cape Charles and had lived in the area for 18 years with the past five years in Town. Ms. Bender added that her husband, Don, was raised just outside of Town on Kings Creek and when he was 12, his family built the house where she and her husband currently lived. Ms. Bender continued to state that her husband's father and family had been in the area for over 150 years and all went to Cape Charles School and added that they all had a vested interest in seeing the 100-year old historic school remain a public asset. Ms. Bender stated that Old School Cape Charles LLC (OSCC) had shown on many occasions over the past few months reasons why it was wrong to hand over the historic 100-year old school, basketball court and Park Row to a developer adding that it was against the Comprehensive Plan. Ms. Bender stated that the Historic District Review Board voted unanimously not to allow apartments in the building but the Council had not listened to the Town's attorney who suggested a \$2M performance bond and buyback option. Ms. Bender went on to state that OSCC offered \$10K for the building and would have paid all fees to fix the building but the Town opted to sell to Mr. Edwin Gaskin. Ms. Bender asked Council whether they worked for and represented the Town's citizens or Mr. Gaskin. Ms. Bender continued to state that OSCC collected over 300 signatures on a petition to save the school, which was more than the number of votes in the last election, and

Council still ignored them. Ms. Bender stated that she felt that only the people living in the Historic District should have a say in what happened to the school building adding that the "Bay Creek people" were speaking against a community center thinking that the taxes would be increased 20-30% which were all lies and propaganda being spread by the Town. Ms. Bender raised her voice and approached Mayor Sullivan who asked that Ms. Bender be escorted from the meeting.

George Proto, 607 Pine Street

Mr. Proto addressed Council stating that he and his wife had purchased property in Cape Charles 10 years ago and had now built a house, retired, and moved here full time and were committed to the Town. Mr. Proto stated that he was speaking in support of the Town Council's decision to sell the school building to Echelon and also in support of the rezoning from Open Space to Residential and the conditional use permit. Mr. Proto went on to state that the school itself was a liability for the Town and the decision to sell the school would get the liability off the books and would be a benefit to the Town. Mr. Proto stated that he understood the emotion that some people had relative to a building that had been around for such a long period of time and added that at this point, it was time to let it go to do something to improve the Town, not continue to burden the Town. Mr. Proto concluded by repeating that he supported the rezoning and conditional use permit for the school property.

Cela Burge, 117 Mason Avenue

Ms. Burge stated that she wanted to speak about the support that she had seen and the supporting documents which were reviewed by the Planning Commission for the request for rezoning and the conditional use permit. The Planning Commission's recommendation would be before the Council later this evening and Ms. Burge stated that she was speaking to endorse both and asked that the Council seriously review the Commission's findings, debate them vigorously, hear everyone's opinions here tonight, and to vote favorably on both items.

Lenora Mitchell, 309 Tazewell Avenue

Ms. Mitchell stated that she was opposed to amending the zoning map to accommodate the development of the Cape Charles School into 17 housing units as well as the approval of the conditional use permit. Ms. Mitchell continued to state that she knew this was just part of the process that Council must follow to make their action legal. Ms. Mitchell stated that the Council had already held their meetings and convinced each other that this was being done for the greater good of the people being served and Council had the best interests of the community at heart and added that the members of Council would all vote "yes" with the exception of one person. Ms. Mitchell went on to state that sooner or later, everyone would have to stand alone to face their demons, having flashbacks of offenses they had committed, unkind words that had been uttered, and lies that were told. Council would smile at each other at this meeting, shake each other's hands, pat each other on the back and celebrate their victory over a few drinks. Ms. Mitchell stated that the citizens were here this evening to let Council know that it was not over until it was over and the final word was not that of the Council. Council had some power but did not have all the power and would be held accountable for their actions. There would be no more business as usual. The citizens did not trust or have any confidence in Council. Ms. Mitchell stated that instead of working with the community, Council had chosen to make the citizens their adversary. Ms. Mitchell concluded by stating that the citizens would stand up for their rights and not give up the fight.

Trudy Hickman, 23438 Seaside Road

Ms. Hickman deferred her allotted time to Wayne Creed.

Shannon Hickman, 23438 Seaside Road

Ms. Hickman deferred her allotted time to Wayne Creed.

John Hickman, 23438 Seaside Road

Mr. Hickman deferred his allotted time to Wayne Creed.

Becky Creed, 548 Monroe Avenue

Ms. Creed deferred her allotted time to Wayne Creed.

Wayne Creed, 548 Monroe Avenue

Mr. Creed began by reading excerpts from the May 25, 2012 email from Mr. Edwin Gaskin to Bob Panek. Mr. Creed then stated that the Planning Commission met and voted in favor of the rezoning and the conditional use permit and added that it seemed odd watching the Commissioners deliberate even though the citizens brought up that the procedures were illegal. Mr. Creed stated that afterwards he had a conversation with a citizen of Cape Charles regarding the Planning Commission's vote. Mr. Creed stated that he asked the individual to write down the information in their conversation and proceeded to read the comments given to him which included some racial slurs.

The comments read by Mr. Creed caused an outburst from the other attendees and Mayor Sullivan asked that Mr. Creed be escorted from the meeting.

John Burdiss, 117 Mason Avenue

Mr. Burdiss began by stating that he was feeling ill from the behavior this evening and expressed his disappointment in how people were acting. Mr. Burdiss stated that he hoped everyone would level the playing field, act like adults and agree with what was good for the Town. Mr. Burdiss continued to state that he encouraged the Council to pass the rezoning and approve the special use permit and asked the people who were contrary to that to behave themselves and not personalize things. There were a lot of people who found these actions very offensive.

Veann Duvall, 110 Tazewell Avenue

Ms. Duvall deferred her allotted time to Kevin Martingayle.

Don Riley, 538 Monroe Avenue

Mr. Riley deferred his allotted time to Kevin Martingayle.

Kevin Martingayle, 3704 Pacific Avenue, Suite 200, Virginia Beach, attorney representing Old School Cape Charles

Mr. Martingayle began by stating that it was unfortunate to see a town go through this but added that democracy and free speech were messy. Mr. Martingayle stated that he knew Ms. Cela Burge and disagreed with the outcome she advocated and added that he respected her personally and professionally. Mr. Martingayle continued to state that Ms. Burge said something critical in that she hoped that Council listened to what the citizens had to say, debate the issue vigorously and really think about the decision. This evening was not about the sale but about the rezoning of the property with a different Town Council from the one that voted for the sale of the school. Mr. Martingayle stated that zoning criteria was different and the first thing to do was to look at the Comprehensive Plan which stated that a priority was preserving open space, building a new municipal or community center, developing recreation centers, supporting partnerships with organizations, increasing and improving cultural and art programs, and maintaining the character of surrounding residential areas. Mr. Martingayle added that the proposed rezoning did none of those things and was contrary to the items noted in the Comprehensive Plan. Mr. Martingayle also stated that R-1 did not accommodate multi-family units as proposed with 17 units on seven lots and asked whether this was something the Town actually needed. Mr. Martingayle referred to page two of the Town Manager's report which stated that the Town's growth rate was below the target of 3% and asked if the growth was below the targeted rate and there was already an excess in housing, why were 17 more units needed. Why would a park or open space be converted into a very dense apartment building? Mr. Martingayle asked Council to use the condition of the building as the basis for what was done next because the Town, as the owner, had an obligation to maintain the building. Mr. Martingayle stated that the increase in density was a major change from Open Space

to something more dense than any normal home. Mr. Martingayle reiterated Ms. Burge's request for Council to listen to the citizens' comments with an open mind. Mr. Martingayle noted that the documentation included in the agenda packet were prepared with the intention that the two items would be approved. Mr. Martingayle added that the public hearing and meeting to vote on the issue were not supposed to be held back to back but it had become the unfortunate practice. There was not sufficient time to deliberate and research the comments before moving forward with the vote on the issue. Mr. Martingayle asked Council to give meaning to the words in the Comprehensive Plan and Zoning Ordinance, respect Open Space in Cape Charles and acknowledge that 17 apartment units were not needed and concluded by asking Council to do their jobs very carefully and not be influenced by the personal insults interjecting that, as public officials, they needed to have thick skin. Mr. Martingayle stated that the decisions needed to be made on the merits which conclude that the issues should not be approved.

Brock Stiles, 525 Madison Avenue

Mr. Stiles deferred his allotted time to Frank Wendell.

Rachel Creed, 548 Monroe Avenue

Ms. Creed deferred her allotted time to Frank Wendell.

Frank Wendell, 515 Monroe Avenue

Councilman Wendell began by stating that the Town adopted an ethics policy in 2009 and read items #1 and 2. Councilman Wendell stated that on August 11, 2011, the Town received an unsolicited proposal for the purchase of the Cape Charles School with the request that the proposal remain confidential pursuant to the Freedom of Information Act and asked who benefitted from the confidentiality of the proposal for the 100-year old asset. Councilman Wendell stated that it was only a request for confidentiality that the Town did not have to grant. The Town kept the proposal quiet until February 9, 2012 holding a number of executive sessions during that time. Councilman Wendell referred to the Comprehensive Plan and read an excerpt from the Vision Statement adding that a community center would give the citizens an opportunity to interact in the building. Councilman Wendell went on to state that three (3) offers were submitted by Old School Cape Charles but the Council did not negotiate with the group. Councilman Wendell stated that since he was elected he started receiving the *Virginia Town & City Magazine* and proceeded to read excerpts from a June article. Councilman Wendell asked what would be lost if the building were no longer public and went on to list the following: i) the Cape Charles Christian School would lose the opportunity to use the gymnasium for volleyball, basketball and exercise; ii) the building would have been the Town's largest meeting space for all meetings; iii) all the festivals could be held on the first floor of the building in the case of rain; and iv) the building would have been open to all people. Councilman Wendell stated that he thought Mr. Creed was trying to point out the fear that if the community center were open to all people, there would be people using the building that the Town was not comfortable with. Councilman Wendell stated that it was a shame that the Town did not want a community center because of the fear of county residents or too many undesirable people or too many people of color using the building. Instead, the Town failed to maintain the building and failed to apply for grants to repair the building, but applied for grants for other facilities and uses in Town. Councilman Wendell stated that the 100-year old building was the Town's responsibility and an asset to the Town and the Town was using the building's condition as an excuse to give it away for \$10.

Don Bender, 300 Fulcher Street

Mr. Bender was previously escorted from the meeting along with Ms. Bender.

Tim Krawczel, 409 Nectarine Street

Mr. Krawczel noted that he would be using Mr. Bender's allotted time in addition to his own and stated that he was opposed to the rezoning but was not going to comment on that issue assuming that Council would be approving the rezoning anyway. Mr. Krawczel stated that he was the zoning administrator in Loudon County for five years and knew about zoning and he was the planning director for Franklin County for seven years and wrote their Comprehensive Plan and won two

Virginia Planning Association awards for the plan. Mr. Krawczel stated that a comment was made at the Planning Commission meeting that conditions could not be imposed on the special use permit because it would be discriminatory. Mr. Krawczel stated that in the R-1 zone, there could be single-family dwellings, churches, parks, playgrounds and accessory uses. Other uses were permitted by special use permit to which reasonable conditions could be imposed. Mr. Krawczel stated that he looked at the old school building, the neighborhood and had talked to the neighbors and the people in the community and their concerns were i) the loss of parking for the park; ii) the loss of the basketball courts; and iii) the loss of parking for the children's playground. Mr. Krawczel reiterated his assumption that the rezoning would be approved and asked Council to impose reasonable conditions as follows: i) the existing parking lot in front of the school facing the park remain for the park; ii) the open space on the side of the building and the basketball court remain since the Town paid \$10K to construct it; and iii) the Women's Club built and maintained the playground and it should be protected and remain in place. Mr. Krawczel stated that the park was surrounded by a six foot fence and proposed another condition that a six foot gated aluminum fence, ten feet from the rear and side of the building, be installed which would provide the apartment residents a feeling of privacy and also provide access to the children's playground, parking lot and basketball court. Echelon could buy the lots across the street to provide parking for the apartment residents. Mr. Krawczel continued to state that there was a lot of sentiment that there was no use talking tonight because Council had already made up their minds and that was the basis of much of anger tonight. Mr. Krawczel stated that at the last public hearing, a Council member talked about compromise and that was what he was offering tonight, and added that the citizens would remember in November.

Marita Patterson, 15 Carissa Court

Ms. Patterson stated that she supported the rezoning and the conditional use permit.

Dennis McCoy, 6 Perny Court

Mr. McCoy stated that he supported the Echelon proposal, the rezoning and the conditional use permit. Mr. McCoy added that there was also a need for a community center and everyone's energy needed to be focused on a solution for that issue rather than continuing to rehash this whole topic.

John Schulz, 616 Tazewell Avenue

Mr. Schulz stated that he and his wife bought property here 22 years ago and had been living here for the past four years. Mr. Schulz continued to state he was sorry that the members of Council had been under severe attack and underlying all these meetings was the concept of what constituted representative democracy adding that too often this was not understood by some people. The opposition had expressed an instability and unfounded attacks and accusations aimed at this and previous members of the Town Council with complete distorted versions of facts and events. Mr. Schulz stated that Council should be applauded and not be attacked. Mr. Schulz referenced British parliamentarian Edmund Burke, "one of the great political philosophers and guides to the thinking of our founding fathers of open government and representative democracy as a concept" and read excerpts of some of his writings stating that the Council clearly understood Mr. Burke's concept. Mr. Schulz concluded by expressing his support for the approval of the proposed rezoning and conditional use permit so Echelon could begin work on the rehabilitation of the old school building and added that his observations of the basketball court over the past 20 years was that the big guys, who were not from this Town, drove off the little kids playing basketball on the court. Moving the basketball court and dropping the basket from 10' to 8' would allow the little kids to come back to use the court which was the original purpose.

Linda Schulz, 616 Tazewell Avenue

Ms. Schulz expressed her support of the Town Council approving the rezoning and the conditional use permit and added, for the attendees who were not on the Northampton County Chamber of Commerce mailing list, that the Northampton County Schools sent an email desperately asking for assistance in finding rental housing for the 25 new teachers most of which did not yet have

housing. Ms. Schulz stated that affordable rental housing was desperately needed and continued to state that the apartments proposed by Echelon would fit the bill for the type of housing needed.

James Davis, 533 Mason Avenue

Reverend Davis stated that he had heard the word confidential and asked how much was kept confidential and went on to mention the open space that included the basketball court, tennis court and Cape Kids which was built by the Women's Club at a cost of approximately \$35K adding that he had not heard what affect 17 apartments would have on the play area. Reverend Davis stated that in the past, he had seen men, 35-40 years old, playing basketball, the gym was used by children, teenagers and young adults and continued to express his concern about what would happen to the play area. Reverend Davis stated that he wondered how much more was confidentially kept aside regarding the negotiation and went on to state that Cape Charles Town Council had done whatever they wanted to do over the last ten years and concluded by asking what would happen to the playground, basketball court, Cape Kids, tennis court and the rest of the privileges that Cape Charles used to be able to enjoy.

Steve Bennett, 100 Creekside Lane

Mr. Bennett began by thanking Echelon Resources for the opportunity to have a historic restoration and adaptive reuse of the former school building which was likely the largest eyesore and liability to the Town and went on to state that the Echelon proposal was completely in line with the Comprehensive Plan and, contrary to the ludicrous information distributed around Town and published in many locations, would not raise anyone's water bill. Mr. Bennett also thanked the Town Council for moving this proposal forward stating that Council had listened to a lot of input and it was time to move on. There were many other things that needed to be worked on and hoped that the Town would get to do that. Mr. Bennett stated that it was his sincere recommendation to pass both the rezoning and conditional use permit which would be before Council later this evening.

Laurie Klingel, 2449 Old Cape Charles Road

Ms. Klingel stated that she did not support the rezoning or the conditional use permit. Ms. Klingel added that she was not on board with the hurtful comments and rhetoric that she had heard tonight but wanted to just state her opinion which was of confusion and some misunderstanding. Ms. Klingel stated that she was a simple citizen with simple needs but she knew how to read the Comprehensive Plan and knew what it said and she did not agree with changing the values in the community. Ms. Klingel went on to state that a friend of hers visited Cape Charles this summer and asked her about all the signs throughout Town and when she explained the situation her friend asked "Why did the Town have such low self esteem?" Ms. Klingel asked why the Town would accept \$10 for the school building which meant so much to people. Ms. Klingel stated that she had a family and wanted to raise her children here and keep the open space as is and added that it showed an extreme lack of creativity and a lack of vision for the leaders to decide to give away the building. Ms. Klingel stated that she did not know if the Town needed a community center or not and that the building could have housed five units instead of 17 units but we would never know what it could have been. Ms. Klingel continued stating that typically when you give something away, you get something in return but the Town was not getting anything in return - no landscaping, fencing, parking, basketball or anything. Ms. Klingel concluded by stating that she did not understand and that it would not have cost anything to have waited six months for a possible better deal.

William Denny, Sr., Northampton County resident

Mr. Denny stated that he was a citizen of Northampton County and came here in 1967, was a retired merchant seaman and had travelled all over the world. Mr. Denny addressed the audience stating that he had never seen anything more disgusting than this meeting tonight and added that the townspeople needed to learn how to get along with one another. Mr. Denny stated that he heard people get up and make all kinds of excuses for what they wanted adding that we were all people in this small Town on the Eastern Shore that could not find a way to live together and stated

that it was disgusting. Mr. Denny went on to state that he was in attendance this evening as a representative from the NAACP and he was a veteran from Kentucky, his father was a veteran of World War I and this was his country and it disgusted him to see everyone acting this way.

Town Clerk Libby Hume read 25 letters and emails submitted prior to the public hearing into record. (Please see attached.)

Motion made by Vice Mayor Bannon, seconded by Councilman Veber, to close the Public Hearing portion of the meeting. The motion was approved by unanimous vote.

Mayor Sullivan called for a 15-20 minute break.

At approximately 8:00 p.m., Mayor Sullivan called the Special Meeting to order and stated that the order of business for the special meeting was as follows: i) discussion and vote regarding enactment of an ordinance rezoning the Old School Area from Open Space to R-1; and ii) if the ordinance rezoning the Old School Area was enacted, discussion and vote regarding the granting of the conditional use permit for adaptive reuse of the former school property.

A. Rezoning of the Old School Area from Open Space to R-1

Heather Arcos stated that on June 14, 2012, the Town Council, by Ordinance 20120614, approved the sale of certain property owned by the Town, collectively called the Old School Area to Echelon Resources, Inc. who intended, by adaptive reuse, to rehabilitate the Old School Area and convert it to 17 residential apartment units and surrounding grounds ("Old School Rehabilitation"). On June 28, 2012, the Town Council adopted Resolution 20120628 to refer to the Planning Commission the proposed amendment to the zoning map for public necessity, convenience, general welfare, and good zoning practice and for consideration of the rezoning of the Old School Area from Open Space to Residential R-1. The current zoning of the Old School Area as Open Space did not allow for the Old School Rehabilitation as an adaptive reuse since the Open Space zoning district did not allow for adaptive reuse. The Open Space Zone was intended for open air types of activities. The R-1 zone required a Conditional Use Permit (CUP) for adaptive reuse of existing structures within the zone. On July 26, 2012, the Planning Commission held a public hearing followed by a special meeting and recommended by unanimous vote for the Town Council to rezone the Old School Area from Open Space to R-1. The Town Council reviewed the Planning Commission's recommendation at a special meeting on July 31, 2012. Town Council held a public hearing immediately prior to the special meeting this evening and heard comments regarding the proposed rezoning from Open Space to R-1.

The Town Council reviewed the public comments and deliberated on whether to enact Ordinance 20120823 to rezone the Old School Area from Open Space to R-1.

Councilman Wendell stated that it was not appropriate to rezone the 100-year old building and added that it would be a violation of page 44 of the Comprehensive Plan.

Councilwoman Natali stated that the Zoning Ordinance was the law and the Comprehensive Plan set the directional and future points. The Town was required, by law, to review the Comprehensive Plan every five years and would be starting the process next year. The Zoning Ordinance stated that Open Space be used for recreation, green lands, parking, etc., and buildings were not allowed in Open Space. If this property was not rezoned, there was no other choice except to let the building rot since it could not be used for anything in Open Space zone.

Motion made by Vice Mayor Bannon, seconded by Councilman Veber, to enact Ordinance 20120823 to rezone the Old School Area from Open Space to R-1.

Councilman Wendell suggested that the language regarding the Open Space zone could be changed.

Vice Mayor Bannon stated that several years ago after a shooting at the basketball court, he remembered Councilman Wendell saying that the basketball court should not be there. Vice Mayor Bannon went on to state that he listened to the people who spoke at the public hearing earlier and the majority of people were in favor of rezoning the school property. Vice Mayor Bannon added that the newspaper editorials, emails and accusations were turning the Town's people against each other and the racial comments were unnecessary and race was not part of this issue. Vice Mayor Bannon continued to state that the attorney for Old School Cape Charles (OSCC) stated that there was no need for apartments here, but ask any of the new teachers in Northampton County and they would tell you that they could not find apartments to rent. There was a need for affordable apartments in Town.

Motion made by Councilman Veber, seconded by Vice Mayor Bannon, to limit debate to another five minutes. Mayor Sullivan stated that there was already a motion and second on the table that was being discussed and she wanted each Council member to have the time to voice their opinions.

Mayor Sullivan asked Councilman Godwin if he would like to speak.

Councilman Godwin stated that he listened to all the information and he listened to the people and added that he did not have opportunities to go around and talk to everyone in the Town but that he would be voting on his own this evening to do what he felt was right for the Town. Councilman Godwin added that his questions had been answered and he came here tonight ready to vote.

Councilman Wendell reiterated that this process was "totally unnecessary and unwise in giving away an asset."

Mayor Sullivan called for a roll call vote.

The motion to enact Ordinance 20120823 was approved by majority vote. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes; Veber, yes; Wendell, no.

B. *Granting of the Conditional Use Permit for Adaptive Reuse*

Heather Arcos stated that on June 28, 2012, the Town Council adopted Resolution 20120628 to refer to the Planning Commission the consideration, in the event the rezoning was approved by the Town Council, which had been approved, of whether a CUP should be granted for the Old School Rehabilitation as an adaptive reuse and recommendation to be made therewith. On July 17, 2012, the Historic District Review Board met and discussed the historic rehabilitation of the building and the proposed use as apartments. The Board agreed with a historic rehabilitation in accordance with the Secretary of the Interior's Guidelines but they did not agree with the proposed use. In its advisory capacity, the Board did not recommend the use of the old school building as apartments. On July 26, 2012, the Planning Commission held a public hearing followed by a special meeting and the Commissioners, by majority vote, approved to recommend to the Town Council, if the rezoning of the Old School Area was approved by Council, approval of the CUP application submitted by Echelon Resources, Inc.

Heather Arcos added that Messrs. Edwin Gaskin and Dave McCormick of Echelon Resources were in attendance this evening to answer any questions.

Councilman Wendell made several comments regarding the CUP application specifically items 6 and 7 which referred to the disclosure statement verifying ownership and the list of names and addresses of adjacent property owners. Councilman Wendell went on to ask Council why they were not following the attorney's advice regarding a performance bond and repurchase

clause. Councilman Wendell continued to ask why the CUP did not have any conditions and stated that Echelon should be required to purchase property across the street from the school property for parking so the existing parking area could remain for use by guests in the park and playground. Councilman Wendell went on to state that the basketball court would be lost just like the baseball field but that was closed several years ago.

Vice Mayor Bannon interjected that the lease for the baseball field was not renewed for the Town. Mayor Sullivan added that the basketball court would be relocated. Councilman Wendell asked who would pay to relocate the basketball court.

Councilman Veber stated that the last class to graduate from the Cape Charles High School was 1987 and asked Councilman Wendell where he had been for the last 25 years while the school building was deteriorating.

There was much debate between Councilman Wendell and Council regarding conditions for the CUP regarding parking, the basketball court, etc.

Mayor Sullivan asked Mr. Edwin Gaskin if he had any comments.

Mr. Gaskin stated that he was the president of Echelon Resources and added that he realized that not everyone had seen their proposal for the historic rehabilitation of the building. Mr. Gaskin explained that Echelon Resources had a good track record in redeveloping historic buildings especially historic schools and were interested in the old school building and contributing to the Town of Cape Charles. Mr. Gaskin went on to state that Echelon was looking forward to the project to rehabilitate the school building to give it future relevance.

Mayor Sullivan asked if there were any other comments.

Councilwoman Natali stated that Council had not discussed the CUP application and the zoning ordinance requirements that the permitted uses would not: i) adversely affect the health, safety or welfare of the persons residing or working in the neighborhood of the proposed use or adversely affect the other land uses within the particular surrounding neighborhood. The residential adaptive reuse would restore the building in accordance with the guidelines of the Secretary of the Interior for Rehabilitation. The neighborhood surrounding the park was zoned R-1 including the houses and apartments on North Park Row; ii) be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The historic restoration and adaptive reuse would be an investment of over \$2M in the neighborhood. The restoration would improve the neighborhood values with a newly rehabilitated building in accordance with the Secretary of Interior's Guidelines. The density of the site would be no more than the western Park Row site or the underlying zoning of R-1. This property covered the equivalent of seven town lots or the equivalent space for seven single family residences. The four two-bedroom apartments at 11 Park Row were on a single lot right on the other side of the tennis courts. The residential use would require only about 17 spaces of off-street parking which would be provided in the area that was currently off-street parking on the west side of the building. The historic renovation for either use, apartments or a community center, would be an asset to the improvements in the adjacent park; and iii) be in conflict with the purpose of the Comprehensive Plan. The current Comprehensive Plan stressed the preservation of contributing historic structures and the Virginia Department of Historic Resources in partnership with the U.S. Secretary of Interior had promulgated rules and tax credits especially for the adaptive reuse of these contributing structures. Page 44 of the Comprehensive Plan specifically set, as Councilman Wendell mentioned earlier, multiple goals, one of which was to a) provide for the adaptive reuse of the school building; b) other items referring to community center and library were separated in the Comprehensive Plan as past studies showed that they could not be accomplished in the same building (Schriver & Holland Study); and c) The requirements were also based on growth expected at about 3%. Cape Charles had not met this growth rate as shown in the last census.

Councilwoman Natali stated that the zoning ordinance was designed to give reasonable consideration to ten items, two of which were: i) to encourage economic development activities that provide desirable employment and enlarge the tax base; and ii) to promote affordable housing. Councilwoman Natali went on to state that these items were in the Town's Zoning Ordinance and she felt these items were important and needed to be noted.

Councilman Wendell stated that unfortunately the issue would be settled in court adding that he looked forward to the outcome.

Councilwoman Natali continued to state that the Planning Commission considered the following additional points: i) the use was compatible with the permitted uses in the R-1; ii) the plan would meet the table of parking standards; iii) new utility services would be placed underground; iv) the structure was a contributing structure to the National Historic District; v) the Historic District Review Board agreed with a historic restoration but not with the use as apartments; and vi) the Historic District Review Board would have final review and approved of plans going forward, if passed, subject to normal procedures for review, recommendation and appeals prior to any rehabilitation of any such structure.

Councilman Wendell stated that after an average rainfall, there was approximately two to three feet of water standing in the road by the school property and was not sure if the current land owners had disclosed that information. There was some discussion regarding the flooding issue in that area of Town.

Motion made by Councilman Wendell to include the following conditions as part of the CUP: i) require a performance bond and repurchase rights as recommended by the Town attorney; ii) require Echelon to pay for the cost of relocating the basketball court; and iii) require Echelon to purchase property for their parking lot so the existing parking lot would remain for use by the citizens for the park and playground. Councilman Godwin seconded the motion to get the item on the table for discussion.

There was no further discussion. Mayor Sullivan called for a vote with a show of hands.

The motion failed by majority vote with Councilman Wendell voting in favor and Vice Mayor Bannon and Councilmen Godwin, Sullivan and Veber and Councilwoman Natali opposed.

Motion made by Vice Mayor Bannon, seconded by Councilman Godwin, to grant the Conditional Use Permit for Adaptive Reuse to Echelon Resources, Inc. by adoption of Ordinance 20120823A.

Mayor Sullivan called for a roll call vote.

The motion was approved by majority vote. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes; Veber, yes; Wendell, no.

Motion made by Vice Mayor Bannon, seconded by Councilman Veber, to adjourn the Town Council Special Meeting. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk

**Town Council Public Hearing
August 23, 2012
Comments Submitted in Writing**

Jimmy & Etta K. Pruitt, 3 Tazewell Avenue

We think the points set forth by John Burdiss in the June 5, 2012 issue of the Eastern Shore News are irrefutable. After hearing discussion at town council meetings, attending the informational meeting offered by Echelon and reviewing information offered by the Eastern Shore News, Eastern Shore Post and the Cape Charles Wave, we continue to believe the sale of the school building to Echelon is the only realistic way to preserve it and the memories that so many of us hold dear.

Paul Strong, 7 Carissa Court

I am sorry that I cannot attend this evening's meeting, but I want the council to know that I strongly favor the rezoning of the Old School Area from Open Space to Residential so that the old high school can be saved and historically rehabilitated. I also favor the Conditional Use Permit submitted by Echelon Resources so that the Old School can be used for an Adaptive Reuse, in particular as apartments. Please allow this project to proceed; I am convinced that it will be beneficial to the historic district and to the town.

Rob Smithwick, 11 Kings Bay Drive

I encourage the Town Council to vote in favor of the proposed rezoning of the property from Open Space (O-S) to Residential (R-1), as well as the granting of a Conditional Use Permit applied for by Echelon Resources Inc. to rehabilitate and use the property for an Adaptive Reuse that includes the historic rehabilitation of the property for use as 17 residential apartments.

Elizabeth Luettinger, 5 Tazewell Avenue

Dear Madam Mayor and Council:

I hereby express my support of the sale of the former Cape Charles High School Building to Echelon.

Echelon has the technical skill to do this restoration well. It has a proven record of successful projects throughout Virginia and is prepared to begin this project immediately upon purchasing the building.

Why not consider some other location for a community center? The Rosenwald School Building and grounds, which includes 2.5 acres, would be a much more suitable site for small town Cape Charles, population 1,009.

Sincerely,
Elizabeth F. Luettinger

John Burdiss, 117 Mason Avenue

As I stated in my letter to the Eastern Shore News in early June 2012 - no one is opposed to the concept of a community center, including me. However, I strongly believe the old high school is not the proper venue for any such center. Importantly, after many months, the supporters of using the old school have not shown: how they can pay for it to be renovated, how they would pay to operate it, or even what kind of "need" there is for a community center. In addition to having Arts Enter and the privately owned/operated Impact Fitness, now the Town will have the old Bank of America building to better accommodate the many community activities already being conducted by the Town's Library/Recreation staff along with many volunteers.

Council has made the best decision regarding the school and we need to support that and get on board with the achievable and very soon to be available bank building and old library as valuable and readily usable community assets. Also lost among many regarding the bank purchase were the benefits of: acquiring 2 lots behind for parking or other town uses; clearing up the alley problem for public safety

issues; freeing up the current library for new "community" uses; and assuring that a main commercial building (the old bank) would be actively used and well-maintained, when so many others, e.g. – Meatland, Bay Shore Market, Wilson Building, and several smaller store fronts on Mason Ave. have no commercial activities, or reasonable upkeep and most have not had for many years.

So, I urge everyone, especially the old school group, to tone down the inflammatory comments and speak with facts, not emotions; let's change the tone to a positive one. Please support the Town Council in the high school project and also get behind the new library location and all its attendant benefits. If there's a real need for a separate community center, let's all use our energy and creativity to flesh that out (rationally and responsibly) and then try to plug in those needs to the bank building (the soon to be "new" library) and/or find ways to make use of the current library once it becomes vacant.

John W. Burdiss, Esq.

Nancy Proto, 607 Pine Street

This is to urge the Town Council to approve the two resolutions before them this evening. Specifically:

1. to rezone the school property adjoining Central Park from Open Space to R-1 residential.
2. to permit a Conditional Use of property for a 17-unit apartment building.

There are multiple in-town options for community events and gatherings: the library, churches, the Arts Enter, the firehouse.

The loss of the basketball court has been resolved; it's being relocated.

Please vote in favor of these resolutions.

Nancy Proto

Regina Aleksiewicz, 112 Blue Heaven Road

I am FOR changing the zoning, granting the waiver, and selling the school to Echelon.

Neil Frock, 511 Harbor Avenue (formerly 209 Jefferson Avenue)

Dear Mayor and Council,

I would like to voice my opposition to a community center at the old school. I am not opposed to the concept, but I believe a better place can be found. A community center there would be extremely costly to homeowners and Echelon is willing to step in and turn it into apartments that will generate tax income for the town.

As president of my homeowners association in Rehoboth Beach, I know the importance of budgeting for an item like this. The idea of a community center is admirable, but not at this time or place or cost. And I am disappointed that this issue has mustered so many unwarranted inflammatory criticisms.

I commend the council for keeping my "second home" a nice place to live.

Nan Bennett, 100 Creekside Lane

To the Clerk of the Town of Cape Charles:

As a tax paying citizen and registered voter in Cape Charles, I am FOR changing the zoning, granting the conditional use permit and selling the school to Echelon.

Nan Bennett

Linda Buskey, 100 Arnies Loop

I am FOR changing the zoning, granting the waiver, and selling the school to Echelon.
Linda Buskey

Ken & Terry Gottlieb, 121 Blue Heaven Road

A "Buy now and Figure out how to pay for it later" approach is not financially tenable. The old high school should be sold to Echelon.

Chris Michel, 10 Peach Street

23 August 2012

Last night at midnight I spotted Frank Wendell putting out his signs in Cape Charles. Not sure why he chooses this time of night to do this perhaps he is ashamed as well he should be.

I cannot for the life of me figure out why, as a business owner in town himself, he would choose to do this.

It certainly does not show our out-of-town visitors the kind of Town we want to portray. I live in Cape Charles as well and it makes me sad to see these signs everywhere. I too own a business in town as well as have summer/winter rentals.

"Discrimination" is already an ugly word. Why do we need to see it spread around our homes.

Once again, Frank, we all would love to see a Community Center for all of us to enjoy. However, you need to pick a structure that we can afford. The High School is too expensive to renovate and run. We cannot afford it on our Town Budget. When will this sink in!!!!

Chris

Brent Carpenter, 522 Tazewell Ave

As a resident of Cape Charles I feel that I must put forth my opinion about the Cape Charles High School and the proposed apartments verses a community center.

I am firmly in the opinion that the City Council has done its job and are continuing to do the best job they can in this case. I have several reasons why I believe this is true.

1. The reuse of the school as a community center, though desirable, is, I feel, ambitious. The faction that is trying to halt the sale has not shown me a financial plan to help create said Community Center.

And as much fun as I have at them, I am not sure you can pay for a project of this magnitude with an oyster roast or two. Things such as:

- A) Asbestos Removal
- B) Cost of Building Itself
- C) Continuing upkeep of the building
- D) Heat, Cooling, Electricity, and Water costs
- E) Personnel and staffing
- F) Insurance

Without a viable financial plan from OSCC, I can easily see the "community center" becoming a drain on already stretched tax dollars from me and my fellow Cape Charles residents.

2. The issue of the Onancock Community Center is a moot point. CCVA is not Onancock and from what I can tell from their website they do not really have any "community" activities going on. They lease space out to artists... we have plenty of spots on Mason avenue to do this without the town having to become a landlord to artists and such.

3. Whoever fixes the building deserves the money that was given for repairing the damage from the earthquake. They are paying for the work... they deserve the money.

4. Why is it OSCC will ONLY focus on the school as an option for the Community Center? Meatland??? The empty building on the south side of Mason Ave not good enough? Why no energy to propose a community center, WHEREVER it may be.

5. If a company wants to come in and reuse a building, and has made the financial promises that Echelon has, how can you, our town council, say "no"? No one else has stepped up in close to 20 years to take the responsibility for the school and its reuse. And... if someone wants to try to vilify the council for its supposed breach of public space (not keeping the building up), they better go back for the last 20 or so odd years and include all council members.

6. I am opposed to the vitriol that has come from the OSCC. Having the opinion that you do not want apartments is absolutely fine, but when you start calling council members racists or schmarmy, you have lost any credibility with me. And to imply the council is doing this for any reason other than they think it is what should be done for the town is not only insulting but slander.

Thank you for your time and service.
Brent Carpenter

Libby Gray, 522 Tazewell Ave

Greetings to the Town Council, Mayor, and my Cape Charles neighbors;

I am a full-time resident of Cape Charles. My husband and I are come-heres who arrived a few years ago and bought our first house together here. We plan to die here. We have never owned a second home. We both work full-time. We do not drive fancy cars. It is in the context of being a middle-class household that I speak in favor of the financial sense of selling the Old School to be preserved by a non-governmental entity.

I am in favor of the re-purposing of historic buildings in Cape Charles to preserve them, especially if the town doesn't have to spend tax money to do it. People often say they want less government and a business-friendly environment. Here's a perfect place to let the free market work and town government stay -mostly- out of it. I am fine with private investment money being used to refit the building rather than tax money, if the town provides oversight of the preservation and restoration.

There are legitimate issues to be addressed. For example, losing some of our well-used basketball courts is an unacceptable long term situation, but surely the town can find a solution. Why not acquire one of the many empty lots next to the skateboard park, directly across from the existing courts, to make new replacement courts? Basketball courts are less expensive to build new, than old buildings are to repair & keep up forever.

I am definitely in favor of a community center, but definitely NOT in a building so unnecessarily huge as the Old School.

The old school will be expensive to repair, heat, cool and maintain, in addition to -as a community center- presumably generating no tax revenue at all. At least 'tax-breaks' given to developers tend to generate some tax revenue, *sometime*, even if only in the form of local personal taxes future residents would have to pay, like on their vehicles. Future residents would also pay sales taxes, eat at our restaurants, get their prescriptions at Rayfield's, and so on, infusing money into our town and our neighbors' businesses.

If however, the Old School is turned into a ridiculously over-sized community center, eventually I am sure my tax money would end up being used for this enormous building in one way or another. Grants and State aid cannot be relied upon indefinitely: just ask the Coalition Against Domestic Violence, the animal shelter, or the Palace Theater, all of whom are struggling to keep or have lost funding this year. There are several smaller, empty buildings in town which are more appropriately sized to our population and would be more cost-effective to maintain, and I would support efforts to acquire and refit one of them for a community center. I find the acrimony over this issue divisive and counterproductive.

Finally, in these economic times where I, like many, am having to carefully assess my own budget priorities, I think the town should remain focused on other priorities, namely:

- ongoing beach and dune work to prevent flooding,
- continuing work in the park (where I see our children playing outside rather than inside, for a healthy change!),
- Harbor improvements, which directly bring income into the town,
- sidewalks which are a safety issue and
- FINALLY getting high speed broadband access to ALL our full-time residents and businesses, a vital competitive edge.

As for the sale to Echelon, the restoration of the Old School is a perfect example of what government should let free enterprise take care of, so our town government can focus its time & our tax dollars on the things free enterprise *cannot* take care of.

Respectfully Yours,
Libby Gray

Tammy & Jim Holloway, 403 Tazewell Avenue

We support rezoning the high school property from Open Space (O-S) to Residential (R-1) and granting the Conditional Use Permit and use the property as residential apartments.

Thank you,
Tammy & Jim Holloway

Bruce Gittinger, 4 Tazewell Avenue

Dear Madame Mayor and Council,

I am writing in support of the Council's decisions regarding the old school building and grounds. My support includes any zoning modifications or changes deemed prudent and necessary.

Thank you,
Bruce Gittinger

Evelyn Pinilli, 13 Carissa Court

I am FOR changing the zoning, granting the waiver, and selling the school to Echelon.

Beth Hayward, 121 Strawberry Street

I whole-heartedly approve of and agree with the Council's decision to go ahead with the sale of the Old School Building to the Echelon Corporation. It shows fiscal responsibility which will add to the town's financial coffers, and not deplete them with a ridiculously large Community Center.

There is a lot of "emotional" rhetoric being bandied about at present, with regard to the sentiment that is attached to this "old school". This building has been in a serious state of disrepair and is unsafe, but it has been that way for a long time. Where was all the emotion and sense of indignity 20 years ago, or even ten or five years ago? Why has it become so "urgent" now?

I have been told by several of the "community center yes" group that "not one penny of town money will be used for the center" Really? Would you want these financial wizards handling your family's budget! And, as far as "don't increase my taxes to pay for more condos" it would be interesting to see what happens to taxes when they have to support a community center of this magnitude!!!

Come on people, it's time to get real here, in this economic environment I would really be interested to know who or what body would be willing to come up with the enormous amount of money needed to

achieve the necessary, refurbishment/repair, maintenance and administration of this proposed community center.

There other more viable locations in town - not this behemoth for a population of under 1,000 residents.

One last thought - the "end discrimination" signs - they are beyond contempt.

Think, and think hard about this. It's time for the silent majority to stand up and be counted.

Respectfully yours,
Beth Hayward

Terry & Nansey Carney, 1 American Court
Dear Council,

As home owners, tax payers and patrons of local businesses, we wonder where the money would come from to pay for the Community Center. We have seen no documents/studies as to how this project would be funded and maintained. We are not opposed to a Community Center, but question, when, where, and how much would this cost everyone. From what we see, local businesses are struggling in an economy not likely to recover any time soon. Should the rehab of the school turn it into apartments/condos, that seems to us a logical step to bring more people into the community, who would pay taxes, utilize goods and services in Cape Charles. Common sense should prevail in this matter.

Sincerely,
Terry and Nansey Carney

Nancy Smithwick, 11 Kings Bay Drive

I support the rezoning and the conditional use permit to enable Echelon to historically renovate the old Cape Charles School to one bedroom apartments.
Nancy Smithwick

Jean L. Smith, 27 Kings Court

I am for changing the zoning, granting the waiver and selling the school to Echelon.
Jean L. Smith

Stuart M. Smith, 27 Kings Court

I am strongly in favor of the Echelon proposal for rezoning the Old Cape Charles School property and the issuing of a conditional use permit for the rehabilitation of the school into apartments.

The town council is to be applauded for their courage and progressivity in supporting forwarding looking projects like the Echelon proposal that will improve the tax base of Cape Charles.

Regards,
Stuart M. Smith

Ken Kuttler & Mark Usry, 117 Strawberry Street

Please add both our names to the list of people who support selling the old school and moving forward.

George Southern, 104 Monroe Avenue

Dear Town Council,

My name is George Southern and I live at 104 Monroe Avenue. I am asking you to deny the Conditional Use Permit for the following reasons:

The applicant, Echelon Resources, does not own the property. The Town of Cape Charles has never before granted a Conditional Use Permit to an applicant that does not own the property. To the contrary, an applicant for a Conditional Use Permit is required to attach a "disclosure statement signed and notarized verifying ownership." That is requirement #6 on the Town's Application for Conditional Use Permit. The Application submitted by Echelon Resources does not contain a disclosure statement signed and notarized verifying ownership. How could it, since Echelon does not own the property?

Is Town Council aware that the Conditional Use Application form was revised last month in order to make it more convenient for Echelon Resources? At a previous public hearing, I pointed out that Edwin Gaskin, on behalf of Echelon Resources, had signed the June 22, 2012, Application as the "Land Owner," although he of course had been unable to provide notarized verification of that falsity. Apparently in response to these failings, the application has been revised, with the requirement for "Land Owner's Signature," changed to "Signature of Owner/Agent."

The previous Application stated: "Applicant or representative must be present in the public hearing." The Town has held several public hearings on the old school property, and an Echelon representative has never been present. The new Application has removed that requirement. Under whose authority was that decision made and why?

The June 22 Application indicated a payment of a \$300 fee, but failed to provide proof of payment in accordance with requirement #2. Subsequently I requested through the Virginia Freedom of Information Act for the Town to provide proof of payment and a copy of the check, if any. In response, the Town sent me a copy of a receipt dated July 5, 2012, for \$300. Why did the June 22 application state that the \$300 had been paid, while the receipt is dated July 5?

Finally, an apartment house has never before been allowed as a conditional use in an area zoned R-1 Residential. Until March 2012, the Cape Charles Zoning Ordinance prohibited the construction of an apartment house in an R-1 area -- even as a conditional use. But in March, Town Council passed a new "adaptive reuse" provision in order to make legal what previously was illegal. We have already heard a new property owner in the area state that had he and his wife known that the school would be converted into an apartment house, he would not have purchased his property.

Finally, to schedule a special meeting of Town Council immediately following a public hearing makes a mockery of the hearing, because there is no time for Council to consider what they have heard at the hearing. The Virginia Municipal League recommends "genuine public deliberation -- the thoughtful discussion, among informed citizens, of the possible courses of action well in advance of the actual decisions." It concludes: "The rewards are great for those officials who are willing to take the time and make the effort to nurture deliberative processes."

Dorie Southern, 104 Monroe Avenue

Page 10 of the Handbook for Virginia Mayors and Council Members compiled by the Virginia Municipal League says, "The missing element in most discussions of what government does and should do is genuine public deliberation—the thoughtful discussion, among informed citizens, of the possible courses of action well in advance of the actual decisions. The rewards are great for those officials who are willing to take the time and make the effort to nurture deliberative processes."

Genuine public deliberation has certainly been missing from this situation. Had there been genuine public deliberation there would have been no need for signs all over town so that people would know what was going on. We were out of town during the month of February. Without signs we would have known nothing about what was going on about the school because there was no public discourse.

Everything that the town has done has been covered in secrecy and mystery. The town changed the subdivision ordinance before the Planning Commission even knew anything about the school sale to Echelon Resources. The Adaptive Reuse ordinance was changed without people understanding the link between it and the school.

Next we learned that we were going to provide a discount for water hook-up fees for one bedroom apartments. Coincidentally, the developer of the old school was going to make one-bedroom apartments.

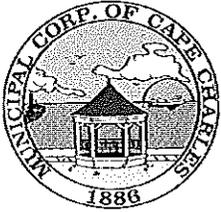
No one told any of us that the town would also have to give the \$41,000 insurance payment for the earthquake damage to the developer or that \$228,000 of Federal Emergency Management Agency money would have to be forgone because we could not give it to the developer.

The contract to sell the school was passed in June. Now there is the detail that the school is not zoned residential, and even if it were, an apartment house does not fit in the residential district. Those changes have to be made before closing.

What will we do if the town does that tonight but the developer does not get bank funding for the project or Tax Credits or a Virginia Department of Historic Resources grant? We have given away our historic property and \$41,000 with no assurance whatsoever that we will get anything for it. We have no guarantees -- no performance bond, and no buy-back option.

The people of Cape Charles have been told that we cannot afford a community center -- as if giving away our public property to a private developer, or making a community center, were the only options we have. Those are not the only options. We could stabilize the building with the \$228,000 FEMA money plus \$41,000 insurance money and wait for the right time to use it. Meanwhile we would still have a parking lot for our playground and a basketball court for our kids.

I urge you to put the interests of the people of Cape Charles over the interests of an out-of-town developer and refuse to change the zoning or to make inappropriate changes to the use of our historic old school.



DRAFT
TOWN COUNCIL
Work Session
Town Hall
September 11, 2012
6:00 PM

At 6:00 p.m., Mayor Dora Sullivan, having established a quorum, called to order the Work Session of Town Council. In addition to Mayor Sullivan, present were Vice Mayor Bannon, Councilmen Sullivan, Veber and Wendell and Councilwoman Natali. Councilman Godwin arrived at 6:05 p.m. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo, Code Official Jeb Brady, Treasurer Kim Coates, Librarian Ann Rutledge, Police Chief Charles Brown, Officer Jim Pruitt and Town Clerk Libby Hume. There were 12 members of the public in attendance.

Mayor Sullivan announced the business for the evening would be to get an update on the Bank of America building and associated properties.

Town Manager Heather Arcos gave a brief recap of the events leading up to the purchase of the Bank of America building and associated properties as follows: i) On July 12, 2012, Town Council was contacted by Bank of America representatives with a purchase price of \$200K for the Bank of America building and associated properties; ii) Prior to this offer, after receiving notification of the impending closure of the Bank of America branch effective March 2012, Staff actively reached out to representatives of the Bank of America, including their president, and our State legislators; iii) The Bank of America advertised for bids which were due on June 8, 2012 and the Town Council did not put in a bid for the property; iv) On July 19, 2012, Town Council held a special meeting in consideration of the offer from the Bank of America for the Town to purchase the properties and voted five to one to adopt Resolution 20120719 authorizing the Town Manager to move forward and finalize a purchase and sales contract for the purchase of the Bank of America building and associated properties and for the Mayor to execute the final negotiated contract; v) On July 26, 2012, the contract was executed by the Mayor and a \$20K non-refundable earnest money deposit, which amounted to 10% of the purchase price, was paid; and vi) The Town's 30-day due diligence period would end on September 14, 2012. The purpose of tonight's work session was for staff to report to Council regarding: i) the physical inspection of the building and associated properties; ii) review of the various reports submitted by the Bank of America; iii) the status of the library configuration; and iv) the financing of the Bank of America property acquisition.

Code Official Jeb Brady reviewed his inspection reports for the following areas of the building: i) Foundation – The foundation appeared to be in good repair with the exception of the basement area located in the rear of the structure. Water intrusion appeared to be coming from a chimney stack that was in use as the exhaust for the two boilers used to heat the building. Due to the age of the building, it was not an uncommon occurrence for any building with a basement in the Town but it was of major importance to repair this issue because the basement was the foundation and played a major role in the structural stability of the building. The heating system was in the basement and the system would not last with the major flooding that was possible. Jeb Brady's recommendations were to fix the water intrusion issues at an estimated cost of \$10K. The basement walls should be flood proofed at an estimated cost of \$40K. It was important to protect the mechanical systems and structural stability of the building but it did not need to be done immediately. A minor issue would be the addition of a dehumidifier at an estimated cost of \$1K; ii) Exterior – The exterior of the building had been maintained in a very good condition. The sidewalks were in good condition. The blacktop parking lot at the rear of the building was in good shape. The handicapped accessible ramp on the front of the building was more than

adequate to accommodate the building's use as a library. All doors and windows were in good repair with the exception of one window on the west side which had a crack on the top of the window. The rear door could be used as a second means of egress for the library. Jeb Brady recommended that the one window pane be replaced at an estimated cost of \$500; iii) Roof – The visual inspection of the roof showed that it had been maintained properly with repairs done in a timely fashion. The secondary roof on the east side of the building, which was lower than the main roof, posed a problem. A mini-split mechanical system was installed on this roof to keep the space conditioned where the ATM was installed. Water was standing in the corner where the unit was installed. Jeb Brady stated that he was unable to determine whether the weight of the unit caused the pooling of the water but the concern was that the longevity of the roofing system was greatly reduced due to the standing water. This issue needed to be addressed as a priority to keep the water from deteriorating the roofing membrane. Jeb Brady recommended repairing the standing water issue at an estimated cost of \$5K and purchasing a maintenance plan from a roofing company; iv) Interior – The first and second floor loft area was well maintained and could be in move-in condition depending on the use of the building; v) Building Safety – A number of upgrades were made to the building to comply with fire regulations. Some additional items would need to be done with the change of use from a Business Use to an Assembly Use and the increased occupant load as follows: a) A second means of egress needed to be in place for a library use with an occupant load of 50 or more people. There was a door at the rear of the structure that could be used but the door must be changed to an out swinging door and exit signs needed to be installed; b) Due to bank security reasons, there were three doors from the main entrance to the floor area. At least one door should be removed to allow for a smoother exit should an emergency occur; and c) The balcony railing on the second floor loft area posed a great safety risk due to the height of the railings at 32" from the floor. The current building code required all railings in a commercial setting be a minimum of 42" from the floor. Jeb Brady recommended that tables could be placed along the entire balcony railing for computers, etc. so as not to allow access to the railing edge, or the height of the top rail could be increased; vi) Electrical – The electrical on the first floor and second floor loft area was in good working order and safe condition. Chapman Electric performed a walkthrough and recommended that the Town begin making upgrades to the system on an annual basis as financially possible. If any of the panels failed, they could not be repaired and replacement would be the only solution. There was also an issue that the old wiring could not support the computers. New wiring would need to be installed in the area where the computers would be located. Tom Bonadeo stated that new wiring was installed in some areas of the building to accommodate the tellers' equipment and computers; vii) Plumbing – The plumbing systems appeared to be operational and there were two small bathrooms on the first floor that were used by bank employees. A break room on the second floor loft area had one sink in operable condition. B&B Plumbing and Heating performed a walkthrough. Most of the plumbing was under the concrete slab so any moving of the bathrooms could be a major cost due to the necessity to remove some of the concrete floor. Either of the existing bathrooms would have adequate space to retrofit it with a handicapped toilet and sink. Currently, each of the sinks was supplied by hot water heaters installed in the bathrooms. The heaters would have to be removed to comply with ADA regulations and Jeb Brady suggested the installation of on-demand hot water heaters; and viii) Heating & Air Conditioning – The heating and air conditioning systems appeared to be operational. The heating system consisted of two oil-fired boilers forcing hot water through radiators. The air conditioning system was a condensing system that forced cold water through the wall units on the first floor. B&B Plumbing and Heating performed a walkthrough. The heating system was well maintained but there were concerns with the location of the boiler system in the basement. As long as there were no major flooding issues and routine maintenance was performed, the system should perform as designed for a good while. The air conditioning system seemed to perform as designed. The mini-split system installed in the front of the building for the old ATM space was in a safe, operating condition. Jeb Brady's recommendations were as follows: a) Installation of a unisex handicapped bathroom for general public use at an estimated cost of \$2,500; b) Removal of the bank teller stations and installation of new carpet at an estimated cost of \$2K; c) Installation of upgraded

wiring for the designated computer areas at an estimated cost of \$3K; d) The second floor loft railing needed to be brought into compliance at an estimated cost of \$2K; e) One of the entry doors needed to be removed. This would be done by volunteers at no expense; and f) Installation of an out-swinging door and exit signage for the second means of egress at a cost of \$1K. Jeb Brady stated that all cost figures were guesstimated high because of the short timeframe of due diligence and quotes were not able to be obtained.

Jeb Brady went on to review some items for consideration as follows: i) The current storage area on the second floor loft area should be cleaned up, painted and trimmed to be used as meeting space and/or computer space; ii) The entire building had been closed up for several months and professional cleaning was recommended as the building was very musty; iii) The ATM wall should be removed from the main entrance area to utilize the mechanical system for the vestibule area; and iv) The alley easement should be put in place to allow access to all the commercial properties up to Watson's property.

Jeb Brady concluded by summarizing the necessary work prior to move-in as modification to the existing bathroom for a unisex, handicapped configuration, removal of the bank teller stations, wiring upgrades for computers, second floor balcony railing modification, removal of one entrance door, and installation of out-swinging door and exit signage for second means of egress at an estimated cost of \$10,500. Near-term work consisted of the replacement of window pane on the west side, repair of the standing water issue on the first floor roof, and repairs to the basement water intrusion and waterproofing of the walls at an estimated cost of \$56,500.

There was some discussion regarding the basement, water intrusion which mainly seemed to occur when it rained, and the alleyway. There was also some discussion regarding locations of the computer lab, the possibilities for the third floor and the installation of an elevator. Tom Bonadeo stated that a 10' x 10' column for an elevator could be constructed at the rear of the building and would take up only one parking space.

Councilwoman Natali mentioned that the operational and utility costs and the cost for insurance also needed to be considered.

There was some discussion regarding the existing furniture which would convey with the property. The furniture had been inventoried and much of the furniture could be utilized by the Library and staff, but the excess furniture would be sold.

Town Planner Tom Bonadeo gave an overview of the various building and property reports provided by the Bank of America. The reports received were as follows: i) ARCADIS Phase I ESA showed asbestos only in the floor tile and tile mastic. The deed confirmed the property boundaries and easements. The underground oil tank was rated "tight" and did not leak; ii) 1997 Asbestos Survey confirmed that an asbestos abatement was done in 1987 probably to remove pipe insulation and no remains were found; iii) 2004-2007 HVAC Maintenance Records was a repair history of work performed during those years; iv) 2006 Roof Inspection report confirmed the installation dates and type of roof material and showed the life expectancy should extend until 2020; v) 2005 Exterior Repairs Project Documents showed the repair and maintenance efforts performed on the exterior of the building including window replacement, historic window repair and painting with the removal of asbestos-containing caulk and limestone work; vi) Exterior Photos taken prior to the exterior maintenance project; vii) 2001-2012 Chiller and Boiler PM Data was a list of preventative maintenance done during the time period; viii) 2004 Deed Copy was for the building, adjacent parking lot and two additional lots – four parcels total; ix) 2005 UST Report showed the underground storage tank (UST) to be tight in accordance with the EPA test requirements; x) 2007 UST Registration Information showed the UST was registered with DEQ in 1999; xi) 2001-2004 HVAC Equipment Replacement Project covered the replacement of the chiller and the addition of the HVAC for the ATM area. The chiller provided cold water for

the air conditioning system; xii) 2006-2011 Floyd Energy Bills showed average fuel oil bills of \$3,600 per year with a monthly average of \$300 when annualized. Heather Arcos added that the Town paid about \$3K per year for the current Library for propane; and xiii) 2006-2012 Delmarva and ANEC Bills showed an average of \$585 per month for 2011. Since March 2012, when the bank moved, the bills were \$200 or less per month with the air conditioning still running but all other equipment removed. Heather Arcos stated that the Town currently budgeted \$3,500 for electricity for the Library.

Mayor Sullivan stated that she was impressed with the amount of the utility bills for an old building of that size, especially compared to the bills for the current Library.

There was some discussion regarding the square footage of the building and locations for the books, etc.

Tom Bonadeo informed the Council that he had spoken to Mr. Leon Parham who had agreed to assist the Town as an unpaid consultant. Heather Arcos added that she had contacted Mr. David Moore, who had given a presentation to the Eastern Shore Public Library for the new facility in Accomack County, but had not heard back from him as yet.

Tom Bonadeo pointed out the location for the alleyway and there was some discussion regarding adequate access for emergency vehicles, trash and delivery vehicles.

Heather Arcos noted that the two additional lots on Randolph Avenue were previously designated for parking by the former Real Estate Committee.

Heather Arcos also informed the Council that Librarian Ann Rutledge was working on a space configuration and was working closely with the Library Board and Friends of the Cape Charles Memorial Library. There was a USDA grant available for Library equipment and the request to apply for this grant would be reviewed at the September 13th Regular Town Council Meeting.

Heather Arcos went on to review the financing of the Bank of America property acquisition stating that at the July 19th meeting, Council adopted by resolution a budget amendment to reallocate \$219,236.37 from the Water/Wastewater Fund to General Fund. This money was part of the bond and was to be used for the connection of the new wells. Bond Counsel reviewed the acquisition of the Bank of America property and determined that it was in the description of limitations of the bond. All the projects included in this bond had been completed with the exception of the well connections. The Town had not yet received a permit from the DEQ to connect the wells. The two additional wells were required due to projected growth and included a build out of all of the Bay Creek development, the Tavi property, the Gallagher property, and South Port property. The wells would still be connected in the future, but there was not a need to do so at this time. The current permit was for 360K gallons per day (GPD) and the average daily usage during May through August was 149K GPD. The highest single usage day was July 6, 2012 with 211K GPD.

Discussion continued regarding the anticipated tap fees of \$52K from Echelon Resources, \$44K from Bay Creek for the Beach Club, and \$72K for six potential residences in the Bay Creek development totaling \$168K which was over half of the money being reallocated. Heather Arcos listed other areas where funds could be reclassified as follows: i) \$2,400 for Bay Storage; ii) \$19,857 for the part-time position for the Code Enforcement Department which had been cut; iii) \$15K for the painting and repairs to the current Library building; iv) \$10K for street light repairs which would be deferred; v) \$10K for the Downtown Streetscape project which were for benches, etc.; and vi) \$10K in contributions to the Library. These amounts totaled \$66,057. Heather Arcos added that she and Treasurer Kim Coates would be looking at other areas of the budget where costs could be saved.

There was some discussion regarding the possible uses of the current Library building for meeting space, recreational space and/or a Library Annex. Heather Arcos stated that a public information meeting would be scheduled for a later date to get public input.

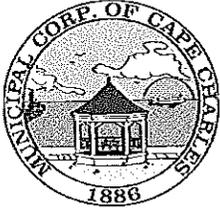
Tom Bonadeo asked Council to give him a call if anyone wanted to review the Bank of America reports.

Motion made by Vice Mayor Bannon, seconded by Councilwoman Natali, to adjourn the Town Council Work Session. The motion was approved by unanimous consent.

Mayor Sullivan

Town Clerk

DRAFT



DRAFT
TOWN COUNCIL

**Executive Session
Town Hall
September 13, 2012
5:30 p.m.**

At 5:30 p.m. Vice Mayor Chris Bannon, having established a quorum, called to order the Executive Session of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Godwin, Sullivan and Veber and Councilwoman Natali. Mayor Sullivan and Councilman Wendell were not in attendance. Town Planner Tom Bonadeo was also in attendance.

Motion made by Councilman Sullivan, seconded by Councilwoman Natali 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, motion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body.

Specifically: Interview for the Historic District Review Board

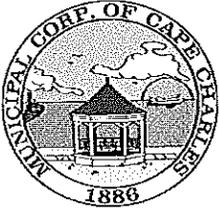
Motion made by Councilman Sullivan, seconded by Councilman Veber and unanimously approved to return to Open Session.

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

Motion made by Councilman Sullivan, seconded by Councilman Veber, to adjourn the Town Council Executive Session. The motion was approved by unanimous consent.

Vice Mayor Bannon

Town Clerk



DRAFT
TOWN COUNCIL
Regular Meeting
St. Charles Parish Hall
September 13, 2012
6:00 p.m.

At 6:00 p.m. Vice Mayor Chris Bannon, having established a quorum, called to order the Regular Meeting of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Godwin, Sullivan, Veber and Wendell and Councilwoman Natali. Mayor Sullivan was not in attendance. Also in attendance were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo and Town Clerk Libby Hume as well as the Department Heads and approximately 30 members of the public.

Vice Mayor Bannon gave the invocation followed by the recitation of the Pledge of Allegiance.

Vice Mayor Bannon requested all attendees to please remember Harbor Master Smitty Dize whose father passed away over the weekend.

PUBLIC COMMENTS:

Becky Creed, 548 Monroe Avenue
Please see attached.

Lisa Harman, 104 Madison Avenue
Ms. Harman deferred her allotted time to Wayne Creed.

Rachel Creed, 548 Monroe Avenue
Ms. Creed deferred her allotted time to Wayne Creed.

Wayne Creed, 548 Monroe Avenue
Mr. Creed began by expressing how proud he was of the work done by his wife, Ms. Becky Creed and continued to talk about the underprivileged residents of the Shore. Mr. Creed read an excerpt from an email dated February 27, 2012 from Bob Panek regarding Section 8 housing and went on to talk about clause 15.F. in the contract regarding Section 8 housing and his desire to give the old school building to the poor. Mr. Creed went on to state that Councilman Wendell was instrumental in forming the Bayview Citizens for Social Justice group and the Harbor, The Shanty and the Bay Creek Resort Development would not be here without Councilman Wendell's past efforts. Mr. Creed stated that Council knew how important the old school building was to Councilman Wendell and his family and he did not understand why Council did not notify Councilman Wendell when the proposal was received for the school building. Mr. Creed went on to state that a community center would make a small difference in a lot of people's lives. Mr. Creed stated that he sometimes was out of line and apologized for things he had said to or about people. Mr. Creed concluded by stating that he felt that a community center would make a difference in this Town and by working together, we could make it happen.

Don Bender, 300 Fulcher Street
Mr. Bender deferred his allotted time to Deborah Bender.

Deborah Bender, 300 Fulcher Street

Ms. Bender began by talking about the August 23, 2012 meeting, noted events from the meeting that were not included in the minutes and an item that was not depicted accurately. Ms. Bender went on to talk about an incident that occurred after the meeting between Mr. Malcolm Hayward, a Council member and the president of Old School Cape Charles (OSCC) and added that Mr. Hayward needed to be removed from the Planning Commission. Ms. Bender distributed a copy of the reservation form for the Cape Charles Lofts which showed options for both one and two-bedroom units and asked how many of each were being built in the old school building adding that Echelon was paying fees for one-bedroom units. Ms. Bender stated that Echelon represented themselves as "men of honor" but Mr. J. David McCormick owed the Town of Blackstone \$38K for tap fees. The Cape Charles contract with Echelon stated that the Town's tap fees would be paid prior to issuance of the Certificate of Occupancy which was against the Town Code. What would happen if Echelon claimed they did not have the money to pay the Town's fees? Ms. Bender stated that there was still time for the Town to back out of the Echelon contract and asked that Council "do the right thing" and give the building to OSCC for a community center. Ms. Bender added that this issue had alienated the citizens of the Town, which was wrong, but it was also wrong to turn the school building into apartments and concluded by asking Council to give the citizens a community center.

Lenora Mitchell, 309 Tazewell Avenue

Ms. Mitchell began by stating that she hated racism and discrimination and added that she was angry and saddened when she read the email that Mr. Creed referred to at the August 23, 2012 meeting. Ms. Mitchell went on to talk about the language in the contract with Echelon regarding Section 8 housing and mentioned the difficulty in finding land to build affordable housing for the working class people, which was not considered low-income housing. Ms. Mitchell stated that she believed the Council's actions were illegal and added that she was going to send a request to the Fair Housing Agency in Richmond, VA and in Philadelphia, PA and ask them to look at the contract and emails. Ms. Mitchell stated that there were three districts in Town - the Harbor, Planned Unit Development and the Historic District and Council was not representing the people of the Historic District. Ms. Mitchell concluded by stating that the working class people were being taxed without representation.

Veann Duvall, 110 Tazewell Avenue

Ms. Duvall began by stating that the Friends of the Cape Charles Memorial Library asked for a location for a larger library and the Town purchased the Bank of America property for the expansion of the Library. Ms. Duvall continued to state that the Friends of the Old School were asking for the former school building, which was used as a community center a couple of years ago, and distributed a copy of a recent article in the Eastern Shore News written by Ms. Deborah Bender. Ms. Duvall stated that Council may have read the article but asked that they read it again and give the school back to the people.

Brock Stiles, 525 Madison Avenue

Mr. Stiles deferred his allotted time to Councilman Frank Wendell.

Frank Wendell, 515 Monroe Avenue

Councilman Wendell distributed copies of the August 29, 2012 issue of the Courier Record from Blackstone, VA and read excerpts from an article regarding unpaid water and sewer tap fees owed by Mr. Dave McCormack for an apartment building in the Town. Councilman Wendell went on to talk about statements made by the Council at the June 14, 2012 meeting when Council approved moving forward with the sale of the school building. Councilman Wendell continued to state that this school project had the townspeople torn up and added that many real estate deals did not go to closing and recommended Council not to proceed to closing on

the contract. Councilman Wendell distributed several other handouts including a Wikipedia definition of the word "misfeasance," a page printed from the Old School Cape Charles website, and a copy of the June 29, 2012 letter from the Town to Mr. Kevin Martingayle, attorney representing OSCC and talked about each item in turn. Councilman Wendell stated that he showed the letter to the Commonwealth Attorney and was planning to meet with him again on the issue. Councilman Wendell went on to describe a variety of events that could be held in the community center and asked the Council to take a step back and not proceed with the closing for the sale of the school property which would bring the community back together. Councilman Wendell stated that OSCC was a civic group working to obtain their 501(c)3 status and asked Council to give them the same opportunities given to other organizations like the Library Board, Citizens for Central Park, New Roots Youth Garden, Arts Enter, the Historic Society, etc. and keep the 100-year old historic high school building a public/community asset.

Steve Bennett, 100 Creekside Lane

Please see attached.

Don Riley, 538 Monroe Avenue

Mr. Riley stated that he was going to defer his allotted time to Councilman Frank Wendell, but he had already spoken.

Bruce Evans, 645 Tazewell Avenue

Mr. Evans stated that he conceded his time.

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

CONSENT AGENDA:

Vice Mayor Bannon stated that a new item – Planning Commission Recommendation regarding the Bank of America Property was being added under Old Business as Item #6B. Vice Mayor Bannon went on to state that Mr. Ed Lewis, president of the Friends of the Virginia Waterman's Memorial of the Eastern Shore was in attendance to give a presentation regarding a proposed waterman's memorial so Item #7D under New Business was being moved to immediately follow the Report Presentations.

Motion made by Councilwoman Natali, seconded by Councilman Veber, to approve the agenda as presented. The motion was approved by unanimous consent.

The Town Council reviewed the minutes of the August 9, 2012 Regular Meeting, the August 23, 2012 Executive Session, the August 23, 2012 Public Hearing & Special Meeting and the August 28, 2012 Executive Session.

Councilman Wendell noted several areas in the August 23, 2012 Public Hearing & Special Meeting minutes where he wanted more details of the discussion to be included in the record and a couple of areas where he asked that the record be clarified.

Councilwoman Natali also noted areas where more details could be added if Council agreed.

There was much discussion regarding these minutes and Vice Mayor Bannon asked Councilman Wendell and Councilwoman Natali to submit the language they wanted to include in the minutes to the Town Clerk. Approval of the minutes from the August 23, 2012 Public Hearing & Special Meeting would be deferred until the October 11, 2012 meeting.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to approve the minutes of the August 9, 2012 Regular Meeting, the August 23, 2012 Executive Session and the August 28, 2012 Executive Session as presented. The approval of the minutes for the August 23, 2012 Public Hearing & Special Meeting, would be deferred until the October 11, 2012 Town Council Regular Meeting as discussed. The motion was approved by majority vote with Councilman Veber abstaining.

REPORT PRESENTATIONS:

A. *Treasurer's Report:*

Treasurer Kim Coates reviewed the Treasurer's report dated August 31, 2012 which showed \$263,261 in the Bank of America checking account and \$403,726 in the Shore Bank account with the Total Cash on Hand at \$1,106,779. The report also showed Total Cash Held in Reserve at \$354,720. Kim Coates reviewed the Tax Collection Comparison for Fiscal Years (FY) 2012 and 2013 which showed that \$64,084 more was collected in FY 2013 as of August 31st with increases noted for golf cart decals, meals tax, real estate taxes, and transient occupancy tax.

Motion made by Councilwoman Natali, seconded by Councilman Wendell, to accept the Treasurer's Report as submitted. The motion was approved by unanimous consent.

B. *Town Manager's Report:*

Town Manager Heather Arcos reported the following: i) Staff held a kick-off meeting with representatives from the Virginia Department of Transportation Enhancement Program and Land Studio, PC beginning the design of Phase 2 - North Peach Street and Washington Avenue. An update would be provided at the October Council meeting; ii) Representatives from the Environmental Protection Agency (EPA) would be in Town on September 20, 2012 to visit the new Wastewater Treatment Plant and review its performance; iii) On September 23, 2012, she and Town Clerk Libby Hume will be attending the annual Virginia Municipal League (VML) Conference in Williamsburg; iv) Harbor Master Smitty Dize's father passed away over the weekend. Heather Arcos asked that he and his family be kept in everyone's prayers; and v) A Candidate Forum had been scheduled for October 25, 2012 at the Palace Theatre beginning at 6:00 p.m. Heather Arcos asked that all inquiries regarding Town matters be submitted in writing to the Town either via email or dropped off to the Town Clerk's office. The Town would respond in writing in a timely manner.

C. *Planning Commission and Boards:*

Town Planner Tom Bonadeo reported the following: i) There had been multiple tree and shrub removals this month on the South Port property. Tom Bonadeo visited the site on three different occasions. New vegetation would be planted to replace the ones that were being removed; ii) The Army Corps of Engineers approved the wetlands mitigation area for South Port which was important for the permit extension. An application for review by the Wetlands Board was expected for the area between the old and new wastewater treatment plants. The work would also be reviewed by the Virginia Marine Resources Commission (VMRC); and iii) The Wave Attenuation Devices (WADs) project to protect the Bay Vistas subdivision and the Sea Breeze Apartments was completed. This was the first time this product was used in Virginia and the VMRC would be monitoring the WADs for sand build up. Tom Bonadeo stated that he had been checking the project and it appeared that about 4" of sand had already built up around the WADs.

D. Other Departmental Reports:

Officer Jim Pruitt gave an update of the memorial dedication service for fallen Officer James Taylor which was scheduled for October 10, 2012 at Central Park beginning at 2:00 p.m. Officer Pruitt stated that six of Officer Taylor's family members would be in attendance. Tents, chairs, a podium, sound system, a flag and a wreath were needed as well as a bag piper. Officer Pruitt explained the difficulty he was having in finding a bag piper and Councilman Godwin stated that he had some contacts and would help in finding a bag piper for the service. A number of law enforcement agencies would be participating in the service including agencies from Chincoteague, Onley, Onancock, Accomack County, Northampton County, Exmore, the Chesapeake Bay Bridge Tunnel, Norfolk, Virginia Beach, the Coast Guard, Virginia State Police, agencies from Maryland, the FBI, Drug Enforcement Agency, Homeland Security, etc. Norfolk and the VMRC would be providing their Color Guards.

Vice Mayor Bannon asked if there were any questions regarding the other departmental reports. There were none.

NEW BUSINESS:

D. Virginia Waterman's Memorial:

Heather Arcos introduced Mr. Ed Lewis, president of the Friends of the Virginia Waterman's Memorial on the Eastern Shore, Inc., who presented information regarding the proposed memorial to Virginia's watermen who were lost at sea. Mr. Lewis stated that locations were offered in Oyster and Kiptopeke State Park but Cape Charles was the preferred location due to the Cape Charles Harbor, which was a working harbor, and the higher number of visitors to the Town which would increase the visibility of the memorial. The cost of the memorial would be higher if constructed in Oyster due to the flooding and if constructed in Kiptopeke State Park, visitors, even family members of lost watermen, would have to pay the admission fee in order to visit the memorial. Mr. Lewis showed a depiction and gave a description of the planned memorial.

Heather Arcos stated that Smitty Dize had met with Mr. Lewis regarding the proposed location which was the circular area in front of The Shanty.

Heather Arcos stated that the next step would be the completion of an application for the Harbor Area Review Board to review the area and design of the memorial.

Vice Mayor Bannon polled the Council members and all expressed their support of the Virginia Waterman's Memorial being constructed at the Cape Charles Harbor.

OLD BUSINESS:

A. National Endowment for the Arts (NEA) Grant Update:

Assistant Town Manager Bob Panek gave an update on the NEA Grant which was recently awarded to Arts Enter Cape Charles. The Arts Enter requested \$75K from the grant with a \$175K project budget, but was awarded \$50K in the grant which left a \$25K shortfall. Representatives from the major stakeholders met to review options for mitigating the shortfall and recommended the following: i) \$10K grant from the Virginia Tourism Commission (VTC) to develop a new Cape Charles tourism oriented website, thus offsetting a portion of the promotional costs in the project budget; ii) \$10K in cash matches from additional stakeholders; and iii) \$5K in savings by piggy-backing the planning efforts to the Land Studio contract for the planning and design of the next phase of the community trail. Project expenses would be tailored to the funding ultimately realized.

Councilwoman Natali asked whether the Town's match for the NEA Grant would be increased. Bob Panek stated that the Town's commitment was \$25K over two years and \$12,500 was budgeted for this year. The Council expressed concurrence with the plan.

B. *Planning Commission Recommendation re: Bank of America Property:*

Heather Arcos stated that on July 26, 2012, the Mayor executed the Purchase and Sale Agreement for the Bank of America property and the Town's 30-day due diligence period would expire on September 14, 2012. As part of the due diligence, the Cape Charles Planning Commission reviewed the procurement of the Bank of America building and associated property and unanimously agreed that the general location and character of the Bank of America property was substantially in accord with the Comprehensive Plan for the use as a library, municipal services, public parking and access to an alleyway. The letter from the Planning Commission was included in the agenda packet for review prior to the meeting.

Vice Mayor Bannon read Resolution 20120913B - Accepting the Planning Commission Recommendation Regarding the Bank of America Building and Associated Properties.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to adopt Resolution 20120913B - Accepting the Planning Commission Recommendation Regarding the Bank of America Building and Associated Properties. The motion was approved by majority vote. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes; Veber, yes; Wendell, no.

NEW BUSINESS:

A. *Fill Vacancies on Boards and Commission:*

Heather Arcos stated that there were a number of vacancies on the Cape Charles Planning Commission, Board of Zoning Appeals and Historic District Review Board. The Town Council interviewed candidates who expressed their interest in serving on the Town's boards and commission and recommended the following appointments: i) For the Planning Commission - Mr. Andrew Buchholz, Ms. Sandra Salopek and Mr. William Stramm; ii) For the Board of Zoning Appeals - Mr. Eugene Kelly; and iii) For the Historic District Review Board - Ms. Theresa Strub.

Motion made by Councilwoman Natali, seconded by Councilman Veber, to appoint the individuals to the Planning Commission, Board of Zoning Appeals, and Historic District Review Board as discussed. The motion was approved by unanimous consent.

B. *Reappointment of Building Code Board of Appeals Member:*

Heather Arcos stated that the Building Code Board of Appeals consisted of five members and met on an as-needed basis to hear appeals concerning the Uniform Statewide Building Code. Each member served a term of five years. Mr. Steve Michel's term expired on September 10, 2012 and he expressed his interest in continuing his service on the Board for another term.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to reappoint Mr. Steve Michel to the Building Code Board of Appeals for another five-year term. The motion was approved by unanimous consent.

C. *Resolution to Request VDOT Traffic Study:*

Heather Arcos stated that Council had discussed this issue in several past meetings. Council members had expressed their concern for the safety of residents and visitors travelling through the intersection of Randolph Avenue and Fig Street on golf carts and bicycles and

felt that this intersection needed to be made into a four-way stop before an accident occurred. The Town of Cape Charles did not own the roads and had no jurisdiction over the roads and placement of road signs. VDOT required a resolution be adopted before they would consider performing a traffic study which must be performed prior to placement of signage. A copy of the 2008 VDOT Traffic Study was included in the agenda packet for review by Council prior to the meeting. VDOT's findings were based on the number of cars travelling through the intersection over a 12-hour period by hour. The Traffic Study outlined the requirements for the placement of a stop light or multi-way stop and determined that this intersection did not meet any of the criteria. After the 2008 Traffic Study, VDOT's resolution to the matter was to remove the stop sign from the east-bound lane of Randolph Avenue exiting Town.

There was much discussion regarding the intersection and VDOT's requirements. Chief Brown stated that VDOT would only look at the recorded statistics for the number of accidents, etc. It was noted that the 2008 Traffic Study was performed during the winter months and in order to get an accurate picture of the volume of traffic in the Town, the study needed to be performed during the late spring or summer. It was suggested that the Town request VDOT perform a four-season traffic study of the intersection.

Tom Bonadeo stated that VDOT required a traffic study be performed before any changes would be made regarding signage or traffic patterns. The Town had worked for years trying to get the speed limit lowered on Old Cape Charles Road from 55 MPH to 25 MPH, but after VDOT performed their traffic study, the speed limit was lowered to 35 MPH. The last paragraph of Resolution 20120913 requested review of the intersection for a roundabout or a multi-way stop to ensure the safety of the residents and visitors to the Town. VDOT's 2020 plan included a roundabout for this intersection. It was also in VDOT's 2035 plan and VDOT now had a Roundabout Study Committee.

Councilwoman Natali stated that she had participated in the recent Walkability Tour of Cape Charles and the coordinator remarked that this intersection was a good candidate for a roundabout which slowed traffic down without requiring a stop. Councilman Natali went on to state that the Walkability Tour Report was due to be finalized soon and recommended that it be reviewed by the Council to see the recommendations for the Town.

There was some discussion regarding roundabouts and whether it would make it difficult for tractor trailers coming into or leaving the Town.

Heather Arcos stated that she would contact the local VDOT engineer to see if the Town could request the traffic study to be performed at a certain time of the year and report back to Council.

Motion made by Councilwoman Natali, seconded by Councilman Veber, to defer the decision regarding this issue until receipt of additional information from VDOT. The motion was approved by unanimous consent.

E. Constitution Week Proclamation:

Heather Arcos stated that the Mayor requested this item be placed on the agenda and went on to state that Constitution Week was an American observance to commemorate the adoption of the United States Constitution. The observance ran from September 17 through September 23 every year. The purpose of the observance week was to i) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; ii) informing the people that the Constitution was the basis for America's great

heritage and the foundation for our way of life; and iii) encourage the study of historical events which led to the adoption of the Constitution on September 17, 1787.

Vice Mayor Bannon read Proclamation 20120913 Designating September 17-23, 2012 as Constitution Week in the Town of Cape Charles, Virginia.

Motion made by Councilwoman Natali, seconded by Vice Mayor Bannon, to adopt Proclamation 20120913 Designating September 17-12, 2012 as Constitution Week in the Town of Cape Charles, Virginia. The motion was unanimously approved. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes; Veber, yes; Wendell, yes.

F. Guidelines for Citizen Participation:

Heather Arcos stated that most localities had guidelines in place for citizen participation at meetings. Staff reviewed guidelines adopted by other jurisdictions in Virginia and compiled information for Council consideration. Heather Arcos requested Council review and discuss the draft guidelines and make a motion to either adopt the guidelines or schedule a work session for further discussion and review of the guidelines.

Motion made by Councilman Veber, seconded by Councilwoman Natali, to schedule a work session to review and discuss guidelines for citizen participation. The motion was approved by unanimous consent.

G. USDA Grant Application for Library Equipment:

Heather Arcos stated that she met with Ms. Peggy Jordan, Area Specialist with USDA Rural Development (USDA RD) to discuss possible grant/loan opportunities for equipment for the Library. USDA RD offered grants for up to \$25K for equipment needs, not rehabilitation of a building. The grant covered 75% of the total cost of equipment with a 25% Town match. Equipment covered under the grant included furniture, computers, shelving, copier, etc. If approved by Council, a grant application would be submitted immediately. Submission of the grant application did not commit the Town to the 25%. If the grant was awarded to the Town next year, a commitment by resolution would confirm the Town's desire to work with USDA on the grant. The USDA's funding year started October 1, 2012, but with this being an election year, the grant would probably not be awarded until spring 2013.

Motion made by Councilwoman Natali, seconded by Councilman Godwin, to authorize the Town Manager to submit a grant application to the USDA RD for equipment needs for the expansion of the new library. The motion was approved by unanimous consent.

H. Aid to Local Government - VML Request:

Heather Arcos stated that the VML requested all localities to adopt a resolution to support the restoration of State funding for aid to localities. For the past three (3) years, the Commonwealth of Virginia had budget surpluses totaling approximately \$1.4B. Even with the state having three (3) years of budget surpluses, state support for state-mandated and state priority programs had declined. Some examples were the decrease in the 599 Program which supported law enforcement efforts and the Line of Duty Act expense which was now the responsibility of the cities, towns and counties in Virginia. A draft letter to Governor McDonnell was also included in the agenda packet.

Motion made by Councilwoman Natali, seconded by Councilman Sullivan, to adopt Resolution 20120913A Supporting Restoration of State Funding for Aid to Localities as noticed and forgo reading of the Resolution. The motion was unanimously approved. Roll call vote: Bannon, yes; Godwin, yes; Natali, yes; Sullivan, yes; Veber, yes; Wendell, yes.

ANNOUNCEMENTS:

- September 27, 2012 – Town Council Work Session, 6PM at Town Hall
- October 5-7, 2012 – 20th Annual Birding & Wildlife Festival
- October 6, 2012 – Fall Festival sponsored by the Cape Charles Business Association
- October 8, 2012 – Town Offices closed in observance of Columbus Day
- October 10, 2012 – Dedication Service for Memorial for Officer James Taylor, 2PM at Central Park
- October 11, 2012 – Town Council Regular Meeting, 6PM at St. Charles Parish Hall
- October 25, 2012 – Candidate Forum, 6PM at Palace Theatre

Councilman Veber stated that he had been a member of the Town Council for eight years and felt that tremendous achievements had been made. Councilman Veber went on to state that some good things had happened to Cape Charles with everyone working together to make things happen. The Town had a great staff who worked very hard to do what was requested by Council and a great group of volunteers who gave their time to serve the Town. Councilman Veber announced that he was withdrawing as a candidate for the November 6, 2012 Special Election adding that he needed to concentrate on his business and thanked all his constituents for supporting him.

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

Vice Mayor Bannon

Town Clerk

**Town Council Regular Meeting
September 13, 2012
Comments Provided in Writing**

Becky Creed, 548 Monroe Avenue

Good afternoon, your honorable council members and Mayor Sullivan. I live at 548 Monroe Avenue in Cape Charles, and have lived in town full time since July of 2005.

I'd like to share my perspective regarding the need for a community center in Cape Charles. I am a clinical social worker, and the Clinical Director for an agency based out of Belle Haven, VA. Our agency provides mental health services primarily for children and adolescents. In my time with the agency, and since I've been living on the Shore, I've seen poverty to the extreme. I've also seen the middle class families move into Cape Charles, and move out of Cape Charles. At this point in time, how many families with school aged children are left? Not many. Why don't these families stay in Cape Charles? The school system is poor, unemployment rate is high, taxes are high, and there is very little in our town that is "family friendly" to keep our children constructively occupied.

As a mother myself, and as a social worker, I recognize that we cannot change the world, but we could provide constructive activities for our children. There was a time when I thought we were moving in the right direction. We had a recreational director who was going to be stationed in the park, who would provide some supervision, provide sports equipment, facilitate and monitor activities in the park. And then, somehow, this plan disappeared. No offense to our current recreational director, but the activities that I see planned appear to neglect the older children and teenagers of our town. Perhaps because there is not a good space available for these activities?

In addition to this loss, we also lost the baseball field. Little league baseball was a very popular past time that allowed children in this part of the county a constructive, self-esteem building activity. On a Saturday morning, these baseball games played by the children, also attracted all ages to come and watch, but then, we lost this venue. Now the children have to be driven 20 miles north if they want to play baseball. This may not seem like a big deal to some folks, but there are many in our county who cannot manage the cost of transportation, or who do not own a vehicle at all. My son joined the pee-wee football league now offered in Nassawadox (along with soccer and baseball), but case in point; the football coach was usually late because he had to pick up 6-8 players from the southern part of the county since the parents weren't able to transport these children to the practices themselves. (I'm sure it could have been a bus load if a vehicle was available!) This scenario speaks volumes about the plight of the children in Northampton County. These children have so little to build on as a result of their multi-layered impoverished backgrounds. If the Town of Cape Charles could offer a community center that would provide some constructive activities, some opportunity for mentoring our youth, it would be an investment in the children, and an investment for the future of Cape Charles.

As for the need for lower cost housing, I have to wonder how many of you have taken your children "trick or treating" on Halloween? The tradition has become one where those of us with children pile onto golf carts to go collect our "treats" because only every seventh house in town seems to be occupied. Why would we need to add more housing when we cannot fill the homes that are already here? How many of you have had to find ways to entertain your children through the cold winter months, and the windy months of spring? It is truly a challenge for me and my family, and we have transportation and a reasonable income. What must it be like for those in our community who are less fortunate? Wouldn't it be nice to go bowling? To go ice skating? To go to an arcade? To go to a movie? A community center cannot offer all of these activities, obviously, but it could offer indoor basketball, arts and crafts activities, a computer lab, a job skills center, and an array of other organized activities.

With the lack of constructive activities and opportunities, comes the increase in petty crimes, increase in illegal drug use, increase in sexual promiscuity. It is my belief that if we provide an environment supportive of children and provide an environment that is inviting for families to live in, then we would not have so many empty houses. With an increase in families, we increase the population in our town, and increase the tax base, and ultimately improve the future of Cape Charles, by investing in our children. There is no truer statement then "It takes a village to raise a child." Let's make Cape Charles that village, and invest in raising our children. Let's create a community center in our central park that will be a place that brings all of us together in our efforts to invest in our children and the future of Cape Charles.

Steve Bennett, 100 Creekside Lane

Good evening.

I'm happy to see agenda item 7F regarding guidelines for citizen participation at Council meetings. While I am in agreement with most of the proposed guidelines, I ask that you consider two things; first I don't think a speaker should be limited to an agenda item or a non-agenda item. If they have time they should be allowed to speak to both. And secondly, I fully agree that time should not be donated to another, as all speakers should have equal representation. I would ask however, that you consider extending the time limit to 4 or 5 minutes, since not all items can be covered in 3 minutes.

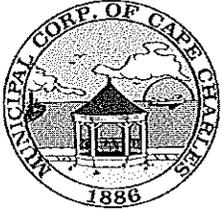
My second topic is a non-agenda item. The acquisition of the Bank of America building and repurposing of the existing library provides us with the opportunity to expand the educational, recreational and social services available to our citizens. Before we move forward with plans, it is important to reach out to our citizens and understand their needs. I am particularly concerned that we seek to identify ways to enhance the quality of life for our senior citizens, many of whom can become isolated as their mobility declines in their later years.

I am asking the Council to establish an advisory committee to identify the needs of our community and inventory our existing assets. This will allow us to better design the physical spaces we will now have available and better define the programs necessary to fill these unmet needs. This committee should reach out and involve citizens from all neighborhoods, organizations, and groups. It should also explore opportunities for program funding.

I am willing to serve as chair of this committee and help recruit other citizens to serve pending your approval.

Thank you,
Steve Bennett
100 Creekside Lane

DRAFT



DRAFT TOWN COUNCIL

Work Session

Town Hall

September 27, 2012

6:00 PM

At 6:00 p.m., Vice Mayor Chris Bannon, having established a quorum, called to order the Work Session of Town Council. In addition to Vice Mayor Bannon, present were Councilmen Godwin, Sullivan and Veber and Councilwoman Natali. Councilman Wendell arrived at 6:01 p.m. Mayor Sullivan was not in attendance. Also present were Town Manager Heather Arcos, Assistant Town Manager Bob Panek, Town Planner Tom Bonadeo, Police Chief Charles Brown and Town Clerk Libby Hume. There were 2 members of the public in attendance.

Vice Mayor Bannon announced the business for the evening would be to discuss boat trailer parking.

Town Manager Heather Arcos stated that at the September meeting Council voted to send this issue to a work session. Tom Bonadeo and Charles Brown were in attendance this evening to answer any questions regarding this issue. Currently, the Town did not have the authority to regulate boats being parked on the street and there was a conflict in the Town Code. In order for the Town to get the authority to enforce boat trailer parking, a request must be submitted to the legislature to modify Virginia Code §46.2-1222.1 to include the Town of Cape Charles.

Tom Bonadeo added that in a previous revision of the Town Code, various sections were deleted or changed with the exception of § 42-90 which was evidently missed.

Heather Arcos stated that in September 2011, a few complaints were received regarding boats being stored on the streets. Chief Brown surveyed the Town's streets and noted 22 boats parked on the streets. Currently, there were 12 boats parked on the streets. Chief Brown interjected that the 12 boats were parked here year-round and the majority were registered out of state.

There was some discussion regarding the number of boats registered in Town and the number of complaints.

Vice Mayor Bannon suggested that the Town could allow seasonal boat parking possibly from May through October. Tom Bonadeo agreed that allowing boats to be parked on the streets could possibly bring visitors to the Town.

Tom Bonadeo added that even though the Town currently did not have the authority to regulate boat parking, the police department could require a boat to be moved if it was determined to be unsafe or an obstruction. There was discussion regarding the narrowness of some of the Town's streets and the widths of the boats.

Heather Arcos stated that it was not the Town's intent to discourage people from having boats or visiting the Town and bringing their boats and added that complaints were usually about boats being stored on the street for an extended period of time.

Tom Bonadeo noted that the purpose of this meeting was to determine whether Council wanted to submit a request to the General Assembly giving the Town the authority to regulate boat parking if deemed necessary. If Council voted to proceed, the request would be submitted to the Town's representative in November for review by the General Assembly in January. If successful, the Town could have authority effective July 1, 2013.

After further discussion, Vice Mayor Bannon polled the Council members in order to direct staff on how to proceed with this issue. Vice Mayor Bannon, Councilwoman Natali and Councilman Sullivan were in favor of submitting a request to the General Assembly to get the authority to regulate boat trailer parking. Councilmen Godwin, Veber and Wendell stated that they did not believe regulation was necessary at this time.

Heather Arcos informed Council that the current language in the Town Code needed to be modified so as not to be in conflict with the Code of Virginia.

Motion made by Councilman Sullivan, seconded by Councilman Veber, to adjourn the Town Council Work Session. The motion was approved by unanimous consent.

Vice Mayor Bannon

Town Clerk

DRAFT



**DRAFT
TOWN COUNCIL**

Executive Session

Town Hall

September 27, 2012

Immediately Following Work Session

At 6:45 p.m. Vice Mayor Chris Bannon, having established a quorum, called to order the Executive Session of the Town Council. In addition to Vice Mayor Bannon, present were Councilmen Godwin, Sullivan, Veber and Wendell and Councilwoman Natali. Mayor Sullivan was not in attendance. Town Manager Heather Arcos and Assistant Town Manager Bob Panek were also in attendance.

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

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

Paragraph 40: Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

§ 2.2-3705.6.3: Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.

Specifically: Request and proposal from South Port Investors, L.L.C. to amend leases affecting Tax Map Parcels 83A3-12, 83A3-14, 83A3-17, 83A3-19, and 83A3-20:

- Parcel 83A3-12 – Proposed Second Amendment to Lease Agreement between the Town of Cape Charles, as Landlord, and South Port Investors, L.L.C., as Tenant, dated December 14, 2007, as amended by the First Amendment to Lease Agreement dated April 14, 2011.
- Parcels 83A3-14, 83A3-17, 83A3-19 and 83A3-20 – Proposed Fifth Amendment to Lease Agreement between the Town of Cape Charles, as Lessor, and predecessors-in-interest to South Port Investors, L.L.C., as Lessee, dated February 27, 1996, as assigned and amended by the Second Amendment to Lease Agreement dated December 14, 2007 (terminating First Amendment), and the Fourth Amendment to Lease Agreement dated April 14, 2011 (terminating Third Amendment).

Motion made by Councilwoman Natali, seconded by Councilman Sullivan and unanimously approved to return to Open Session.

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

Motion made by Councilwoman Natali, seconded by Councilman Veber, to adjourn the Town Council Executive Session. The motion was approved by unanimous consent.

Vice Mayor Bannon

Town Clerk

DRAFT

TOWN MANAGER REPORT
Monthly Highlights
September 14, 2012 – October 4, 2012

Community Trail Project – N. Peach Street – Washington Ave.:

- Staff met with Land Studio's team and a VDOT representative to discuss the schedule of work to be done. The surveyor has begun his work on N. Peach St. and Washington Ave. A steering committee is being formed and will include a member from the Planning Commission, Historic District Review Board and two citizens who are primarily in the area of the construction of the trail.
- A meeting will be held this month to finalize the schedule and steering committee. The schedule and list of the committee members will be available by the next meeting. We anticipate the design of this segment of the trail to be completed by early summer.

Sidewalk Project by VDOT:

- The VDOT contractor continues work on the \$1M VDOT Sidewalk Project. The work is progressing on Jefferson and Madison Avenues.
- The Town staff will continue to work with VDOT and the contractor to give the Town options on placement of sidewalks for a safe connection from Heritage Acres to the Town.

Cape Charles Computer Lab:

- The Library staff continues to offer computer classes and has seen an increase of participation. The computer lab will be moved from its temporary location at the Cape Charles Christian School to the former Bank of America building during which time the Library will be moved as well. Classes will continue until the relocation of the Library takes place.
- Class schedules and registration are available at the Library.

Town Council Candidate Forum:

- A Candidate Forum has been scheduled for October 25th at the Palace Theatre beginning at 6:00 p.m.
- As done in the past several elections, this forum gives citizens the opportunity to meet the candidates running for Council and ask questions regarding a variety of issues.
- One vacancy will be filled on November 6th, Election Day.
- Candidates running for office: Steve Bennett and Daniel Burke.

Finance:

- The real estate tax records have been received from Northampton County and Edmunds Software is working on the tax data which should be available soon.
- The treasurer is working to finalize the information so that the 2012 real estate and personal property tax bills can be mailed out in late October.
- The Treasurer is working to close out our financial reports for year end June 30, 2012; the auditors are scheduled tentatively for the end of January 2013.

VML Conference:

- Heather Arcos and Libby Hume attended the VML Annual Conference from September 23 – 25, 2012 in Williamsburg, VA.
- We attended a number of very interesting classes and will be providing information from the classes to the Town Council.

Town Code Ordinance – Trailer Parking:

- A work session was held on September 27, 2012 to discuss whether or not to request authority to be able to regulate trailer parking on the street from the General Assembly. After much discussion, the Council members were split in whether to move forward with their request. At this time, there are no plans to pursue regulation of trailer parking on the street. However, the trailers will be moved if determined by the Chief of Police to be unsafe or an obstruction.

Bay Creek Update:

- Bay Creek Resort and Club is moving forward on their new Beach Club. A permit was issued this week.
- The Bay Creek Marina shops will be closing for the winter season on October 20th.

Cape Charles Yacht & Haul-Out Facility Project:

- South Port Investors is working with staff on the site plans for their project. We anticipate the review process of the boards and Town Council to begin very soon.

Cape Charles Tourism Strategic Planning session:

- A session will be held on October 30th at 8:30 a.m. at the Arts Enter. The first session will be to meet with chairs of all organizations, gather feedback from all businesses and organizations.
- The strategic planning process will lead us from “where we are now” and “what we want to accomplish” over the next 3-5 years. We will establish a tourism mission, goals and specific objectives and tactics to support our goals. We want to conclude the sessions with a clear direction that will allow for planned tourism growth and development in Cape Charles.

Cape Kids Playground:

- The Public Works staff is doing a great job sprucing up and performing necessary maintenance to the playground. The playground is open but, will be closed off at times as work continues this fall.

Citizens for Central Park:

- The Citizens for Central Park are accepting proposals until October 15th to build the park restroom. Six local contractors are expected to submit proposals. A contractor will be selected by our November Council meeting.

Planning Commission Report for Town Council

From: Tom Bonadeo
To: Town Council
Date: October 11, 2012
Subject: Report for Planning Department

Planning Commission Meeting – October 2

1. The Planning Commission held its regular meeting on October 2 and continued work on the Floor Area Ratio (FAR) measure of density. The FAR is better suited to floor area measurement in the commercial area than using the quantity of dwelling units per acre. Dwelling unit controls the quantity of units but not their size. FAR offers control of the quantity of total floor space and its relationship to the total area of the property. The height restrictions, open space requirements, and parking requirements, when added to the FAR control the total square footage of development on any given property.
2. The Planning Commission also reviewed the sign ordinance.
3. The new commissioners had a short orientation on the Zoning Ordinance, Comp Plan and other plans that will be involved in their work. They discussed rezoning, conditional use permits and other processes involved in the planning process. They also discussed the planning classes that will be available after the first of the year.
4. The Commission will resume work on the sign ordinance at the November meeting. The new commissioners were appointed in September and this was their first meeting.
5. The Planner is working on:
 - a. Zoning compliance reviews and enforcements.
 - i. Parking layout completion at the Harbor.
 - ii. Waterman's Memorial plan and Harbor Area Review Application.
 - iii. New home construction and new building construction at Bay Creek.
 - iv. Political Sign compliance requirements were announced in the Gazette. Since many do not read the online publications we plan a paper handout for the next election.
 - b. The Planner is working with VDOT on Peach Street parking costs.
 - c. Bank of America building inspection has been completed and closing should be completed prior to this meeting. The floor plans and move-in plans are progressing.
6. The Army Corps of Engineers have approved the wetlands mitigation area for Southport. This is important for the permit extension. An application has been sent to VMRC.
7. Work on the Wave Attenuation Devices is complete.
8. We have been working with the engineers on the Southport project and expect plans in the near future.
9. The Planning Commission and Historic Review Board will appoint 1 member each to the Steering Committee for the next phase of the Trail Project.

Historic District Review Board Meeting – September 18

1. The Board held its regular meeting and worked with the Hotel Cape Charles on a modification to the original application. The Hotel will provide a revised plan for the next meeting showing changes to the second floor balcony.

PUBLIC WORKS
September 2012

Dump Fees

- **Oyster Landfill:** 8 trips, \$160.65; 5 Tons
- **Sludge-** 0

Staff Report

Completed Projects

- Maintenance and repairs to pump on park fountain. Continues to be a problem.
- Helped utilities department with monthly water meter reading.
- Small Equipment and Vehicle Repairs:
 - Police Car, Stubbs, Changed Oil, Replaced Brake Light
 - Police Car, Pruitt, Changed Oil, Replaced Brakes
 - Police Car, Stubbs, Alternator
 - Police Car, Chief, Changed Oil
 - Chevy Dump Truck, Replaced Starter
 - Water Plant Colorado, New Brakes
- Installed shade cover at play ground
- Paint and Repairs done at the playground.
- Made a drag for grooming harbor parking lot.
- Weeding flower beds along Mason Ave.
- Preparations for Fall Festival, Applaud the Sun and Picnic in the Park.
- Helped Utilities with setting up their construction trailer.
- Added sand fence on beach near fishing pier.

In Progress

- Clearing Alley Ways
- Running street sweepers when we have time. So far mostly in the northwest quad.

Upcoming Projects

- Repairs Pine Street Pump Station. FEMA Grant

PUBLIC UTILITIES

September 2012

Work Orders Completed

- Miss Utility Tickets: 15
- Emergency Call Outs After Hours and Weekends:
 - Number of times called out: 6
 - Total Man Hours: 22

Personnel

- Thomas Stratton has been out due to illness.
- Down to one operator at the Water Plant.

Completed Projects

- Aquifer test plan for Keck Wells has been submitted to the DEQ.

New WWTP

- Substantial completion date is still under negotiation.

In Progress

- Inflow and Infiltration Project and Consent Order from the State Water Control Board:
 - Collecting flow data in the sewer system looking for sources of inflow and infiltration. Flow data is measured against rainfall (rain gauge located on the roof of the municipal building) and charted to show correlation between rainfall and rise in flow level. As we move the flow meter from manhole to manhole we identify areas in town that require further investigation. The flow meter is currently in the Pine Street basin Jefferson and Strawberry, MH 67.
 - Addressing items found during smoke test of sewage system. Many items have been addressed, repairs 90% complete. Most of the repairs are replacing broken sewer lateral cleanouts that have been damaged by lawn mowers. (staff)
 - Continuing survey of basements in town attempting to get all sump pumps disconnected from our collection system. Our current list contains 9 sump pumps that are still connected. (staff)
- Decommissioning old WWTP. Work is 90% complete. We are waiting for the sludge from the polishing pond to dry so we can continue with final grading of the area. Final grading is scheduled to take place the week of October 22 thru 26.

- MC Dean is making good progress with the design of the controls for the water plant. Personnel from MC Dean and GHD met with town staff on site on September 25th to go over details on design and installation. The current schedule puts completion in February 2013.
- Looking for options to repairing the sewage odor issues around town:
 - A new mulch formula for the vacuum pump stations will be installed this fall. A blend of pine chunks and peat moss.
 - A stainless steel lid will be installed on the influent tank at the new waste water treatment plant in an effort to reduce odors in that area.
 - An automatic flush valve will be installed in Heron Point to introduce water into that vacuum sewer system to increase the flow through the pump station in an effort to reduce the septic odors created when sewage water resides in the system for extended periods of time.
- Replacing water meters in Heritage acres.

Upcoming Projects

- Engineering and connection to Keck Wells.

Code Enforcement

Month of September FY 2013

Building Permits Issued/Permit Fees Collected:

Permits this month: 15	
Permits this year: 56	Total permits last year: 218
Total construction this month: \$ 67,872	
Total construction this year: \$419,867	Total construction last fiscal year: \$4,654,387
Permit fees this month: \$1,167.83	
Total permit fees this fiscal year: \$5,685.10	Total permit fees last fiscal year: \$37,034.16
Bay Creek Water/Sewer Tap fees: \$0	
The Colony/Sewer Water Tap fees: \$0	
Marina Village/Marina Village East Sewer/Water Tap fees: \$0	
Bayside Village Sewer/Water Tap fees: \$0	
Old-Town Water/Sewer Tap fees: \$0	
Total Tap fees this year: \$0	Total Tap fees last fiscal year: \$0
Fire Dept. levy this month: \$104.20	
Total Fire Dept. levies this year: \$525.32	Total Fire Dept. levies last fiscal year: \$3,195.93
State levy this month: \$20.84	
Total state levies this year: \$105.04	Total state levies last fiscal year: \$638.20
Miscellaneous Revenue: \$0	

Existing Structures Code Enforcement Cases:

Total Cases: 27	
New this month: 0	
Closed this month: 0	
Rental Inspections: 7	
Rental C.O's Issued: 5	
Rental Inspection Fees Collected: \$400	
Rental Inspection Fees Collected this Fiscal Year: \$1,800	
Grass cutting enforcement: 4	
Grass cutting: 5	
Enforcement fees charged this month: \$1,100	
Enforcement fees charged this year: \$5,950	Fees charged last fiscal year: \$11,859.56
Enforcement fees collected: \$600	
Enforcement fees collected this year: \$600	Fees collected last fiscal year: \$6,362.53

Annual Fire Inspections (updated) (Completed)

Total Cases: 92
Inspections conducted: 0
Closed this month: 0
Closed altogether: 92
Cases unresolved: 0

Annual Fire Reports (updated) (Completed)

Total Cases: 59
Received this month: 0
Closed: 59
Unresolved: 0

Month of September FY13

Other items of note:

1. Completed 36 inspections
2. Conducted 1 zoning clearances
3. Completed 3 courtesy residential inspections
4. Conducted 0 courtesy commercial inspection
5. Conducted 28 E & S control inspections
6. Conducted 1 commercial plan reviews for Erosion and Sedimentation Control.
7. Completed 0 residential plan reviews
8. Issued 0 Public Utilities Shallow Well permits
9. Continued grass enforcement throughout the Town. The treasurer's office is now handling all billing for grass enforcement. This was done to better track payments and also to make billing look official and important. Although collection numbers still are not as they should be it is better than it was when Code Enforcement was billing.
10. Continued gaining compliance with all the short term and long term rental properties in the Historic District.
11. Worked on short-term plan for Bank of America Building to become Library.
12. Participated in Council work session regarding purchase and condition of Bank of America building.
13. Actively working on some Code Enforcement cases on Randolph Avenue.
14. House on Randolph Avenue that has been under Code Enforcement for several years is getting a nice facelift. New Roof, Windows, Siding. UPDATED: Siding is almost complete on three sides of structure.
15. Received quote for 4th of July fireworks. Increase of 10% for existing customers. Continuing to get other quotes to compare.
16. Attended a Regional Building Officials meeting to discuss ongoing issues in the area. The regional building officials meet once every two months in Hampton.
17. Insurance Services Organization performed a re-evaluation of the Code Enforcement office. This includes training, inspection, plan review procedures. It is based on a Building Code Effectiveness Grading Scale from 1 - 10. The last time Cape Charles was surveyed the Town went from a 7 to a 4. We hope to improve or stay the same. This is something that insurance companies look at when quoting insurance premiums.
18. Working to gain compliance for the Treasurer's office regarding business licenses. No contractor may apply for a permit before a business license is obtained. Even though forms are sent out every year to existing applicant's people forget or just ignore them until they come into town to work.

10/01/12

Permit/Construction Fee Report

Map Number	Permit #	Type	Date	Address	Work description	Permit Fee	Value
	PB120060	Building	09/18/2012	22 Bridgeton Drive	New Siding and decking on back deck	\$75.60	\$6,000
	PM120022	Mechanical	09/13/2012	5 Kings Court	Work to finish out to obtain C.O.	\$69.44	\$3,630
083A3-0209-00	PM120023	Mechanical	09/21/2012	105 Madison Avenue	1 new air to air heat pump	\$88.71	\$8,342
083A1-0100-14	PB120063	Building	09/21/2012	545 Madison Avenue	Tear off/Reroof front porch	\$56.00	\$350
	PM120021	Mechanical	09/06/2012	521 Mason Avenue	New Mechanical for Residence	\$72.80	\$5,500
	PP120025	Plumbing	09/25/2012	521 Mason Avenue	New Plumbing for Alteration	\$56.00	\$2,000
	PE120033	Electrical	09/10/2012	300 Nicklaus Drive	100 Amp Permanent Temp	\$84.00	\$100
	PG120006	Gas	09/04/2012	5 Park Row	New Rinanni Gas Hot Water Heater	\$56.00	\$1,800
083A3-0100-49	PB120064	Building	09/21/2012	127 Peach Street	Extend Side Sunroom and make conditione	\$98.00	\$10,000
	PE120034	Electrical	09/11/2012	508 Plum Street	Permit to finish out work for C.O.	\$56.00	\$2,500
	PP120024	Plumbing	09/19/2012	508 Plum Street	Permit to finish work for C.O.	\$56.00	\$2,000
	PB120062	Building	09/19/2012	508 Plum Street	Porch Repair	\$56.00	\$1,600
	PB120061	Building	09/18/2012	307 Randolph Avenue	New Footer and Foundation	\$179.20	\$17,000
083A3-0100-46	PP120023	Plumbing	09/17/2012	523 Randolph Avenue	New on-site sewer and water	\$80.08	\$6,800
083A1-0100-00	PP120022	Plumbing	09/12/2012	312 Washington Aven	Install water service to building	\$84.00	\$250
Total Permits:						\$1,167.83	\$67,872

Total Permits: 15

PerDateIssued Range from 09/01/2012 to
09/30/2012

Revenue Totals by Items/Type

From: 09/01/2012 to: 09/30/2012

Fire Dept Fee		
Building	5	\$41.50
Electrical	2	\$12.50
Gas	1	\$5.00
Mechanical	3	\$20.55
Plumbing	4	\$24.65
Miscellaneous totals	15	\$104.20

Valuation Res \$2.5 >		
Mechanical	1	\$62.08
Residential totals	1	\$62.08

STATE TAX.		
Building	5	\$8.30
Electrical	2	\$2.50
Gas	1	\$1.00
Mechanical	3	\$4.11
Plumbing	4	\$4.93
State Tax totals	15	\$20.84

Com \$0 - \$2.5K		
Electrical	1	\$75.00
Valuation totals	1	\$75.00

Valuation Com \$0-\$2.5K		
Plumbing	1	\$75.00
Valuation totals	1	\$75.00

Valuation Res \$0 - \$2.5K		
Plumbing	2	\$100.00
Valuation totals	2	\$100.00

Valuation Res \$0-\$2.5K		
Building	2	\$100.00
Electrical	1	\$50.00
Gas	1	\$50.00

Valuation totals	4	\$200.00
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Valuation Res \$2.5K - 10K		
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Building	2	\$155.00
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Mechanical	2	\$144.21
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Plumbing	1	\$71.50
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Valuation totals	5	\$370.71
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Valuation Res > \$10K		
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Building	1	\$160.00
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Valuation totals	1	\$160.00
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Grand Totals	45	\$1,167.83
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MONTHLY INSPECTION TOTALS

Jeb Brady

Initial	09/04/2012
Initial	09/04/2012
FINAL	09/04/2012
FINAL	09/04/2012
FINAL	09/04/2012
Footing	09/05/2012
Footing	09/05/2012
Final	09/06/2012
Footing	09/06/2012
Final	09/13/2012
S/W FINAL	09/13/2012
SEWER & WATE	09/13/2012
COURTESY	09/17/2012
Initial	09/17/2012
Initial	09/17/2012
Final	09/19/2012
S/W FINAL	09/19/2012
SEWER & WATE	09/19/2012
COURTESY	09/24/2012
Sheathing	09/24/2012
CUT-IN	09/25/2012
FINAL	09/26/2012
FINAL	09/26/2012
FINAL	09/26/2012
Sheathing	09/27/2012
Framing	09/27/2012
COURTESY	09/27/2012
Rough-In	09/28/2012
Rough-In	09/28/2012
Rough-In	09/28/2012
Framing	09/28/2012

Total

36

MONTHLY INSPECTION TOTALS

Grand Total

36

InsDateCompleted Range from
09/01/2012 to 09/30/2012

Harbor Report

September, 2012.

Maintenance

1. Continued Working on the parking area
2. Replaced Starter, Relay and Battery in the Gator
3. Began Weeding Flower Beds
4. Dragged Parking area, this will be a weekly activity
5. Rewired and basic maintenance on the boat

Upcoming, Scheduled Maintenance

1. Clean Harbor sewer tank by the Harbor Masters office
2. Replace rotten wood at the Harbor Masters Office
3. Paint the fuel tank
4. Replace signs on the breakwaters

Capital Projects:

1. We are still placing parking bumpers in the new parking area, this should be complete by the Town Council Meeting.
2. Finishing up last year's advertising grant and applied for a new grant for FY 2013-2014

Other:

1. Follow us on Face Book (**Cape Charles Town Harbor**)
2. We are now down to a staff of 4.

Incidents:

1. None

Notes:

Haunted Harbor and Trunk or Treating – October 27, 2012 – check the Harbor Face book page or the Town web-site for more details.

Harbor Report

September, 2012.

Business:

Average docking per day/night by category:

<u>Rentals</u>	<u>September</u>	<u>August</u>	<u>12/13</u>	<u>11/12</u>
1. Nightly:	9.0	6.5	7.2	3.1
2. Weekly:	2.1	9.1	5.2	7.1
3. Month/Quart:	8.9	6.5	8.8	4.6
4. Seasonal:	16.4	13	14.1	7.6
5. Annual:	37.6	41.0	38.9	36.1
6. Total Rentals,	74.0	76.1	74.1	68.5

Wharf Fees by Pounds:

	<u>September</u>	<u>August</u>	<u>12/13</u>	<u>11/12</u>
1. Crabs:	20,340	0	219,060	1,261,890
2. Fish:	135,100	13,808	154,708	276,446
3. Conchs:	0	0	0	71,235
4. Horse Shoes:	0	0	62,250	10,656
5. Gravel:	0	0	0	0
6. Clams	0	0	0	0
7. Oysters	0	0	0	0
8. Conch Pots	0	0	0	0
9. Crab Pots	0	0	0	0
10. Lg. Trap Piles	0	0	0	0
11. Sm. Trap Piles	0	0	0	0
12. Total Pounds:	155440	13,808	436,018	1,620,227

<u>Waiting List:</u>	<u>8/31</u>	<u>Registered</u>	<u>Removed</u>	<u>9/30</u>
1. 60ft Slips:	2	0	0	2
2. 50ft Slips:	2	0	0	2
3. 45ft Slips:	10	0	0	10
4. 36ft Slips:	5	0	0	5
5. 30ft Slips:	19	0	0	19
6. 24ft Slips:	21	1	2	20
7. 20ft Slips:	11	0	1	10
Total	70	1	3	68

William Smith Dize Jr.
 Harbor Master
 September 1, 2012

Cape Charles Memorial Library
September 2012
Monthly Report Presented by Ann Rutledge

1. **Toddler/Preschool Storytime** was held on Thursday at 10:30 and a total of 76 children and caregivers attended this month. A total of 44 children attended the **Arts and Crafts** programs held on Tuesday at 10:30.

5. A **Dinosaur Discovery Box** from the Virginia Living Museum was here from September 7 to September 14. Our entire patron enjoyed learning about dinosaurs. One of the Christian School classes was studying dinosaurs and it was a big help in their studies. *The Discovery Box is funded by the Friends of the Library.*

6. This month the Library offered four **Beginning Computer Classes**. The classes were held in the Town Computer Lab located in the Christian School and were taught by Library Assistant, Sharon Silvey. The attendance was as follows:

9/11 10:00 -0

9/11 7:00 -1

9/25 10:00 -3

9/25 7:00 - 5

The word is getting out! Classes are being held every Tuesday morning at 10:00 and every other week at 7:00. The classes provide open lab time and answers to your basic computer questions. Classes are free and registration is required. Call 331-1300 for more information.

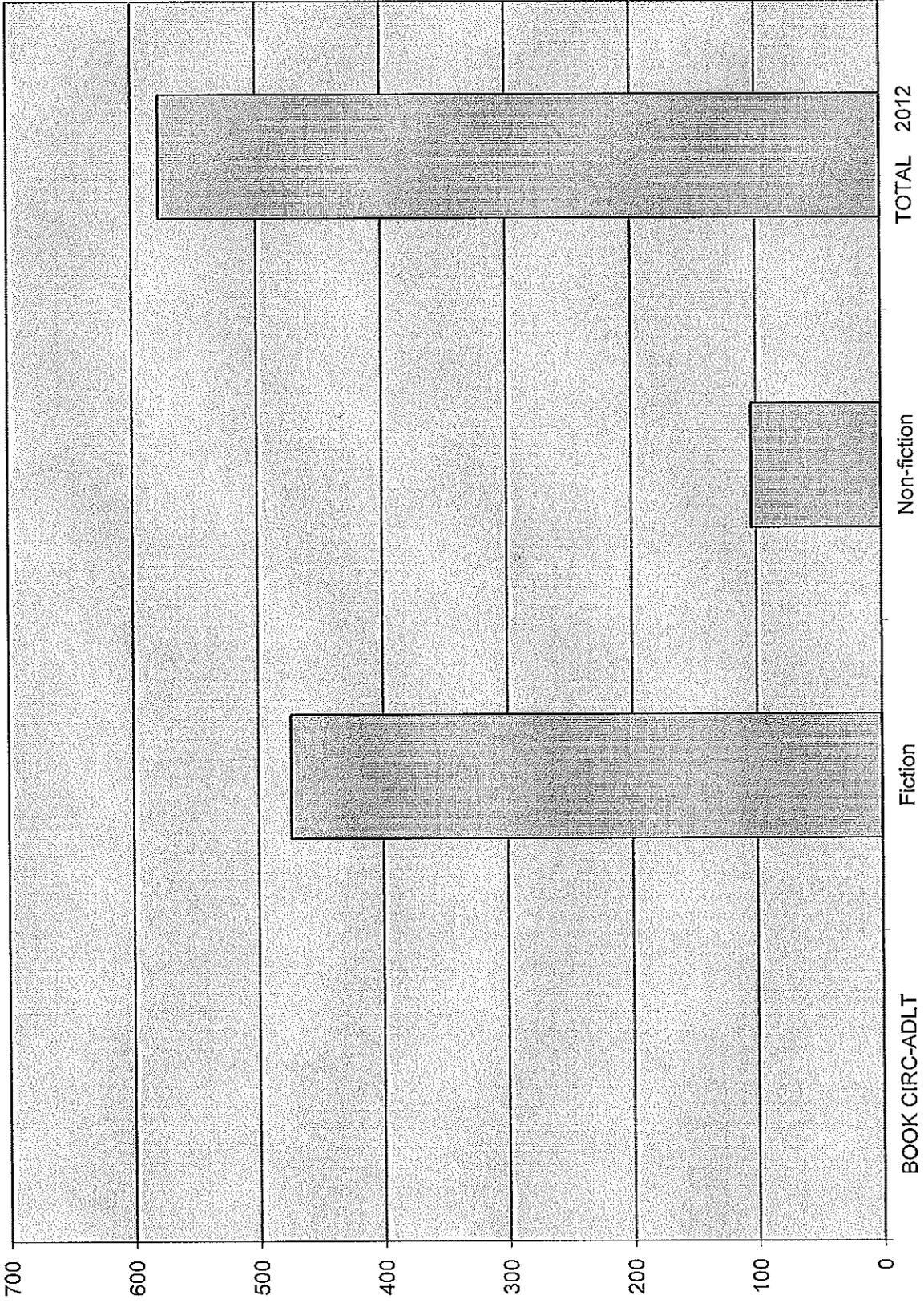
7. **Banned Book Week is September 30 – October 6** to celebrate the freedom to read and as a tribute to controversial books. Each year we put out a display of banned books for several weeks and as usual, this year it has been very popular.

8. Our other display for this month featured books on football and soccer.

9. For additional information about library programs and library related information check out the Cape Charles Memorial Library's **Facebook** page! We now have 156 friends on our Facebook page.

Cape Charles Memorial Library

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV.	DEC	YTD
INCOME:													
Donations													
Copier/Prt	\$53.40	\$55.10	\$95.29	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60	\$38.00				
TOTAL	\$53.40	\$55.10	\$95.20	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60	\$38.00				
Deposit	\$53.40	\$55.10	\$95.20	\$55.00	\$66.00	\$82.00	\$163.30	\$58.60	\$38.00				
BOOK CIRC-ADLT													
Fiction	474	454	357	430	523	669	974	768	615				
Non-fiction	104	125	111	131	87	73	192	186	150				
TOTAL 2012	578	579	468	561	610	642	1166	944	765				
Books Circ. 2011	783	686	846	867	787	867	833	818	914				
BOOKS CIRC-JUV													
Fiction	313	358	399	355	309	596	814	691	391				
Non-Fiction	64	103	109	99	16	95	86	104	120				
TOTAL 2012	377	461	508	454	325	691	900	795	511				
Books Circ. 2011	637	601	601	754	547	680	758	687	508				
TOTAL BOOK 2012	955	1040	976	1,015	935	1,333	2,066	1,739	1,276				
TOTAL BOOK 2011	1420	1,447	1,447	1,621	1,334	1,547	1,591	1,505	1,422				
Attendance 2012	843	810	802	878	847	1,223	1,618	1,256	734				
Attendance 2011	742	1,048	1,236	1,334	1,045	1,438	1,355	1,355	1,042				
Programs 2012	11	15	13	10	10	12	15	12	10				
Programs 2011	7	7	5	5	5	16	9	9	9				
Prog. Attend 2012	104	164	111	129	76	236	487	320	100				
Prog. Attend 2011	274	90	50	51	88	327	399	144	106				
Internet use 2012	368	314	373	300	309	499	549	511	267				
Internet use 2011	471	401	483	612	572	842	771	683	485				
Library Cards 2012	20	11	7	22	14	25	22	22	8				
Library Cards 2011	4	12	6	19	10	11	30	11	17				





TOWN OF
CAPE CHARLES

AGENDA TITLE: Cape Charles Police Department		AGENDA DATE OCTOBER 11,2012
SUBJECT/PROPOSAL/REQUEST: SEPTEMBER 2012 Monthly Law Enforcement Statistic		ITEM NUMBER
ATTACHMENTS: None		FOR COUNCIL: Action () Information (X)
STAFF CONTACT (s): Charles Brown Chief of Police	REVIEWED BY: Heather Arcos Town Manager	

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

Calls for Service in Cape Charles: 29

Calls for Service Outside of Cape Charles: 21

10-13 Calls

(A) By Dispatch: 49

(B) By Phone via Officer/Trooper: 00

(C) In Person 01

Felony Arrests: 01

Misdemeanor Arrests: 04

DUI Arrests: 00

Traffic Summons Issued: 09

Traffic Warnings Issued: 02

Parking Tickets Issued: 01

Assisted Northampton County Sheriff's Office: 16

Assisted Virginia State Police: 00

Assisted Other Local Police: 00

Assisted Other Federal Agencies 00

Assisted Fire & Rescue: 09

Assisted VDOT:

Hours of Training Received & What Type? 8 HRS FIREARMS

Recreation Department Report September 2012

1. Committee/Organization Updates
 - a. New Roots Youth Garden – After school camp will begin September 27 and meet every Thursday from 4:00 p.m. to 5:00 p.m. through November 18. An open garden event was held on September 22 and the next will be held October 28. All listed events are funded through grant money.
 - b. Birding Festival- The Birding and Wildlife Festival is reporting record sales in trips this year. The Cape Charles Business Association will be holding the Cape Charles Fall Festival the same weekend. Both groups have been working with the Town in planning for the events.
 - c. Northampton County Chamber – The chamber has formed a committee to plan events for 2013. This small group will meet to hopefully come up with some new and exciting events and to help the existing events grow. The Chamber is also working on a three year development plan.
 - d. ESVA Festivals – Lynne Lochen has been working with ESVA Festivals to develop and organizational plan. Lynne has also helped to develop guidelines for selection of events ESVA Festivals will take one. Using these guidelines in exercise the board did vote to work with ES140TRI in holding a Triathlon in September 2013.

2. Activities
 - a. Arts and crafts started back with school hours. For September the kids made popsicle stick houses and painted. Please refer to the Town website for the A&C schedule for the rest of 2012.
 - b. Bingo is called the last Thursday and first Tuesday of every month. For September 44 Bingo games were called and over 30 residents participated.
 - c. The Virginia Aquarium Stranding came to Cape Charles to release a loggerhead turtle named Trouble. Trouble was caught in a crab pot in July.
 - d. The recreation department just ordered 16 new tennis rackets and 72 tennis balls through funding factory. We were able to use our points so there was no cost to the town. Points have been accumulated over the past three years by returning old ink cartridges and cell phones.

3. Upcoming Events
 - a. Tennis camp for ages 5-18.
 - b. Teen movie night ages 13-18.
 - c. Trunk or Treating with Haunted Harbor.



TOWN OF
CAPE CHARLES

AGENDA TITLE: Contract for Demolition of Wastewater Treatment Plant (WWTP)

AGENDA DATE:
October 11, 2012

SUBJECT/PROPOSAL/REQUEST: Award contract amendment.

ITEM NUMBER:
6A

ATTACHMENTS:

FOR COUNCIL:
Action (X)
Information ()

STAFF CONTACT (s):
Bob Panek

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

On June 14, 2012, Council approved award of a contract in the amount of \$19,100 to Brittingham Bulldozing & Excavating for demolition work on the old Wastewater Treatment Plant (WWTP). The scope of work encompassed demolition of several concrete structures (plant water well, drying beds, polishing pond outfall), and closure of the polishing pond (removal of berms, grading, seeding). The total amount in the WWTP construction budget for closure of the old plant site is \$288,650. This is included in the estimate for the \$5.2 million Clean Water Revolving Loan Fund zero-interest loan. With the award of the contract to Brittingham closure costs totaled \$47,138. We have avoided significant costs included in the original estimate by awarding a no-cost contract for demolition of the steel tanks and structures, and by accomplishing the re-routing of the water plant backwash piping by Public Utilities staff.

DISCUSSION:

Several problems have arisen as Brittingham's work progressed:

1. Additional concrete foundations were discovered under the former steel tanks and needed to be removed.
2. The polishing pond liner could not be removed by Public Utilities staff as planned and had to be removed piecemeal as demolition work progressed.
3. The polishing pond sediment would not drain properly and needed to be diverted to a temporary drainage impoundment to dry.

Brittingham has incurred costs totaling \$17,210 accomplishing the additional work above.

The sediment appears to have now dried sufficiently for grading and seeding. We estimate that this will cost about \$6,000, bringing the total additional cost for this phase of the closure work to \$23,210 (\$70,348 in total). After this is accomplished, there will be some additional costs, mainly fencing, to finish the closure work. We estimate the additional cost to be no more than \$30,000.

RECOMMENDATION:

Staff recommends a motion to amend the Brittingham contract for the additional work described above, not to exceed \$23,210.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Public Service Authority (PSA) & Regional Wastewater System.		AGENDA DATE: October 11, 2012
	SUBJECT/PROPOSAL/REQUEST: Provide an update on the PSA and potential regional wastewater system.		ITEM NUMBER: 6B
	ATTACHMENTS:		FOR COUNCIL: Action () Information (X)
	STAFF CONTACT (s): Bob Panek	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

On June 28, 2010, the four participating Towns and the County adopted ordinances approving the joinder of the Towns to the existing, but dormant, Eastern Shore of Virginia PSA. The State Corporation Commission approved the revised charter, new Board Members were sworn in, and the PSA has been meeting monthly. The PSA has assumed responsibility for the Northern and Southern Node projects initiated by the Towns and County Utilities Project Management Team.

DISCUSSION:

The first phase of the Northern Node (Exmore and the Nassawadox medical community) would cost about \$11.3 million. About \$7.3 million of grant funding and/or capital contributions is needed to achieve affordable service rates. Significant grant funding is only possible from the U.S. Department of Agriculture, Rural Development (USDA RD), but will not be available until FY 2014. The PSA is working on the application for a USDA RD grant and hopes to submit it in November.

The first phase of the Southern Node (Cheriton) would cost about \$7.5 million. However, the funding agencies have indicated that they can realistically fund only one large project in Northampton County. Therefore, the PSA has decided to explore a more limited service area focused on the commercial properties around the US 13/SR 184 intersection. The preliminary estimate for this project is between \$1.5 million to \$2 million. The objective would be to fund this first phase of the Southern Node primarily with private capital contributions from the commercial property owners. The PSA met with many of the property owners to explain this approach on May 15, and provided additional information and survey questions to all property owners on June 14. The PSA is now doing follow-ups with several of the property owners who have not yet responded.

RECOMMENDATION:

Provided for information only.

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Traffic Studies -- Intersection of Randolph Avenue & Fig Street		AGENDA DATE: October 11, 2012
	SUBJECT/PROPOSAL/REQUEST: Request VDOT perform traffic studies of the intersection of Randolph Avenue & Fig Street		ITEM NUMBER: 6C
	ATTACHMENTS: Resolution 20121011		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

Prior to 2008, the intersection of Randolph Avenue and Fig Street contained three stop signs with the signs placed on both sides of Fig Street and the eastbound lane of Randolph Avenue. In January 2008, the Cape Charles Police Department informed the Town Council that an accident and several near missed accidents had occurred at that intersection and requested that the Council consider making that intersection a four-way stop. A traffic study was performed by VDOT and the resulting 2-way stop was installed.

Concern for the safety of residents and visitors travelling through that intersection on golf carts and bicycles has been expressed by a Council member and there is a strong feeling that this intersection needs to be made into a four-way stop before an accident occurs.

The Town of Cape Charles does not own the roads and has little jurisdiction over the roads and placement of road signs. VDOT requires a resolution be adopted before they will consider performing a traffic study which must be performed prior to placement of signage.

DISCUSSION:

After discussion at the September 13th Regular Meeting; Council requested the Town Manager to contact our VDOT resident administrator to request a either a four-season or a summer traffic study of the intersection in order to get an accurate picture of the volume of traffic in town.

We confirmed with the VDOT traffic engineer; a traffic study can be done now within (30) days and after Memorial Day weekend for comparison and measurement purposes.

RECOMMENDATION:

Review and discuss the request for multiple traffic studies for the Intersection of Randolph Ave and Fig Street, and if determined as appropriate, adopt Resolution 20121011 – Requesting multiple Virginia Department of Transportation Traffic studies for the Intersection of Randolph Avenue and Fig Street.

RESOLUTION 20121011

**REQUESTING A VIRGINIA DEPARTMENT OF TRANSPORTATION
TRAFFIC STUDY FOR THE INTERSECTION OF
RANDOLPH AVENUE AND FIG STREET**

WHEREAS, in the past, the intersection of Randolph Avenue and Fig Street was a three-way stop intersection with stop signs placed on both sides of Fig Street and the eastbound lane of Randolph Avenue; and

WHEREAS, in January 2008, after an accident and a number of near missed accidents, the Cape Charles Police Department requested that the Town Council of the Town of Cape Charles consider requesting from the Virginia Department of Transportation (VDOT) the designation of a four-way stop at that intersection to ensure the safety of all residents and visitors to the Town; and

WHEREAS, upon the Town's request, VDOT performed a traffic study of the intersection and determined that the traffic would flow better with the removal of the stop sign from the eastbound lane of Randolph Avenue; and

WHEREAS, the Town Council of the Town of Cape Charles considers this intersection unsafe for golf carts, bicyclists and pedestrians with the vehicular traffic accelerating their speed as they are leaving town; and

WHEREAS, after discussion at the October 11, 2012, Town Council Regular Meeting it was agreed that a request be submitted to VDOT for an updated traffic study of this intersection during our peak and non-peak seasons; and

WHEREAS, the Town Council of the Town of Cape Charles desires to ensure the safe passage of residents and visitors throughout Town;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town Council of the Town of Cape Charles hereby requests that the VDOT perform another traffic study of the intersection of Randolph Avenue and Fig Street; and

BE IT FURTHER RESOLVED if so determined by the VDOT traffic study results, that this intersection be reviewed for a roundabout or considered for a multi-way stop, to ensure the safety of all residents and visitors to the Town.

Adopted by the Town Council of Cape Charles on this 11th day of October, 2012.

By: _____
Mayor Dora Sullivan

ATTEST:

Town Clerk

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Cape Charles Trail Project Agreement Amendment		AGENDA DATE: October 11, 2012
	SUBJECT/PROPOSAL/REQUEST Amendment to Project Development and Administration Agreement (Appendix A) re: \$251K allocation by the Commonwealth Transportation Board		ITEM NUMBER: 7A
	ATTACHMENTS: Appendix A for the Project Development and Administration Agreement		FOR COUNCIL: Action <input checked="" type="checkbox"/> (x) Information <input type="checkbox"/> ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

The Cape Charles Master Trail Plan was adopted by the Town Council on September 11, 2007. In November 2011, as part of the Phase 2 North Peach Street and Washington Ave. design and construction, the Town submitted an application for a Transportation Enhancement Program Grant in the amount of \$251,878. Prior to this application, the Town has received \$1,780,300 in grant funds for the Cape Charles Trail Master Plan Project.

DISCUSSION:

In June of this year, The Town was awarded \$251,000. Attached is the Amendment to the Project Development and Administration Agreement (Appendix A) which reflects the \$251,000 in column A, \$2,031,300 total allocated funds. Appendix A does not show the current unspent balance of the grant.

The 20% Town match will be budgeted by project in the applicable fiscal year.

In order to accept the additional funds, the agreement amendment must be signed and returned.

RECOMMENDATION:

Authorize the Town Manager to execute the Amendment to Project Development and Administration Agreement (Appendix A).

Appendix A

Project Number: EN02-182-123, P101, R201, C501 **UPC:** 63563 **Locality:** Town of Cape Charles

Project Location ZIP+4: 23310-3241	Locality DUNS# 055881148	Locality Address (incl ZIP+4): 23310-3241
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Project Narrative

Scope: Design and construction of a pedestrian and bicycle pathway throughout the Town of Cape Charles

Locality Project Manager Contact Info: Heather Arcos, Town of Cape Charles, Town Manager, 2 Plum Street, Cape Charles, VA 23310, (757)331-3259 (x12)

Department Project Coordinator Contact Info: Brett Elledge, VDOT Hampton Roads Enhancement Project Manager, 1700 North Main Street, Suffolk, VA 23434, Brett.Elledge@VDOT.Virginia.gov (757)925-2335

Project Costs and Reimbursement

Phase	Estimated Project Costs	Estimated Eligible Project Costs	Estimated Eligible VDOT Project Expenses	Reimbursement to Locality
Preliminary Engineering	\$1,061,875			
Right of Way & Utilities	\$0			
Construction	\$7,463,163			
Total Estimated Cost	\$8,525,038	\$2,539,125	\$15,000	\$2,016,300

Total Maximum Reimbursement / Payment by Locality to VDOT	N/A
Total Maximum Reimbursement by VDOT to Locality	\$2,031,300

Project Financing

A	B	C	D	E
Transportation Enhancement (80%)	Local Match (20%)	Local Funds (100%)		Aggregate Allocations (A+B+C)
\$2,031,300	\$507,825	\$5,985,913		\$8,525,038

Program and project Specific Funding Requirements

- This project shall be administered in accordance with VDOT's Locally Administered Projects Manual
- Any expenses above the combined federal (80%) and local (minimum 20% match) will be at 100% project sponsor cost.

100% of eligible VDOT project expenses will be recovered as follows:

- 20% will be deducted from reimbursement requests.
- 80% will be deducted from the Federal Enhancement allocation amount.

Any ineligible items identified throughout project development will not be reimbursable.

For Transportation Enhancement projects, the LOCALITY shall maintain the Project, or have it maintained, in a manner satisfactory to the Department or its authorized representatives, and make ample provision each year for such maintenance unless otherwise agreed to by the Department.

In accordance with CTB policy, the project must be completed and the \$2,031,300 Enhancement allocation expended by October 1, 2013 or the project may be subject to de-allocation.

This attachment is certified and made an official attachment to this document by the parties to this agreement

Authorized Locality Official and date

Authorized VDOT Official
Recommendation and Date

Typed or printed name of person signing

Typed or printed name of person signing

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Former Bank of America Building		AGENDA DATE: October 11, 2012
	SUBJECT/PROPOSAL/REQUEST: Status of relocation of the Library		ITEM NUMBER: 7B
	ATTACHMENTS: None		FOR COUNCIL: Action () Information (x)
	STAFF CONTACT (s): Tom Bonadeo - Heather	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

On July 19, 2012, the Town Council adopted Resolution 20120719 – Acquisition of Bank of America properties for purpose of Library, municipal services, public parking and access to alleyway.

On July 26, 2012, The Mayor executed the Purchase and Sales Agreement for the Bank of America properties.

On September 13, 2012, the Town Council adopted Resolution 20120913B; accepting the Planning Commission’s recommendation regarding the purchase of the Bank of America properties.

On October 5, 2012, the execution of the Bill of Sale took place by the Mayor and Town Manager. The purchase of the Bank of America has been completed.

DISCUSSION:

Library staff has been working on a floor plan with the help of Leon Parham. Leon has volunteered his time to assist the town. Staff has been working on a “move-in” plan for the last few weeks. This plan includes moving furniture, cleaning, bathroom and various other modifications as previously discussed. Town Council will be updated as we move forward on the floor plan, renovations, and a move in date for the library.

Some of the items include volunteer help and we expect to have the final plan by next week.

The town has submitted a USDA grant application to provide equipment such as furniture and shelving for the Library. Staff will continue to update on the possible award of this grant.

RECOMMENDATION:

For information only.

 TOWN OF CAPE CHARLES	AGENDA TITLE: Former Cape Charles School Update		AGENDA DATE: October 3, 2012
	SUBJECT: Echelon Resources Contract and Old School Cape Charles Lawsuits		ITEM NUMBER: 7C
	ATTACHMENTS: N/A		FOR COUNCIL: Action <input type="radio"/> Information <input checked="" type="radio"/>
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

By Ordinance 20120614, Council approved the sale of certain property owned by the Town, collectively called the “Old School Area”, to Echelon Resources, Inc. On June 28, 2012, a contract between the Town of Cape Charles and Echelon Resources was executed by the Mayor. Echelon intends by adaptive reuse to rehabilitate the Old School Area and convert it to seventeen residential apartment units and surrounding grounds.

On August 23rd, Council adopted Ordinance 20120823 to rezone the Old School Area from Open Space to R-1, and Ordinance 20120823A granting a Conditional Use Permit for 17 residential apartments.

During the review and inspection period which ends no later than December 26, 2012, the Echelon Resources team, which includes architects, contractors and engineers, is evaluating the condition of the building, utilities, zoning and building code requirements.

DISCUSSION:

An update on Echelon’s progress includes the following:

- Notification was made on the reassignment of the entity name – Charon Ventures, LLC.
- Surveys completed and engineer working on site plan.
- Visits to the site by the project architect and engineer.
- Working with the Historic Tax Credit Consultant to submit the applications.

The Town responded on August 6, 2012 to a lawsuit filed by Old School Cape Charles, LLC and Wayne Creed for an Appeal and Complaint for Declaratory and Injunctive Relief, primarily concerning sale of the property.

On September 24, 2012, Old School Cape Charles, LLC, Wayne Creed, Laura Hickman Mespedden, and John L. Hickman filed an Appeal and Complaint for Declaratory and Injunctive Relief against the town, primarily concerning rezoning of the property. The lawsuit is currently being reviewed by our attorney and the town will respond within 21 days of the date of service.

RECOMMENDATION:

For information only

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Water Plant Control Panel Change Order Request		AGENDA DATE: October 11, 2012
	SUBJECT/PROPOSAL/REQUEST: Change Order Request		ITEM NUMBER: 7D
	ATTACHMENTS: Change Order CO-001		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Dave Fauber	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

On May 10, 2012, MC Dean, Inc. was selected for the Water Plant new control panel project by an RFP process. A contract was awarded in the amount of \$81,560 to MC Dean, Inc. The scope of the work includes design, manufacturing and installation of a new filter and softener control panel for the water plant to replace the controls that were originally installed in the plant.

To date, the expenditures on this capital project are \$97, 159. This includes engineering support from GHD.

DISCUSSION:

We have been working with the MC Dean and GHD on the design phase of the new control panel. A back-up to the PLC system was not included in the scope of work under the original contract. The need for a backup system arose during the engineering discussions and was decided to be desirable, if not essential, to ensure an uninterrupted supply of safe clean drinking water to our customers. It would be difficult and costly to add the manual backup feature to the panel at a later date. The manual backup system will be a part of the basic design and an integral part of the control panel, configured much like the existing panel and familiar to our staff.

Backups and redundancy are key elements in ensuring a continuous supply of clean drinking water for our community. The filter control panel is a major part of this process and manual backup will allow continuous softening and filtering of the water should the PLC panel shut down or need to be taken off line for any reason. Last year the softener was off line for nearly three months when repairs were needed that took some time to diagnose and complete. With the proposed PLC system with manual backup we should never have to take the softener or filter off line due to controls needing repairs.

The change order request for the back-up system is for \$20,800. This would bring the total expenditure to \$117, 959 out of a total project budget of \$120,000.

Staff and our engineering firm recommend installation of the manual backup system.

RECOMMENDATION:

For Town Council to discuss and consider staff's recommendation to approve change order C0-001 for \$20,800 to MC Dean, Inc. contract. Authorize Town Manager to execute the change order.



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Baltimore, MD 21233
Phone: (410) 432-4231

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Christiansburg, VA 24065
Phone: (540) 555-4235
FAX: (540) 381-9731

1645-B South High Street
Harrisonburg, VA 22801
Phone: (540) 442-8270
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11 North Circle
Johnson City, TN 37601
Phone: (615) 233-7000
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15100 Nokesville Road
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Phone: (804) 378-0300
FAX: (804) 378-0350

4016-2 Vahby Park
Winchester, VA 22092
Phone: (540) 868-1035
FAX: (540) 858-1011

CHANGE ORDER REQUEST

CLIENT INFORMATION

COMPANY NAME: Town of Cape Charles, Virginia

ADDRESS: 2 Plum Street

CITY, STATE, ZIP: Cape Charles VA 23310

ATTENTION

Contact Name: Mr. Dave Fauber

PROJECT / JOB INFORMATION

MCD CO REF. NUMBER: CO-001
CLIENT CO REF. NUMBER:
DATE: 24 Sep 2012

PROJECT / JOB NUMBER: 126797.01A
PROJECT / JOB NAME: Filter/Softener CP Upgrade
PROJECT / JOB LOCATION: Cape Charles WTF

DESCRIPTION OF CHANGE

This change order is to provide all switches, indicators, controllers, relays and labor required to design, fabricate, install, and commission a manual backup solution for the WTF filter and softener control systems. The proposed manual backup system will provide equivalent functionality as what currently exists.

EXTENSION DAYS REQUESTED:

0

TOTAL COST CHANGE:

\$ 20,800

BACKUP DOCUMENTS ATTACHED:

YES NO

REVIEW & APPROVAL

REQUESTED BY: M. C. Dean, Inc.

APPROVED BY:

NAME: Richard Smith

NAME:

SIGNED: Richard Smith

SIGNED:

TITLE: Operations Manager

TITLE:

DATE: 24 Sep 12

DATE:

 <p>TOWN OF CAPE CHARLES</p>	AGENDA TITLE: Friends of the Cape Charles Memorial Library Proclamation		AGENDA DATE: October 11, 2012
	SUBJECT/PROPOSAL/REQUEST: Proclamation recognizing Friends during National Friends of the Library week		ITEM NUMBER: 7E
	ATTACHMENTS: Proclamation 20121011		FOR COUNCIL: Action (X) Information ()
	STAFF CONTACT (s): Heather Arcos	REVIEWED BY: Heather Arcos, Town Manager	

BACKGROUND:

October 21-27, 2012 is the seventh annual National Friends of Libraries Week.

DISCUSSION:

This is an opportunity to recognize and celebrate the Friends of the Cape Charles Memorial Library for their continued help and support through programs and services to the Library and to the community. The Friends group formed in 2003 and has since then offered support through sponsoring, promoting and funding the Cape Charles Memorial Library.

RECOMMENDATION:

Review and discuss the request for Proclamation 20121011 to recognize the Friends of the Cape Charles Memorial Library.

Town of Cape Charles Proclamation 20121011

Recognizing the Friends of the Cape Charles Memorial Library
during National Friends of Libraries Week October 21-27, 2012

WHEREAS, Friends of the Cape Charles Memorial Library raise money that enables our library to move from good to great -- providing the resources for additional programming, much needed equipment, support for children's summer reading, and special events throughout the year;

WHEREAS, the work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present;

WHEREAS, the Friends understand the critical importance of well funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers' advisory, and children's services;

WHEREAS, the Friends' gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community;

NOW, THEREFORE, BE IT RESOLVED THAT I, Dora Sullivan, Mayor of the Town of Cape Charles, proclaim October 21-27, 2012, as Friends of Libraries Week in Cape Charles, Virginia and urge everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.

In witness whereof, I have hereunto set
my hand and caused the official seal of the
Town of Cape Charles to be affixed this
11th day of October, 2012.

Mayor Dora Sullivan

ATTEST:

Town Clerk